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1.1 Fair Housing

It is the policy of the Housing Authority of the City and County of Denver ("DHA"), Denver Housing Corporation ("DHC"), and its entities (collectively, "DHA") to fully comply with all federal, state and local nondiscrimination laws and with rules and regulations governing fair housing and equal opportunity in housing and employment.

It is the policy of DHA to treat all applicants and resident families equally, providing the same quality of service, regardless of family characteristics and background. DHA will not discriminate in housing on the basis of race, color, national origin, religion, sex, age, familial status, disability, sexual orientation, LGBTQIA+ status, gender identity, marital status, military status, political affiliation, or other protected class ("Protected Class").

No person shall, on the grounds of their Protected Class, be denied the benefits of, or be otherwise subjected to discrimination under DHA's programs.

1.2 Reasonable Accommodation

It is DHA's policy to provide a "reasonable accommodation" in housing for applicants, residents, and clients with disabilities where a reasonable accommodation is necessary to provide them with an equal opportunity to participate in, or benefit from, DHA housing programs. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. A reasonable accommodation is a modification or change DHA can make to its procedures, rules or to an individual's apartment or to a public/common area which would provide an otherwise eligible individual with a disability an equal opportunity to participate in, or benefit from, DHA housing programs, provided that the change does not pose an undue financial and administrative burden to DHA or result in a fundamental alteration of its programs. A reasonable accommodation may also include the provision of appropriate auxiliary aids where necessary to facilitate communication with an individual with a disability.

The requested change to DHA's rules, policies, practices, services or modifications must be reasonable and there must be an identifiable relationship (nexus) between the requested accommodation and the disability and must not result in an undue hardship. An undue hardship is a significant or undue financial and/or administrative burden. DHA is not required to provide an accommodation that will require a fundamental alteration in the nature of DHA's housing programs. A reasonable accommodation is not meant to provide a personal preference. If the request is not required because of a disability, then it is not an accommodation. If more than one accommodation is equally effective in providing access to DHA's programs and services, DHA retains the right to select the most efficient or economic choice.

1.3 Affirmative Fair Housing Marketing Plan

DHA possesses an Affirmative Fair Housing Marketing Plan (AFHMP) that has been approved by HUD. This AFHMP is updated every five (5) years in accordance with the HUD Handbook 4350.3 guidelines. DHA promotes equal housing choices for all prospective residents regardless of Protected Class. The AFHMP outlines the marketing strategies to encourage all people of all segments of the eligible population to apply for housing. The marketing strategies used are public notices in various newspapers designated to attract potential clients. Also, DHA offers on-site signage, social media, and a web page on the internet that serves as an informational tool for any community individuals and organizations that can influence persons within groups considered least likely to apply.

1.4 Taking Applications

Applications for housing sites are accepted online at www.denverhousing.org. Opportunities to apply for housing are opened and closed at various times throughout the year. Openings are announced by public notices in the daily and weekly newspapers, DHA website and various social media websites. In order to receive specific information on the various housing programs, please contact DHA's Occupancy Department or see Addendums 1-5.

1.5 Eligibility for Admission

In order for an applicant to be eligible for admission to housing, the applicant must be eighteen (18) years old and meet the following conditions:

1) Family: Family is defined as:

(a) A family with children (the temporary, meaning 90 days or less, absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size; furthermore, proof of guardianship must be provided);

(b) A family without children;

(c) An elderly family;

(d) A near-elderly family;

(e) A disabled family;

(f) A displaced family;

(g) The remaining member of a tenant family who meets all other eligibility criteria;

(h) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family; or

(i) Two or more persons sharing residency, who are over eighteen (18) years of age and whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or who evidenced a stable family relationship over a period of six (6) months.

2) Income Eligible: The applicant must be income eligible in accordance with the annual income limits for admission to housing as set forth in HUD's most recent published income limits for admission. Please see the attached list of properties managed by DHA.

3) U.S. Citizen or National: The applicant must be a U.S. citizen or U.S. national as defined in 24 C.F.R. Part 5. U.S. citizens and U.S. nationals must provide a signed declaration of U.S. citizenship or U.S. nationality. Non-citizens who are 62 years of age or older or who will be receiving assistance under a covered program on September 30, 1996, or applying for assistance after that date, must provide a signed declaration of eligible immigration status and proof of age document. All other non-citizens must provide a signed declaration of eligible immigration status, one of the documents referred to in 24 C.F.R. §5.510, and a signed verification form.

4) Tenant Selection Criteria: All properties managed by DHA require that all applicants shall be screened for program eligibility in accordance with HUD regulations. It is also DHA's policy to preclude admission of applicants, or to terminate the lease of tenants, whose habits and practices reasonably may be expected to have a detrimental effect on other tenants, the development environment, DHA staff or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet any one of the selection criteria.

Relevant information regarding habits or practices of applicants and household members which DHA will consider include, but are not limited to, the following:

(a) Reference checks and interviews with landlords, employers, family social workers, and parole officers.

(b) Reference checks and information regarding applicant's and household members conduct and behavior, in present or prior housing, which demonstrates that the applicant and/or household members can reasonably be expected not to:

(i) interfere with other tenants in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;

(ii) adversely affect the physical environment or financial stability of the project; or

(iii) violate the terms and conditions of the lease.

(c) The applicant's past performance in meeting financial obligations, especially rent. DHA will consider any past balances applicant owes for any program that DHA administers or any government assisted program. These balances must be paid in full (either in a lump sum or over time) before completing the admission process. DHA will not admit applicants or household members who owe past balances.

(d) A history of criminal activity, on the part of any applicant and household members, involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other tenants. A criminal background check will be conducted by DHA, on all adult household members including Live-In-Aides in all states, cities, counties, or municipalities in which the resident has disclosed that they have resided in.

(e) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors.

(f) Applicant or household members, during a previous tenancy, violated any tenant obligations under any government assisted program including, but not limited to: failure to supply information or falsifying information any records required in administration of the programs, including those needed to determine income eligibility, and family composition; not allowing DHA to inspect the unit at reasonable times and after reasonable notice; not using the premises solely as the family's principal place of residence.

(g) Applicant's or household members disregard of rules of occupancy and rights of others including, but not limited to, disturbance or poor housekeeping habits.

(h) A record of eviction from housing or involuntary termination from residential programs (taking into-account date and circumstances).

(i) Applicant or household members is/are currently illegally using or involved with a controlled substance.

(j) Applicant or household member who has been convicted of manufacturing or otherwise producing methamphetamine on a subsidized property in violation of any federal or state law may not be admitted to the housing program.

(k) Applicant or any household member is subject to a lifetime registration requirement under a state sex offender registration program.

(l) Applicant or household members currently abuse(s) alcohol in a way that gives DHA reasonable cause to believe the behavior may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.

(m) Applicant or household members who have been evicted from a subsidized housing program because of drug-related criminal activity are ineligible for admission to DHA housing for a three-year period beginning on the date of the eviction. DHA can waive this requirement if:

(i) the person demonstrates successful completion of a state certified rehabilitation program; or

(ii) the circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated; or

(iii) other mitigating circumstances.

(n) If applicant is under 62 years of age and cannot provide third party verification of a disability, they will be unable to live in designated disabled/elderly buildings.

(o) If applicant's net family assets exceed $100,000 and/or has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell the real property (based on the laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence, the applicant family will be denied admission to the housing program.

Mitigating Circumstances. If unfavorable information is received about an applicant or household members, consideration shall be given to the time, nature, seriousness, and extent of the applicant's conduct, and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. To be factored into DHA's screening assessment of the applicant, mitigating circumstances must be verifiable.

Examples of mitigating circumstances include, but are not limited to:

1) evidence of rehabilitation;

2) evidence of the applicant family's participation in or willingness to, participate in social service or other appropriate counseling service programs; or

3) evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. DHA has discretion to consider all of the circumstances in each case including the seriousness of the case, the extent of participation or culpability of individual household members, and the effects of denial or termination of assistance on other household members who were not involved in the action or failure to act.

DHA may require an applicant to exclude a household member in order to be admitted to theDHA housing program if the household member has participated in or has been culpable for criminal activity, drug-related criminal activity, or the illegal use of drugs, which would warrant denial of the application.

DHA's Procedure Regarding Notice of Applicant's Criminal Record provides additional information regarding DHA's review of Applicant(s)' criminal records.

1.6 Verification of Citizenship or Eligible Non-Citizen Status

1) The citizenship or eligible non-citizen status of each family member regardless of age must be determined. Prior to being admitted, or at the first re-examination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status. DHA shall notify applicants and tenants, that they will be required to submit evidence of citizenship or eligible immigration status. This applies to all families regardless of any documentation of the person's identity, which may have been previously obtained. An extension of time, not to exceed thirty (30) days may be granted to allow the applicant an opportunity to obtain the evidence required. The determination of the length of the extension needed shall be based on the circumstances of each individual case. The decision to grant or deny an extension shall be a written notice to the applicant, which specifies the extension period. If the extension is denied, the notice shall explain the reasons for the denial.

2) Applicants with no eligible family members do not qualify for assistance.

3) Applicants whose family members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status (mixed family) qualify for prorated assistance.

4) Non-citizen student applicants or tenants, living alone or accompanied by immigrant spouse and/or children do not qualify for assistance.

5) Non-citizen student applicant or tenant whose family members include a citizen spouse and citizen children are eligible for prorated assistance.

6) Tenants in occupancy on or before June 19, 1995, are eligible for Continued Assistance if Head of Household or spouse are eligible and family includes no non-eligible members other than parents or children of Head of Household or spouse. Tenants who do not qualify for continued assistance have the opportunity to choose between a temporary deferral of assistance or prorated assistance.

7) Tenants in occupancy on or before June 19, 1995, who do not qualify for Continued Assistance and whose family members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status (mixed family) have the opportunity to choose between temporary deferral of assistance or prorated assistance.

8) Tenants who qualify for a temporary deferral of termination assistance must show evidence of seeking a standard appropriate size unit within 125% of the rent it is presently paying before the deferral will be granted. The deferral period shall be for an initial period not to exceed six (6) months. The initial period may be renewed for six months, but the

aggregate deferral period for deferrals provided after November 29, 1996 shall not exceed a period of eighteen (18) months. The aggregate deferral period for deferrals granted prior to November 29, 1996 shall not exceed three (3) years.

9) Mixed Family in occupancy after June 19, 1995, qualify for only prorated assistance.

10) Prorated assistance shall be recalculated whenever there has been a change in family composition or income.

11) DHA will calculate the proration of assistance using the methodology for determining Maximum Rents and proration as provided by HUD.

12) Tenants in occupancy after June 19, 1995, with no eligible family members do not qualify for assistance.

13) Upon determination of ineligible status, the maximum rent based on the 95 percentile of Area Median Income will be charged effective the first of the month following notification to tenant of ineligible status.

1.7 Social Security Number Disclosure

At the time of initial application (if an applicant), or at the next interim or regularly scheduled reexamination (if a tenant), the applicant or tenant must submit the complete and accurate social security number ("SSN") assigned to the applicant or tenant and each member of their household, excluding (i) tenants age 62 and older as of January 31, 2010 whose initial determination of eligibility was begun prior to January 31, 2010, (ii) those individuals who do not contend eligible immigration status, and (iii) existing tenants as of January 31, 2010 who have previously disclosed their SSN and HUD has determined their SSN to be valid. Documentation verifying each SSN must also be provided. If an applicant or their household member has a SSN that cannot be documented then they must sign a certification that the SSN on a Driver's license, or an identification card issued by a federal, state or local agency, a medical insurance provider, or an employer or trade union, earning statements on payroll stubs, bank statement, Form 1099, benefit award letter, retirement benefit letter, life insurance policy, or court records that the SSN on one of these documents is complete and accurate of their SSN. If the applicant or tenant refuses to let their SSN to be copied, the DHA employee must certify that they have seen the SSN card or other documentation and have correctly input the SSN into the system, certify the date and time and type of document in which the SSN was witnessed.

If a child under the age of six (6) years was added to the assistance applicant household within the 6-month period prior to the household's date of admission the assistance applicant may become a participant, so long as the documentation required as stated above is provided to the processing entity within ninety (90) calendar days from the date of admission in to the program. The processing entity must grant an extension of one

additional 90-day period if the processing entity determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required as stated above within the required time period, the processing entity must follow the provisions of 24 C.F.R. §5.218.

Housing applicants from the list who has not disclosed and/or provided verification of SSNs of all non-exempt household members at the time a unit becomes available the unit must be offered to the next eligible applicant. The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has ninety (90) days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90 day period the applicant may retain its place on the list. After ninety (90) days if the applicant is unable to disclose and/or verify the SSNs, the applicant should be determined ineligible and removed from the list.

Each tenant whose initial determination of eligibility under the program involved was before January 31, 2010 must submit the following information to DHA at the next interim or annual income re-examination for the program involved if:

(a) They have not previously disclosed a SSN;

(b) Previously disclosed a SSN that HUD or SSA determined was invalid; or

(c) Been issued a new SSN.

4) Once a tenant has disclosed and verified every SSN, for all non-exempt household members, the following rules apply:

(a) If the tenant's household adds a new member who is older than six (6) years of age, the tenant participant must submit to DHA, complete and accurate SSN's assigned to each new member. The documentation necessary to verify the SSN, which is a valid card issued by the Social Security Administration, or such other evidence prescribed by HUD or DHA must also be submitted. DHA must not add the new member until such time as the documentation is provided.

(b) If the tenant's household adds a new member who is under six (6) years of age and has a SSN the child's SSN must be disclosed and verified at the time of processing the recertification that includes the new household member.

(c) If the child does not have a SSN, DHA must give the household ninety (90) days to provide documentation of a SSN for the child. An additional 90-day period must be granted if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the tenant.

(d) DHA must terminate the tenancy of a tenant and the tenant's household if the tenant does not meet the SSN disclosure, documentation, and verification requirements in the specified timeframes as the household is not in compliance with its lease.

(e) This termination of tenancy includes those households who have not disclosed and verified the SSN for any child under the age of 6 who did not have a SSN when added to the household with the understanding that the SSN would be provided within 90 days after admission, or within the 90 day extension period, if applicable.

(f) There is no proration of assistance for those household members who are required to obtain a SSN but who fail to disclose and verify their SSN.

(g) Termination of tenancy does not apply to those households with individuals who do not contend eligible immigration status or who are age 62 or older as of January 31, 2010 and whose determination of eligibility was begun before January 31, 2010, unless there are other members of the household who have not disclosed or provided verification of their SSN.

1.8 Verification of Statements and Income

All income and asset information for admission and continued occupancy will be verified by Management, prior to determining eligibility for admission. Verification of family composition will be satisfied by submitting birth certificates from the Bureau of Vital Statistics on all children in the family. Legal child custody papers, or other sufficient documentation must be submitted once it has been determined that the parents/guardians do not live together. For the dependent children listed in the family composition, who are not the children of the Head of Household or spouse, documentation of legal custody or the written designation of the parent or other person having legal custody of the children must be submitted.

Verification of disability will be through a written third-party verification by a medical professional stating that the individual qualifies under the definition of disability. If a person receives Social Security Disability solely due to a drug or alcohol problem the person is not considered disabled under housing law.

Verification of citizenship will be satisfied by submitting birth certificates or naturalization documents.

HUD provides DHA with information about an applicant's current status as a HUD housing assistance recipient. DHA will use the Enterprise Income Verification System to determine if the applicant or any other member of the applicant's household is currently receiving HUD assistance. Nothing prohibits a HUD assistance recipient from applying to a DHA property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on the property will begin. Special consideration applies to some dependents where members of the two households share 50% custody.

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation of information".

When an applicant or tenant reports annual income that appears to be less than adequate to support the family composition, or if the family appears to be eligible for income that the family reports they do not receive (e.g., AFDC, welfare, unemployment compensation, child support, etc.) the absence of such income will be verified.

Independent verification of income information may be obtained by DHA from a State Wage Information Collection Agency or a federal agency. DHA shall promptly notify the applicant or participant, in writing, of any adverse findings made on the basis of the information. The applicant or participant may contest the findings in the same manner as applicable to other information and findings relating to eligibility.

For subsequent re-examinations, the verification process will begin one hundred twenty (120) days prior to the anniversary lease date to ensure that current and accurate data are being used in calculating rents. All decreases in income, which affect rent between admission and re-examination will be verified in accordance with these provisions.

Applicant information verifying that applicant and members of the household is/are eligible for housing can be no more than one hundred twenty (120) days old from the date of receipt by the owner in order for applicant to be placed on the waiting list or in housing.

Applicants and tenants files will contain documentation of all verifications including, but not limited to, the following:

1) DHA must obtain and document in the tenant file third party verification of the following specific items:

(a) Reported family annual income;

(b) The cash value of assets and income derived from assets;

(c) Expenses related to deduction from annual income;

(d) Type of disability income; and

(e) Any other factors that affect the calculation of adjusted income.

2) All income, assets, and each applicable deduction or exemption will be verified prior to admission and at each subsequent re-examination or re-determination.

DHA will verify information through the five methods of verification acceptable to HUD in the following order:

(a) Enterprise income verification (EIV)

(b) Third-party written verification

(c) Third-party oral verification

(d) Review of documents

(e) Certification/self-declaration

(i) DHA will accept a family's self-certification of net family assets equal to or less than $50,000 and anticipated income earned from assets without taking additional steps to verify accuracy at admission and at re-examination effective on or after January 1, 2024. However, DHA will fully verify net family assets every three (3) years.

3) After verification, all required certification documents shall be signed by the applicant or tenant and duly appointed representative of DHA, as appropriate.

4) Additional information required by DHA prior to determining eligibility including, but not limited to, the following:

(a) Family composition such as vital statistics, birth certificates of all minors, and custody papers, if applicable;

(b) Information that enables DHA to verify the amount of household income;

(c) Social Security cards or proof of Social Security number for each member of the family, unless the tenant is not contending eligible immigration status or if the tenant was 62 years old and received HUD rental assistance as of January 31, 2010.

(d) Military records, if applicable;

(e) Photo I.D. of Head of Household/spouse;

(f) Record of police clearance which must be obtained from the National Criminal database and is less than one year old;

(g) If not a citizen of the United States, applicants must provide documentation proving legal immigration status in the United States.

(h) Past and present landlord references (names, addresses, phone numbers)

5) DHA may determine a family's income prior to the application of any deductions based on income determinations made within the past twelve (12) months by certain means-tested forms of federal public assistance ("Safe Harbor Determination"). DHA may, in its sole and absolute discretion, make a Safe Harbor Determination by accepting an income determination from a Low Income Housing Tax Credit property so long as the income determination was made within twelve (12) months of the application. The verification must state the family size and the family members listed in the previous income determination must match the family's composition in the assisted unit.

1.9 Applicants May Be Denied Based on the Following:

1) Applicant does not meet any one or more of the eligibility criteria set forth in Section 1.5;

2) Reference checks and information regarding applicant's and household member's conduct and behavior, in present or prior housing, demonstrates the applicant and household members can reasonably be expected to:

(a) interfere with other tenants in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;

(b) adversely affect the physical environment or financial stability of the property; or

(c) violate the terms and conditions of the lease;

3) An applicant's past performance in meeting financial obligations, especially rent;

4) Applicant or any household member has committed fraud in connection with any federal housing assistance program;

5) Applicant is ineligible due to being enrolled in an institute of Higher Education and not meeting the criteria set forth in 3.20;

6) Applicant or household members, during a previous tenancy, violated any tenant obligations under a subsidized housing program;

7) Applicant or a household member have a history of criminal activity involving crimes of physical violence against persons or property and any other criminal acts including, but not limited to, drug-related criminal activity which would adversely affect the health, safety or welfare of other tenants;

8) Applicant or household members have a history of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;

9) Applicant or household members have a record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances);

10) Applicant or household members is/are illegally using a controlled substance;

11) Applicant has breached an agreement to pay amounts owed to DHA;

12) Applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition, or rent;

13) Applicant was evicted from a subsidized housing program because of drug-related criminal activity within the past three (3) years beginning on the date of such eviction;

14) Applicant or members of the household's current abuse alcohol in a way that DHA has reasonable cause to believe it may interfere with the health, safety or right to peaceful enjoyment of the premises by other tenants;

15) Applicant or any members of the household do(es) not sign and submit the consent forms for obtaining information as required in 24 C.F.R. §5.230 and §5.232;

16) Applicant or members of the household do not meet the applicable SSN disclosure, documentation, verification, and certification requirements;

17) Applicant or members of the household do not supply information or documentation required by the application process;

18) Applicant or members of the household have failed to respond to a written request for information or a request to indicate their continued interest in the program;

19) Applicant or members of the household have engaged in or threatened abusive or violent behavior towards any DHA staff or residents;

20) HUD regulations require that assistance be denied;

21) **Denied for Life:** Applicant or any member of applicant's household is subject to a lifetime registration requirement under a state sex offender registration program; and

22) **Denied for Life:** If any applicant or household member has been convicted of manufacturing or producing methamphetamine (speed) in a subsidzed housing property.

DHA Developments can deny admission to any applicant based upon the criteria set forth in subsections 1 through 22 above.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct for financial prospects. For example:

1) Evidence of rehabilitation;

2) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs; or

3) Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality; or

4) other mitigating factors.

1.10 Notification of Cancellations and Denials for Ineligible Applicants

1) Cancellations. Applicants may be canceled for:

(a) Failure to provide necessary requested information, in required time frame.

(i) Exceptions: flexibility may be granted in those cases where an employer refuses to complete an employment verification.

(b) Failure to resolve any dispute concerning alleged debts to DHA within a required time frame.

2) Denials.

(a) For admission the applicant must meet tenant selection criteria set forth in Sections 1.5 and 1.6 as defined by DHA.

(b) Applicants shall be notified of denial or cancellation, in writing, and informed of Applicant(s)' right to an informal hearing. See Section 1.11.

(c) Applicants may seek reconsideration of a denial if DHA been provided with sufficient evidence that the applicant or a family member are not or have not been engaged in criminal activity for the preceding three (3) years.

1.11 Informal Hearing Process

1) DHA will send prompt written notice to an applicant notifying Applicant(s) them that Applicant has have been denied housing and the reason(s) supporting the determination of ineligibility. The notice will also advise the applicant of Applicant(s)' right to an informal hearing.

2) Whenever a written notice of denial or cancellation is given to an applicant, that notice must state all grounds upon which DHA will rely for the denial or cancellation. If the notice of cancellation is based on an alleged outstanding debt to DHA, the notice will state the development where the debt was incurred and the total amount claimed as due.

3) The applicant must request the informal hearing, in writing, to DHA and must do so within fourteen (14) calendar days of the date the application was canceled. DHA will then schedule an informal hearing at earliest time possible from the date DHA received the applicant's written request. If the applicant does not request a hearing in accordance with this paragraph, then DHA's disposition of the matter shall become final. However, failure to request a hearing shall not constitute a waiver by the applicant of applicant's right thereafter to contest DHA's disposition of the matter in an appropriate judicial proceeding.

4) Upon the written request of the applicant or DHA, the hearing may be postponed and rescheduled to the next available regularly scheduled hearing date. This request for postponement must be submitted at least twenty-four (24) hours prior to the scheduled hearing. A hearing may be postponed once. If the applicant fails to appear at the second scheduled hearing, DHA's disposition of the grievance will become final.

5) The hearing will be conducted by a member of DHA staff (hereafter referred to as the "Hearing Officer") who did not make the initial decision to cancel or deny the application or a subordinate of that person. During the hearing, DHA's and the applicant's witnesses and potential witnesses in the matter may be present, and those persons shall be permitted to observe the entire hearing. The applicant will be afforded a fair hearing and provided the basic safeguards of due process, which shall include:

(a) The opportunity to examine before the hearing any DHA documents, including records and regulations that are directly relevant to the hearing. The applicant shall be allowed to copy any such document at the applicant's expense. However, the documents shall not be removed from DHA's premises. Any document not made available, after the request of the applicant has been received, will not be relied on by DHA at the hearing.

(b) The right to be represented by counsel or other person selected as a representative.

(c) The right to a private hearing unless the applicant requests a public hearing.

(d) The right to present evidence and arguments to controvert evidence relied on by DHA and to confront and cross-examine all witnesses on whose testimony or information DHA relies.

(e) A decision based solely and exclusively upon the facts presented at the hearing.

(f) The Hearing Officer will consider only those issues presented in the original notice, and will not consider new issues or evidence of which the applicant had no notice.

6) The Hearing Officer will give a final written decision to the canceled or denied applicant. The decision will be mailed to the applicant at the address that applicant has on file with DHA within ten (10) working days after completion of the hearing.

7) If the applicant or DHA fails to appear at the scheduled hearing, the Hearing Officer may determine that the party has waived their right to a hearing. Both DHA and the applicant shall be notified of the determination by the Hearing Officer.

8) The hearing will be conducted informally by the Hearing Officer. The Hearing Officer shall require DHA, the applicant, counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain order may result in expulsion from the proceedings or in a decision adverse to the interests of the disorderly party, and granting or denial of the relief sought, as appropriate.

9) A Hearing Officer may re-open a canceled application when the applicant provides the necessary requested information or resolves any dispute concerning an alleged debt owed to DHA or any other agency.

1.12 Selection Preferences

1) Federal Preferences. DHA utilizes only local selection preferences.

2) Local Selection. Preferences are described in further detail in Section 1.13. Irrespective of these local selection preferences, tenants entitled to the benefits provided by the Relocation Act shall have priority over any applicant for placement in housing.

1.13 Description of Local Selection Preferences

DHA is permitted to establish local preferences and to give priority to serving families that meet the criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits DHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with DHA's Admission and Continued Occupancy Policy (ACOP)and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

Families who are age 62 or older, or is a person with disabilities will be given the same benefit as a working family preference or a Transitional Homeless Family. No more than 40 percent of annual admissions will be based on these local preferences.

DHA will use local preferences as outlined in DHA's ACOP.

Irrespective of these local selection preferences, tenants entitled to the benefits provided by the Relocation Act shall have priority over any applicant for placement in housing.

Applicants are asked on the application if they meet any local preference.

1.14 Qualification and Verification of Claimed Local Selection Preference

At time of application, the family must be referred by a DHA partner to be eligible for the local selection preference as outlined further in DHA's ACOP.

The names of these families or individuals are submitted to DHA's Occupancy Department throughout the year. Their verifications are valid for one hundred twenty (120) days after receipt. If the applicant is not housed within one hundred twenty (120) days, eligibility for the preference must be re-verified.

1.15 Notification of Selection Preference Denial

If DHA determines that an applicant does not qualify for a local preference then the applicant shall be notified, in writing, within ten (10) working days of the determination. The notice shall contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with a representative of DHA. The meeting may be conducted by any person or persons designated by DHA, who may be an officer or employee of DHA, including the person who made or reviewed the determination or a subordinate employee.

1.16 Notification of Eligibility for Selection Preference

All applicants who are approved for admission that qualify for a selection preference will be notified, in writing, of their preference status or any change in their preference status.

1.17 Selection Process Income Targeting

DHA shall follow the statutory requirements that at least 40 percent of newly admitted families, in any DHA fiscal year, be families whose annual income is at or below 30% of the Area Median Income. To ensure this requirement is met DHA shall monitor, on a quarterly basis, the incomes of newly admitted families and the incomes of families on the waiting lists. Additionally, DHA shall admit families whose annual income is at or below 50% and 60% of the Area Median Income as published each year.

1.18 Waiting Lists –Housing Developments

1) Site-based waitlists for the properties listed in Addendums 1 -5 are managed by the Occupancy Department at DHA. Applicants may apply for multiple sites and can be housed in the site and still remain on other site-specific waitlists including DHA's general waitlist for public housing.

2) The waiting list shall contain the following information for each applicant listed:
   (a) Applicant name;
   (b) Family unit size;
   (c) Date and time of application; and
   (d) Qualification for local preference.

3) The order of admission to the waiting list will be based on date and time of completed application.

4) Placement on the waiting list will then be prioritized by the local selection preference.

5) When DHA opens and closes the waiting lists, DHA will give public notice, by publication in local newspapers of general circulation and also minority media, that families

may apply for subsidy-based program. The public notice will state when and where to apply. The notice will comply with fair housing requirements and will state any limitations on who may apply. DHA may adopt criteria defining how families may apply for assistance pursuant to a public notice.

DHA may, in its sole and absolute discretion, open the waiting list to ONLY certain subcategories of "Family" as defined in Section 1.5. DHA will close the waiting list when it determines that the length of the waiting list results in wait for a unit that has become excessive by placing a public notice by publication in local newspapers of general circulation and also minority media notifying the public of closure of the waitlist.

1.19 Occupancy Guidelines

1) The following guidelines are used to determine the number of bedrooms required to accommodate a family of a given size without overcrowding or over housing. These guidelines may be waived, on a case-by-case basis, for legitimate reasons or if it is necessary to achieve or maintain full occupancy.

Number of Persons Number of Bedrooms	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	5	8
5	7	10

2) For the purposes of determining the number of bedrooms required, every family member, regardless of age, is counted as a person. In determining bedroom size, DHA will include children who are temporarily away at school, or children who are temporarily in foster-care.

1.20 Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937

A student enrolled in an Institute of Higher Education (full-time or part-time) as defined by the Higher Education Act of 1965 Amended 1998 will be deemed eligible for assistance if the student meets all other eligibility requirements, passes screening criteria and is:

1) Living with parents/guardian;

2) Disabled and was receiving assistance as of November 30, 2005;

3) Under the age of 24;

4) A veteran;

5) Married;

6) Has a dependent child;

7) Can prove independence of parents including providing certification that the parents did not claim the student on the most recent tax return; or

8) Has parents who are income eligible for the Section 8 program or receiving Section 8 assistance.

Any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 from private sources or an Institution of Higher Education shall be considered income to that individual. There are two exceptions to this income calculation requirement. No financial assistance that an individual receives under the Higher Education Act of 1965 from private sources of an institution of higher education shall be considered income if the student is:

(a) Living with his/her parents/guardian who are receiving Section 8 Assistance; or

(b) A person over the age of 23 with dependent children.

A student under the age of 24 who meets the additional criteria of Section 327 of the Act may be income eligible for assistance in circumstances where an examination of the income of the student's parents may not be relevant or where the student can demonstrate the absence of, or their independence from, parents. These practices and criteria include but are not limited to consideration of all of the following:

(a) The individual must be of legal contract age under state law;

(b) The individual must have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student;

(c) The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and

(d) The individual must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

Types of financial assistance under the Higher Education Act of 1965 would include: the Pell Grant, the Federal Supplemental Educational Opportunity Grant (FSEOG), Academic Achievement Incentive Scholarships, State assistance under the Leveraging Educational

Assistance Partnership Program, the Robert C. Byrd Honors Scholarship Program, and Federal Work Study (FWS) programs. Although considered "financial assistance" under the Higher Education Act of 1965, Perkins loans, Stafford loans, and Plus loans are not considered income for purposes of determining student eligibility for Section 8 housing assistance. Federal Work Study program income will be considered earned income for purposes of determining income eligibility.

1.21 Assignment of Units

After an applicant approaches the top of the waitlist each applicant shall be assigned an appropriate size unit or handicap accessible unit, if such unit is necessary. In the event that two or more applicants requiring the same size or handicap accessible unit, (e.g., two working families requiring a three (3) bedroom unit), the date and time of approved application will determine which applicant is given the first offer.

In offering available units to elderly families and disabled families in mixed population developments, units with accessible features should first be offered to persons with disabilities who require the accessibility features of the unit in accordance with the requirements of 24 C.F.R. 8.27 and 24 C.F.R. 100.202(c)(3). If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order their names came to the top of the waitlist. Such applicants however, must sign a release form stating they will transfer to another unit, at their own expense, if at a future time, a family requiring a unit with accessible features applies. Any family required to transfer will be given a 30-day notice.

At the time the next successive applicant on the waiting list is selected, they shall be offered a suitable unit. Since applicants are on site specific list, if the applicant rejects the first vacant unit offered, they will be removed from that waitlist but will remain on other waitlists if applicable. If the applicant fails to make a decision as to whether they want the unit offered within three (3) working days of the date it was offered, then it will be considered that the applicant has rejected the offer.

For purposes of this section, an applicant will not be considered to have been offered a unit if:

1) The unit offered is not the proper size or does not contain the necessary handicap accessible features.
2) The applicant requires a handicap accessible unit, but was not offered such a unit.

DHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each rejection or acceptance for a reasonable time. DHA will note the reason for any rejection.

1.22 Housing Assistance Limitation for Single Persons

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided a housing unit with two or more bedrooms.

1.23 Resident Caretakers in Non-Assisted Units

Eligible Residents are able to apply for the Resident Caretaker position. The Resident Caretaker will be required to comply with annual recertification requirements and be income eligible to reside at the property.

If a Resident Caretaker is unable to perform their duties then they will be notified per the Resident Caretaker Contract and given one offer to transfer to an assisted unit. Since they were qualified at move-in and were an assisted household prior to taking the Resident Caretaker position, this would eliminate the requirement for the caretaker to reapply for housing.

1.24 Determination of Total Tenant Payment and Tenant Rent

1) The total tenant payment is equal to the highest of:

(a) 10% of monthly income;

(b) 30% of adjusted monthly income; or

(c) The welfare rent.

The family will pay the greater of the total tenant payment or the minimum monthly rent of $50.00.

2) Minimum Rent

(a) The minimum rent is $50.00. However, if a family requests a hardship exemption, DHA will immediately suspend the minimum rent for the family until DHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

3) A hardship exists in the following circumstances:

(a) When the family has lost eligibility for or is waiting for an eligibility determination for Federal, State or local assistance program;

(b) When the family would be evicted as a result of the imposition of the minimum rent requirement;

(c) When the income of the family has decreased because of changed circumstances, including loss of employment;

(d) When the income of the family has decreased because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;

(e) When a family demonstrates its eligible health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses as defined in 24 CFR 5.603(b), exceed five percent (5%) of the family's annual income;

(f) When a death has occurred in the family; or

(g) Other situations as determined in DHA's sole discretion.

4) Minimum Rent Exceptions for Hardship Circumstances

(a) No Hardship. If DHA determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

(b) Phased-in Relief. DHA will continue phased-in relief for newly admitted family who was receiving phased-in relief at their prior assisted housing unit. Families who receive phased-in relief will have eligible expenses deducted as follows:

(i) First 12 months: in excess of 5% of annual income;

(ii) Second 12 months: in excess of 7.5% of annual income; and

(iii) After 24 months: in excess of 10% threshold will phase in and remain in effect unless the family qualifies for General Relief. Once a family chooses to obtain general relief, a family may no longer receive the phased-in relief.

(b) Temporary Hardship. If DHA reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90-days from the date of the family's request. Third party verification of the hardship will be attained by DHA prior to the end of the initial 90-day period. At the end of the 90-day period, DHA may extend the 90-day period in its sole and reasonable discretion if the hardship still exists. If the hardship is not ongoing, the minimum rent will be imposed retroactively to the time of suspension. DHA will offer a repayment agreement for any rent not paid during the period of suspension. During the suspension period DHA will not evict the family for non-payment of the amount of rent owed for the suspension period. DHA may request reasonable documentation of hardship.

(c) Long-Term Hardship. If DHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

(d) Utility Allowance. Utilities for family units are the responsibility of the head of household. A utility allowance may be given to the household depending on the unit type and bedroom size of the unit. See each individual HAP Rent Schedule for Utility Allowances. Utility Allowances are deducted from the Total Tenant Payment on the HUD 50059. These allowances are reviewed on an annual basis and adjusted accordingly.

5) De Minimis Errors in Income Determination. In the event of an error made by DHA in income determination that results in a family being overcharged, DHA will repay or credit a family the amount that the family was overcharged retroactive to the effective date of the action that caused the error, regardless of the dollar amount associated with the error. The repayment or credit will be available as an account credit, check, or other reasonable means of repayment requested by the tenant.

1.25 Leasing of Units

1) Prior to admission, the lease shall be signed by the Head of Household and spouse and subsequently executed by a duly authorized representative of DHA. All members of the household over the age of eighteen (18) must sign the "Notice and Consent for the Release of Information/Privacy Act" (HUD 9887 and HUD 9887A 2/07).

2) Assisted residents must have only one residence and receive assistance only in that unit. A household is eligible for assistance only if the unit will be the household's only residence. This rule is meant to ensure that the government pays assistance on only one unit for a household and provides assistance to as many eligible households as possible with available funding.

3) The owner/agent will not knowingly provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit.

4) This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

5) Applicants must disclose if they are currently living in another property and receiving assistance. Failure to do so may result in denial of subsidy for one of the apartments for the period that dual assistance was provided. Resident/applicant will then be required to pay unassisted, or market, rent for that period.

6) Residents can only receive subsidy for one unit. If, for any reason, a resident moves into this property before moving out of another subsidized unit, the new resident will be required to pay market rent until the day after the move out from the previous property is complete. The assisted tenancy in the unit being vacated must end the day before the subsidy begins in the new unit.

7) Prior to admission and to signing the lease, a physical inspection of the unit will be made by the prospective tenant and a representative of DHA to note any deficiencies.

8) The lease shall remain current at all times and must be in compliance with DHA policies as well as local, state and federal laws and regulations.

9) Notices of rent adjustment (or lease change clause), which amend the dwelling lease, shall be signed by a duly authorized representative of DHA and the tenant. However, the rental adjustment shall be effective as stated in the notice even if the notice of rent adjustment or lease change clause is not signed by the tenant.

10) Remaining, Family Member. If, for any reason, the signator(s) of the lease cease(s) to be a member of the tenant family, the lease shall be rendered null and void. DHA will review the Remaining Family Member's eligibility for tenancy and has the right to refuse to enter into a lease with the Remaining Family Member who does not meet the applicable eligibility criteria set forth in Section 1.4. Remaining Family Members may be required to move to a smaller unit if their current unit is too big once the other family members have vacated.

11) Live-In-Aide. A Live-In-Aide does not qualify as a Remaining Family Member.

12) If, during any period in which the lease agreement is in effect, there is a change in the tenant's status or rent, which results in the need to amend provisions of the lease, one of the following shall occur:

(a) The existing lease will be canceled and a new lease executed; or

(b) An amendment to the existing lease shall be executed; and

(c) All copies of lease amendments shall be signed by a tenant and a duly authorized representative of the DHA and a copy maintained in the tenant file.

13) If a tenant family transfers to a different dwelling unit in the same, or another housing development operated by DHA, the existing lease shall be canceled and a new lease executed by the Head of Household and a DHA representative, for the dwelling unit into which the family is moving.

14) A security deposit will be required and shall be payable at the time the lease is signed. The amount of the security deposit will be equal to one month's total tenant payment (TTP).

15) DHA shall perform a physical inspection of all dwelling units according to established inspection policy and procedures, but no less frequently than once a year. Copies of all inspections shall be maintained in the tenant's file.

1.26 Transfer Criteria

DHA's Transfer Policy can be found in its ACOP.

Tenants will receive priority for transfers, over applicants, for vacancies. However, the following conditions shall exist before a transfer will be granted:
Tenant and all family members:

1) Have not engaged in criminal activity that threatens the health and safety of tenants and staff;

2) Do not owe back rent or other charges, not including repayment agreements, or have a pattern of late payment;

3) Meet reasonable housekeeping standards;

4) Can get utilities turned on in the name of head of household; and

5) Must have been a DHA resident for at least one year (transfers for reasonable accommodation or health and safety excluded).

Exceptions to the criteria may be made for emergency transfers or when it is in DHA's best interest (e.g. A single person is living alone in a three-bedroom unit and does not want to move) to require the transfer. The exception to the criteria will be made by DHA, taking into account the recommendation of the Manager. Tenants may request a transfer for any of the following reasons:

1) Emergency – necessitated by an immediate, verifiable threat to life, health or safety of the resident or family members, such as unit uninhabitable due to fire, etc.

2) Relocation – transfers for relocation efforts by DHA will be given priority, after Emergency transfers, and include, but are not limited to, programmed units, modernization, demolition, and changing units to homeownership units.

3) Health – a reasonable accommodation is required for all Health transfer requests. The forms (Request for Reasonable Accommodation and Health Providers Verification) can be printed of the intranet. The 504 Coordinator must approve all reasonable accommodations. (Examples may include: need an accessible unit, ground floor unit, etc.)

4) Non-Disabled – a transfer will be required when a non-disabled household is residing in an accessible unit and there is a disabled household in need of the accessible unit.

5) Under-housed – household needs a larger unit.

6) Over-housed – household needs a smaller unit.

Transfers may be approved for other extraordinary reasons if recommended by Managers and approved by the Director of Housing Management.

In order to determine the priority set forth above in which transfer requests will be considered, the criteria set forth above are given different numerical weights. Tenants who meet the transfer criteria and are placed on the waiting list must continue to meet the criteria while waiting for the transfer. Failure to maintain the eligibility for a transfer will result in removal of the tenant from the transfer waiting list until they meet the required criteria.

Transfers between Public Housing and Multifamily Housing Developments will only be approved to accommodate health/special needs or over housed households. However, the tenant must meet the eligibility criteria for Project Based Section 8 program and the Low Income Housing Tax Credit ("LIHTC") program.

The provisions listed above are to be used as a guide to ensure fair and impartial means of assigning units for transfers. This policy does not create a property right or any other type of right for a tenant to transfer or refuse to transfer.

1.27 Re-Examinations/Re-Determinations

Annually and at interim periods, as circumstances may require, the tenant will furnish information and certifications to DHA as to family income, employment, and family composition. This information will be used by DHA for determining if the rent should be changed and if the dwelling unit is still appropriate for the tenant's needs. HUD provides DHA with information on income through the Enterprise Income Verification System. This data is provided to HUD from the Social Security Administration and the US Department of Health and Human Services to conduct computer matching with the National Directory of New Hires (NDNH).

1) Rent is determined at time of move-in and remains in effect for the period between regular rent re-examinations, unless during this period any of the following occur:

a) A decrease occurs in gross household income that is equal to or greater than five percent (5%) of the family's annual gross household income. However, if a family would like a rent reexamination for a decrease that results in less than a five percent (5%) change, the tenant may appeal and request a reexamination. All changes must be reported to DHA within thirty (30) days of the change.

b) New income source or an increase occurs in gross household income that is estimated to be equal to ten percent (10%) or more of the family's net gross income. DHA will include earned income increases in determining whether the ten percent (10%) threshold is met when the family previously had an interim reexamination performed for a decrease in annual adjusted income since their last annual reexamination. All changes must be reported to DHA within thirty (30) days of the change.

c) A change in family composition which shall mean an increase or decrease in the number of household members listed on the lease. Such change must be reported to DHA within thirty (30) days of the change.

d) Discovery that the tenant has misrepresented the facts upon which the rent is based, and the tenant is paying less than they should have been charged. In this case, the increase in rent shall apply retroactively. Repayment arrangements may be made in accordance with DHA policy. Repayment arrangements must be made with DHA or the lease may be terminated. Additionally, failure to make payments on the repayment agreement in a timely fashion will be cause to terminate the lease. If tenant intentionally misrepresents facts upon which rent is calculated a second time, it will be cause to terminate the lease.

e) If, at the time of admission or re-examination, due to unusual circumstances, projected annual income cannot be determined with any reasonable degree of accuracy, a temporary rent for a specified period not to exceed ninety (90) days may be established. At the expiration of the specified period, the income becomes stable, a new rent will be established. DHA will continue to conduct periodic reviews as often as necessary to determine the rent.

f) An interim re-examination will not be required if the family reports an increase in income within three (3) months of their next annual reexamination date.

g) In the case of an interim re-determination, and the rent decreases, the adjustment will become effective the first day of the month following the re-determination. In the event of rent increase, the adjustment will take effect the first day of the second month following the re-determination, unless the rent increase results from finding of intentional misrepresentation under subsection 1(e) of this section.

h) Changes in rent resulting from a scheduled re-examination will become effective on the anniversary date of the tenant's admission to the Section 8 project-based program.

If it is found at annual or interim reexamination that the family's net assets exceed $100,000 and/or the family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell the real property that is suitable for occupancy by the family as a residence, DHA will not terminate assistance until six (6) months after the effective date of the family's reexamination. DHA may, in its sole and absolute discretion, choose to enforce the asset limitation policy and continue with termination of assistance if mitigating circumstances (e.g. fraud) are discovered during reexamination.

1.28 Enterprise Income Verification (EIV)

HUD has mandated all Owners and Agents to use the Enterprise Income Verification system (EIV). It became mandatory as January 31, 2010.

Applicants. Since EIV only contains employment and income data for current participating tenants, third party verification must be obtained from the income source for determining the applicant's income for eligibility and rent calculation purposes. Only one report is

available for applicants, the Existing Tenant report. EIV will provide DHA's Occupancy Department with information about the current status of the applicant to determine if the applicant is receiving HUD housing assistance. If the applicant is receiving HUD housing assistance, DHA will verify with the current HUD housing assistance development and ensure that proper notice has been given and that no dual subsidy is occurring. If the applicant or any member of the household fails to fully and accurately disclose receipt of HUD assistance or rental history on the application, the applicant will be denied based on "misrepresentation" of information. If DHA discovers a discrepancy, the applicant will be notified and given the opportunity to respond to the inquiry. A copy of the report will be maintained in the applicant/resident file.

Tenants. Form HUD 9887/9887A is a consent form that must be on file for accessing income reports in the EIV system. This form must be signed and dated by all household members who are at least 18 years of age or older. The executed consent form will remain effective until the family is denied assistance, the assistance is terminated, or the family provides written notification to DHA to revoke consent.

The HUD 9887/9887A also authorizes HUD and DHA to seek wage, new hire (W4) and unemployment claim information from current or former employers to verify information obtained through computer matching. The form authorizes use of data obtained with another agency for verifying income used for establishing eligibility for and level of benefits under the Public Housing and Project Based Section 8 programs.

Families have the right to revoke consent by providing written notice to DHA. However, if a family revokes consent or refuses to sign the consent form, DHA is prohibited from requesting and accessing income information and financial records, including using EIV Data to verify income. Revocation of consent or refusal to sign the consent form at application or reexamination will result in denial of admission or termination of assistance within thirty (30) days of the revocation or refusal, subject to grievance procedures. If revocation of consent is provided prior to a reexamination, DHA may determine in its sole and absolute discretion whether or not to allow existing participant families to continue to receive assistance until the next reexamination. DHA must report the family's revocation of consent to the local HUD office.

Disclosing an Individual's Information to Another Person or Entity. The Federal Privacy Act (5 USC 552, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. However, DHA is not prohibited from discussing with the Head of Household and showing the Head of Household how the household's income and rent were determined based on the total income reported and verified. A consent form is available for the resident to sign for release of the information.

DHA is required to provide reminder notices to tenants informing them of their responsibility to provide DHA with information about changes in family income or composition that are necessary to properly complete an annual recertification. The notification must be in writing and must include a list of information that tenants are required to bring with them to their recertification interview.

When the employment and income information in EIV is the same as what the tenant reports they are receiving, DHA can use the EIV Income Report for third party verification and tenant provided documents for income calculation purposes.

Independent Third-Party verification must be obtained when to complement EIV data when:

(a) The tenant disputes the EIV data;

(b) The tenant is unable to provide DHA with acceptable and current income documentation;

(c) There is incomplete EIV data for a tenant; or

(d) There is no EIV data for a tenant.

When DHA is unable to obtain additional third-party verification (e.g., the third party does not respond), the tenant file must be documented why third-party verification was not available.

DHA always has the discretion to obtain additional third-party verification of income or verification of other EIV data based on circumstances encountered during the recertification process.

At the time of recertification, interim or unit transfer when there is a change in the household composition, DHA must use the EIV Reports to verify the employment and income of tenants participating in Public Housing and Multifamily Housing's rental assistance programs. Reports such as the New Hires Report, Income Discrepancy Report, etc. may be used other than recertification and redeterminations.

Income Report. DHA must use the Income Report at the time of recertification or redetermination. This report provides DHA with employment and income information on tenants. The report provides information on tenants who have started new employment within the past few months, quarterly wage information for past or current employment, unemployment insurance benefits, social security benefits, Medicare premiums, and SSA disability status.

DHA must print and retain a copy of the Income Report(s) in the tenant file. In most cases, the printed report will serve as third party verification. If the tenant disputes the information on the Income Report it should be noted on the report and the tenant file must include verification obtained directly from a third party source.

If it is discovered there is an error in the data provided by SSA (e.g., the tenant is being reported by SSA as being deceased when they are still living), DHA should advise the tenant of the discrepant information. It is the tenant's responsibility to contact the SSA to get

information corrected. HUD cannot remove or correct the information in EIV reported by the SSA.

NDNH (New Hires (W-4), Wage and Unemployment Compensation). The NDNH employment and unemployment income information in EIV may only be used as third-party verification of the tenant's employment and is not to be used to calculate the tenant's income. DHA will use the documentation provided by the tenant (e.g., pay stubs, unemployment benefit information, etc.), to calculate the tenant's income unless circumstances require DHA to obtain third party verification directly from the employer or unemployment agency.

If the information in EIV agrees with the employment and income the tenant reports they receive, DHA will use the EIV income report as third party verification of the tenant's employment and request the tenant to provide documentation, e.g., check stubs, that will support their current income being received. DHA will then use the documentation provided by the tenant for determining the tenant's income.

If the information in EIV does not agree with the employment and income that the tenant reports, or if the tenant disputes the EIV data, DHA must obtain third party verification directly from the employer for use in determining the tenant's income.

When no employment or income information is available in EIV and the tenant reports they are working, DHA must request third party verification directly from the employer.

There may be times when DHA will need to request third party verification directly from the source in order to have all of the information needed to determine the tenant's income. For example, employers are not required to report the "Hire Date" when submitting their data to the state; therefore, DHA may need to obtain third party verification for new employment reported for a tenant in order to obtain this information.

If DHA discovers that the income reported for wages or unemployment compensation does not belong to their tenant, DHA should advise the tenant. It is the tenant's responsibility to contact the employer or state unemployment agency to get the information corrected. HUD cannot remove the information reported for the tenant from EIV. DHA must:

(a) Attempt to obtain written third party verification from the employer to verify the information;

(b) Have the tenant certify that the employer and employment information displayed in the EIV is invalid and has been wrongly attributed to their personal identifiers;

(c) Advise the tenant to contact the third party income source, and if unsuccessful, the State Wage Agency in their state to request the information be removed from their record; and

(d) Keep documentation on the above in the tenant files.

If identity theft is suspected, DHA should refer the tenant to SSA's website at www.ssa.gov for information on reporting identity theft or to local agencies who may assist the tenant in getting the matter resolved.

Further information regarding EIV can be found in DHA's C&0 001 – Enterprise Income Verification System Procedure.

1.29 Addition of Household Member or Live-In-Aide to Lease

In order to add a Live-In-Aide or a household member, other than through birth or adoption, the family must request that the new member or Live-In-Aide be added to the lease. Before adding the new member or Live-In-Aide to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their social security number, if they have one and must verify their citizenship/eligible non-citizen status. Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.

A new family member will be required to go through the screening process similar to the process for applicants. DHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal hearing or review. If they are found to be eligible and meet the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member.

A Live-In-Aide is not a member of the tenant's family, as defined in federal regulations. Before adding a Live-In-Aide to the lease, the tenant will have to provide documentation that they are disabled, elderly or near-elderly and the Live-In-Aide is a medical requirement. The Live-In-Aide is not required to meet all eligibility requirements such as, by way of example and not limitation, income eligibility. However, DHA will obtain a Criminal Record Report which may affect their eligibility to become a Live-In-Aide. Prior to being added to the lease the Live-In-Aide and tenant must complete the Live-In-Aide Acknowledgment. Live-In-Aide's income is not included in the family's income. When the individual needing the support services leaves the unit or fails to qualify for continued occupancy, the Live-In-Aide can no longer live in the unit and has no right to continued occupancy as a Remaining Family Member.

Further information regarding Live-in Aides can be found in DHA's ACOP.

1.30 Misrepresentations

The tenant will be notified, in writing, of any misrepresentations or lease violations discovered during the re-examination, rent review, or other occurrences. The applicant or tenant certifies that accurate information has been provided regarding family composition, income, net family assets, allowances, and deductions. Any misrepresentation is a violation

of federal regulations and shall result in lease termination, and/or punishment under federal law.

1.31 Ownership

Applicants or participants for certain properties listed in Addendum 1 must meet the eligibility requirements of both the Section 8 Project based program and the Low-Income Housing Tax Credit (LIHTC) program. Some other differences include, by way of example and not limitation: (1) a single individual must be 62 years of age or older, or disabled to qualify to live at senior/disabled properties as enumerated on Addendum 2; and, (2) tenants cannot participate in Public Housing programs including, but not limited to, Earned Income Disregard and Family Self-Sufficiency.

1.32 Pet Ownership

DHA has established a pet policy for tenants living in its Housing Developments and an assistance animal policy for persons with disabilities. These policies are available for review upon request to the building manager.

Consistent with 24 C.F.R. §5.312(b), DHA will provide appropriate notice to each applicant, when they are offered a dwelling unit in a building designated for "elderly only" or persons with disabilities stating that:

1) Tenants are permitted to own and keep common household pets in their dwelling units, in accordance with the pet policy;

2) Animals that are used to assist persons with disabilities are excluded from the requirement of the pet policy; and

3) Tenants may at any time request a copy of the current policy.

1.33 Violence Against Women Act (VAWA)

The Violence against Women Act (VAWA) provides special protections for victims of domestic violence, dating violence, and stalking who are applying for or receiving assistance under the public housing program. For a more in depth explanation please review DHA's Violence Against Women Act Procedure which is available upon request from DHA Staff and is available on DHA's Website.

Colorado Law. Landlords are obligated to comply with State Laws that provide protection for victims of domestic violence. Specifically, C.R.S. § 38-12-402 and its revisions, if any.

1.34 Order of Precedence

The Tenant Selection Plan defines policies for the developments listed in Addendums 1 - 5 incorporating federal, state and local law. If there is any conflict between this Plan and federal law or HUD regulations, the laws and regulations shall prevail. If there is any conflict between this Plan and the dwelling lease or the grievance procedure, the dwelling lease or the grievance procedure shall prevail.

1.35 Paragraph Headings

The captions and headings set forth herein are for convenience of reference only and shall not be construed so as to define or limit the terms and provisions hereof.

Addendum 1: Project Based Assistance Housing Developments

- Mountain View Tower
- Eliot Cottages
- Syracuse Plaza
- Casa Loma
- Goldsmith Village
- Globeville
- Thomas Bean Towers
- Mariposa Phase VII
- Mariposa Phase VIII
- Vida II at Sloan's
- Platte Valley Homes
- Shoshone
- Gateway North
- 655 Broadway
- Pacific Place
- DHC Dispersed
- DHC Dispersed West
- DHC Dispersed East
- DHC Dispersed South
- Lincoln 57

Addendum 2: Senior/Disabled Housing Developments

- Casa Loma
- Syracuse Plaza
- Mountain View Towers
- Eliot St Cottages
- 655 Broadway
- Flo

Addendum 3: Public Housing Developments

- Columbine Homes
- Westridge Homes
- Quigg Newton Homes.
- The Villages at Curtis Park
- Westwood Homes
- Walsh Manor
- Walsh Manor Annex.
- A.B. Hirschfeld Towers
- Barney Lancelot Ford Heights
- John R. Mulroy Apts.
- Thomas F. Connole Apartments
- North Lincoln
- Thomas W. Bean LP
- Benedict Park Ave 1B
- Benedict Park Ave 3B
- Benedict Park Ave 4B
- Benedict Park Ave 5B
- Tapiz at Mariposa
- Dispersed East
- Dispersed West
- Dispersed South
- South Lowell
- Mariposa Phase II
- Mariposa Phase III
- Mariposa Phase IV
- Mariposa Phase VI
- Vida I @ Sloan's
- Platte Valley Homes
- Gateway South

Addendum 4: LIHTC/NMTC Housing Developments

- The Villages at Curtis Park
- Globeville
- Benedict Park Ave 1B
- Benedict Park Ave 3B
- Benedict Park Ave 4B
- Benedict Park Ave 5B
- Mariposa Phase II
- Mariposa Phase III
- Mariposa Phase IV
- Mariposa Phase VI
- Mariposa Phase VII
- Mariposa Phase VIII
- Shoshone
- Gateway North
- Gateway South
- Studebaker
- 655 Broadway
- Thrive
- GreenHaus
- Sol
- Joli

Addendum 5: Market Rate Housing Developments

- The Villages at Curtis Park
- Globeville
- Benedict Park Ave 1B
- Benedict Park Ave 3B
- Benedict Park Ave 4B
- Benedict Park Ave 5B
- Mariposa Phase II
- Mariposa Phase III
- Mariposa Phase IV
- Mariposa Phase VI
- Gateway South
- Thrive
- GreenHaus
- Sol
- Joli