HUD Section 811 Project Rental Assistance (PRA) Tenant Selection Plan

Name of Property

Date

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# Owner’s Tenant Selection Plan

PROPERTY NAME is an affordable housing property that is eligible to receive HUD Section 811 Project Rental Assistance Program (PRA) funds which are being administered by the California Housing Finance Agency (CalHFA), and are designated to attract applicants for occupancy from all potentially PRA eligible groups of people in the housing area regardless of race, color, sex, sexual orientation, gender, gender identity, gender expression, religion, age, familial status, disability, national origin, or immigration status.

The purpose of the PRA Program is to provide affordable housing with long term services and supports paid for through Medi-Cal to Extremely Low-Income non-elderly Persons with Disabilities who are exiting Medi-Cal funded health care facilities or are at risk of being placed in these facilities, or who are homeless or at-risk of homelessness. This Section 811 PRA Tenant Selection Plan is applicable only to the PRA­assisted units at the property.

## Availability of Plan

This Tenant Selection Plan is available to the public upon request. It will be posted in a common area of the management office. It may be reviewed at this location during normal office hours. It will be included in each application packet.

## Modification of Plan

The property will review this Tenant Selection Plan at least once annually to ensure that it reflects current operating practices, program priorities, and federal and state requirements. If the property and/or the California Housing Finance Agency (CalHFA) feel the plan needs to be modified in anyway, a notice of such modification will be provided by mail to all of the following: PRA-assisted tenants, applicants on the PRA waiting list, PRA Tenant Service Organizations (TSOs), CalHFA, the California Department of Health Care Services (DHCS), and the California Department of Developmental Services (DDS). For this reason, the current Tenant Selection Plan in place at the property will always be dated.

# Fair Housing and Equal Opportunity Requirements

## Non-Discrimination

It is the policy of this property to comply fully with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; and Section 109 of the Housing and Community Development Act of 1974. The property must also comply with HUD’s Equal Access to Housing in HUD Programs regardless of Sexual Orientation or Gender Identity requirements and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

The property will not discriminate on the basis of race, color, sex, sexual orientation, gender, gender identity, gender expression religion, age, familial status, disability, national origin, or immigration status in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, the property will not:

* Deny to any applicant the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
* Provide housing which is different from that provided others;
* Subject a person to segregation or disparate treatment;
* Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
* Treat a person differently in determining eligibility or other requirements for admission;
* Deny a person access to the same level of services based on their needs; or
* Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

The property shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine for PRA funds.

## Section 504 of the Rehabilitation Act of 1973

It is the policy of this property to assure that qualified individuals with disabilities are not discriminated against on the basis of their disability. The property also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at the property.

### Reasonable Accommodations

The property will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, the property will make reasonable accommodation for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services at this property where such modifications would be necessary to afford full access to the housing program for qualified individuals with disabilities.

In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals with disabilities, the property is not required to:

* + Make structural alterations that require the removal or altering of a load­bearing structural member;
  + Provide support services that are not already part of its housing programs;
  + Take any action that would result in a fundamental alteration in the nature of the program or service;
  + Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

### Information Regarding Disabilities

The property ensures that any questions related to disability on the application for housing, have to do with program eligibility, and allowable medical or disability deductions for housing applicants who wish to take advantage of those deductions. It is not required that any information regarding a possible disability be revealed other than for program eligibility requirements.

### Neutral Policies

The property will make reasonable adjustments to rules, policies, practices, and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common areas of a dwelling, or to participate in or have access to other activities conducted or sponsored by the owner.

### Auxiliary Aids to Ensure Effective Communication

The property will seek to effectively communicate with applicants, residents, and members of the public who are individuals with disabilities. The use of auxiliary aides will be implemented when necessary. The property asks for 7-day notice in order to make any service, meeting, interview, appointment, or any business accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, and other communication auxiliary aids available to management.

### Improving Access to Services for Persons with Limited English Proficiency (LEP)

Executive Order (E.O.) 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English.

Housing owners must take reasonable steps to ensure meaningful access to the information and services they provide for persons with LEP. This may include interpreter services and/or written materials translated into other languages.

### Assistance Animals

The property will allow assistive animals, which are defined as animals that work, provide assistance, perform tasks for the benefit of a person with a disability or provide emotional support to alleviate identified symptoms or effects of a person's disability. These animals, often referred to as service animals, support animals, or therapy animals, perform many disability related functions, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability related need for such support. No pet deposit is required for assistive animals. The property requires a written request for a reasonable accommodation animal request and will provide assistance in completing the written request when necessary.

### Accessible Route

For mobility impaired persons, this property is an accessible facility on an accessible route. Documents that the resident would like to review may be examined during regular business hours. Please contact the management office to make arrangements to examine any documents.

### Reasonable Modifications

The property will permit residents with disabilities to make reasonable modifications to their individual units at the expense of the California Department of Health Care Services’ (DHCS) California Community Transition’s Program, or Medi-Cal Waiver Program, the Regional Center for persons with Intellectual or Developmental Disabilities, or other agency **with prior approval from DHCS or the Regional Center, as applicable**. Applicant(s) may also make modifications at their own expense with prior approval from the property. When the resident vacates the unit, s/he must agree to restore the premises to the condition that existed before the modification, if requested by the property. The property will not require this restoration if the modification benefits the property or is needed by another resident.

To ensure with reasonable certainty that funds will be available to pay for restorations at the end of the tenancy, the owner may negotiate as part of such restoration an agreement requiring that the resident pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money, not to exceed the cost of the restorations. The property will require that the work be done in a workman like manner, utilizing licensed contractors, and that any required building permits will be obtained.

### Equal Access

The property will provide assistance in a confidential manner and setting to ensure equal access to a resident's documents. An individual with disabilities is responsible for providing her/his own transportation to and from the location where all documents are kept.

### Equal Access Rule

On February 3, 2012, HUD published a final rule entitled Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (77 FR 5662) (“Equal Access Rule” or Rule”). The Rule is intended to ensure that housing across HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

## Mitigating Circumstances

Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be given to all persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact the property immediately to schedule a meeting.

# Privacy Policy

## Personal Information

It is the policy of the property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by the property. Unless required by Federal or State law, neither the property nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure**.**

## Determining Eligibility for Assistance

This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility and income, compute rent, or determine an applicant's suitability for tenancy.

## Information on Disabilities

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained regarding disability will be treated in a confidential manner.

## Investigations into Fraud/Criminal Activities

This privacy policy is not intended to preclude the cooperation of the property with local, State, or Federal investigations into fraud or criminal activity. With proper identification, the property is permitted to advise the investigating officer of the following:

* Whether or not an individual is a resident;
* How long an individual has been a resident; and
* Any other appropriate answers to questions related to the investigation.

The property will not make files, forms, or documents available to the investigating officer unless a court order for such action is provided.

# Qualifying for Admission Under HUD's Program Eligibility Requirements

## Defining Program Eligibility

Program Eligibility determines whether applicants are eligible for PRA rental assistance. The property will not admit ineligible applicants. In addition to qualifying as a PRA eligible tenant through your TSO and the State DHCS, in order to be eligible, a household must meet **all** of the following tests.

## Income Limits

HUD and the State Tax Credit Allocation Committee (TCAC) establish income limits and revise them annually to ensure that assistance is provided only to PRA ­eligible households. Income limits are based on household size and the annual income the household receives. These limits are available for review at the site or management office. The property will determine income eligibility prior to approving any applicant for tenancy.

## Income Limits Requirement

Applicants must have an income that is not greater than 30% of the Area Median Income (extremely low income) as established by HUD, and as published annually by TCAC as applicable to the property.

## Occupancy Standards

When applying to the property, the appropriately sized unit must be in the unit configuration within the development. Units are assigned according to household size and composition. If the appropriate unit size is not available at the time of application, the applicant will be put on a waiting list. To avoid overcrowding, and in order to be consistent, we have adopted the following suggested occupancy standards. Refer to (HUD Handbook 4350.3-REV1, Chapter 3, Paragraph 3-23) for further guidance on occupancy standards.

|  |  |  |
| --- | --- | --- |
| Bedrooms | Minimum | Maximum |
| 0 | 1 | 3 |
| 1 | 1 | 3 |
| 2 | 2 | 5 |
| 3 | 3 | 7 |

## Section 811 PRA­ Eligible Households

**PRA funds will be used to serve extremely low income, non-elderly persons with disabilities whose household income does not exceed 30% of Area Median Income (AMI) and where the qualifying eligible tenant is between the ages of 18 through 61 years of age at the time of transitioning into permanent housing. The qualifying eligible tenant is a person with a disability, including but not limited to, a developmental disability who is eligible for and requires Long-term Care Services and Supports, including but not limited to, Medi-Cal Home and Community Based Waiver services (1915 (i) or 1915 (c)), other Medicaid waiver services, Rehabilitation Option Specialty Mental Health Services, or other State Plan services, including but not limited to, In-Home Supportive Services (IHSS) or new health home services.**

## Eligible Applicants

Non-Elderly Persons with Disabilities who are either Institutionalized, or who are Noninstitutionalized as set forth below. The individuals must be receiving or eligible to receive Long-­term Services and Supports paid for by Medi­Cal through a Home and Community­ based Services Medi-Cal waiver program, other Medi-­Cal waiver, or a State Plan service. Eligible households include at least one Eligible Tenant who can be either institutionalized or noninstitutionalized as set forth below.

1. Institutionalized: Non-elderly Persons with Disabilities who are transitioning from an institutionalized setting as set forth in the current PRA Notice of Funding Availability. A qualifying inpatient facility includes facilities directly billed to Medi-­Cal, including but not limited to, Nursing Facilities, Developmental Centers, Hospitals, Institutes for Mental Disease (IMDs), ICF­DD habilitation facilities, and other types of Intermediate Care Facilities.
2. Noninstitutionalized: Non-elderly Persons with Disabilities who are: (a) Persons at risk of moving into an inpatient facility, or into a more restrictive living arrangement (e.g. residential facility, group home) due to the need for rental assistance; (b) Persons experiencing homelessness; or (c) Persons at-risk of homelessness.

## Defining Persons with Disabilities

“Persons with Disabilities” shall be considered to have a disability if such person is determined, pursuant to federal regulations to have a physical, mental, or emotional impairment which:

1. Is expected to be of long continued and indefinite duration,
2. Substantially impedes his or her ability to live independently, and
3. Is of such a nature that such ability could be improved by more suitable housing conditions.

“Developmental disability” means a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability but shall not include other handicapping conditions that are solely physical in nature.

Notwithstanding the preceding provisions, the term "Person with Disabilities" includes two or more persons with disabilities living together, one or more such persons living with another person who is determined to be important to their care or well-being, and the surviving member or members of any household who were living, in a unit assisted under this section, with the deceased member of the household at the time of his or her death.

## Social Security Number (SSN) Requirements

All applicants must disclose and provide verification of the complete and accurate SSN assigned to each household member. All applicants and tenants must provide adequate documentation to verify the complete and accurate SSNs assigned to all household members. Adequate documentation means a social security card issued by the Social Security Administration (SSA), an original document issued by a federal or state government agency, which contains the name and SSN of the individual along with identifying information of the individual, or other acceptable evidence of the SSN listed in Appendix 3.

An applicant may not be admitted until SSNs for all household members have been disclosed and verification provided. If all household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.

Failure to disclose and provide documentation and verification of SSNs will result in an applicant not being admitted.

### Adding a New Household Member to an Existing Household

Age Six or Older or Under the Age of Six with an Assigned SSN.

When adding a new household member who is age six or older or is under the age of six and has a SSN, the tenant must disclose and provide verification of the SSN of the individual to be added to the household. This SSN must be provided to the owner at:

1) The time of the request, or

2) At the time the recertification that includes the new household member is processed. HUD Handbook 4350.3 REV­I, Chapter 3, Paragraph 3­9, Page 3­21.

Under the Age of Six Without an Assigned SSN.

1) The tenant must disclose and provide verification of the new household member’s SSN within 90 calendar days of the child being added to the household.

2) The owner must grant an extension of one additional 90-­day period, if the owner, in its discretion, determines that the tenant’s failure to comply is due to circumstances that could not have been foreseen and were outside the control of the tenant, e.g., delay in processing by SSA, natural disaster, fire, death in family, etc.

3) During the period that the owner is awaiting disclosure and verification of the SSN, the child is included as part of the household and shall be entitled to all the benefits of being a household member, including the dependent deduction.

4) A TRACS ID will be assigned to the child until the time the SSN is provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child’s TRACS ID to the child’s verified SSN.

5) If, upon expiration of the provided time period, the tenant fails to disclose and provide verification of the SSN, the tenant and the tenant’s household are subject to termination of tenancy. The owner shall follow the guidance in Paragraph 8­13.A.6 to terminate the household’s tenancy. HUD Handbook 4350.3 REV­I, Chapter 3, Paragraph 3­9, Page 3­21.

### Lack of Social Security Number Documentation

Applicants who have not disclosed and/or provided verification of SSN for all non-exempt household members have 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, if the applicant is unable to disclose and/or verify the SSNs for all nonexempt household members, the applicant will be determined ineligible and removed from the waiting list.

Failure to disclose all SSNs as required or failure to certify that a family member does not have a number is cause for denial of admission or termination of assistance, subject to the family’s right to an informal review or hearing. All Section 811 PRA tenants must disclose SSNs or certify that the household is not subject to disclosure.

## Only Residence

Applicants must agree that their rental unit will be their only residence. When applicants are undergoing income limit tests, they are required to reveal all assets they own including real estate. They are allowed to own real estate, whether they are retaining it for investment purposes as with any other asset, or have the property listed for sale. However, they may never use this real estate as a residence while they live in HUD assisted housing.

## Eligibility under the Student Rule

Owners are required to determine a student's eligibility for Section 811 PRA assistance at move­ in, annual recertification, initial certification (when an in-place tenant begins receiving Section 811 PRA) and at the time of an interim recertification if one of the household compositions changes reporting that a household member is enrolled as a student. The owner will use the following HUD guidelines as indicated in HUD Handbook 4350.3 REV­I, Chapter 3.

### Students Who are NOT Eligible for Section 811 PRA Assistance

According to Section 327(a) of the law, Section 811 PRA assistance shall not be provided to any individual whom:

a. Is enrolled as either a part­time or full­time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;

b. Is under the age of 24;

c. Is not married;

d. Is not a veteran of the United States Military;

e. Does not have a dependent child;

f. Is not a person with disabilities, as such term is defined in 3(b) (3) (E) of the United States Housing Act of 1937 (42 U.S.C. 1437a (b) (3) (E)) and was not receiving Section 811 PRA assistance as of November 30, 2005);

g. Is not living with his or her parents who are receiving Section 811 PRA assistance; and

h. Is not individually eligible to receive Section 811 PRA assistance and has parents (the parents individually or jointly) who are not income eligible to receive Section 811 PRA assistance.

### Defining Independent Student

If an individual can prove independence from his/her parents, therefore meeting the handbook definition of "independent student," and does not meet any of the criteria in Section 327(a) above, but is otherwise eligible for assistance, the student would be eligible to move into the property and receive assistance. Non­tuition financial assistance would be counted as income unless the student is over 23 with a dependent child.

For a student to be eligible independent of his/her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his/her independence from, parents. The student must meet, at a minimum, all the following criteria to be eligible for Section 811 PRA assistance.

The student must:

a. Be of legal contract age under State law;

b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or meet the U.S. Department of Education's definition of an independent student, as indicated in the handbook Glossary);

c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and

d. 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.

### Defining Student Financial Assistance Income

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 811 PRA assistance. (See the Glossary of HUD Handbook 4350.3 REV­1 for an expanded definition of Student Financial Assistance.)

### Protection from Eviction

The owner will not evict or require an ineligible student to move from a unit as long as the student is otherwise eligible to reside in the unit pursuant to TCAC requirements, is paying the TCAC restricted rent for the unit, not to exceed market rent, and is in compliance with the terms of the lease.

# Property Occupancy Standards for Unit Assignment

This property has units designed to serve all household types. The Occupancy Standards listed below take into consideration not only household type, but also household size and what unit sizes are available in the property. It is possible that a household might be eligible for subsidy under HUD's PRA project eligibility requirements but would not be eligible under the unit size requirements of this particular property.

## Occupancy Standards

Occupancy Standardsare assigned according to household size and composition. If the appropriate unit size is not available at the time of application, the applicant will be put on a waiting list. To avoid overcrowding, and in order to be consistent, we have adopted the following suggested occupancy standards. See HUD Handbook 4350.3-REV1, Chapter 3, Paragraph 3-23 for further guidance on occupancy standards.

|  |  |  |
| --- | --- | --- |
| Bedrooms | Minimum | Maximum |
| 0 | 1 | 3 |
| 1 | 1 | 3 |
| 2 | 2 | 5 |
| 3 | 3 | 7 |

### Occupancy Standards Families with Children

The Fair Housing Act prohibits properties receiving Federal assistance from discriminating on the basis of familial status, defined by Congress as children under the age of 18, making it illegal to discriminate against families because of the presence of children. The property will neither exclude families with children, nor will they develop policies or procedures that have the purpose or effect of prohibiting children.

### Counting Household Members

In order to determine the size of unit that would be appropriate for a particular household, the property will count all full­time members of the household including live-­in aides and foster persons who will reside in the unit. In addition, the property will count all anticipated persons including the following:

* Children expected to be born to a pregnant woman;
* Children in the process of being adopted by an adult household member;
* Children whose custody is being obtained by an adult household member;
* Children who are temporarily in a foster home who will return to the household;
* Children in joint custody arrangements who are present in the household 50% or more of the time, but see below;
* Children who are away at school and who live at home during recesses, but see below;
* Children that are temporarily in a correctional facility/detention center who will return to the household.

### Anticipated Children Due to Adoption, Pregnancy, or Foster Child

Anticipated children that are not currently living in the unit will be taken into consideration when determining unit size, and in some cases when determining income limits. The rules as laid out in Chapter 3 of HUD Handbook 4350.3 REV­I are as follows:

* Household Addition Adoption: Counts for income limits and unit size.
* Household Addition Pregnancy: Counts for income limits and unit size.
* Household Addition Foster Child: Counts for unit size.

When these anticipated children become a reality and move into the unit, an interim recertification is required including the child as a household member if the addition is due to adoption or pregnancy or as a household member if the addition is due to a foster child.

### Joint Custody Agreements

Children in joint custody agreements whose parents live in assisted housing, may receive a dependent deduction in only one of the assisted units at any given time. The determination of which parent will receive the deduction will remain with the parents. All families with single parents will be asked on their move-­in and annual interim recertification checklists or questionnaires if they are in a joint custody agreement and if so, does the other parent live in assisted housing. If there is a joint custody agreement and both parents live in assisted housing, a declaration must be made by each parent at each certification which parent will receive the dependent deduction.

### Remaining Household Members

If the qualifying member of a household leaves the unit, a determination will be made as to whether the remaining member(s) of the household will be eligible to receive assistance. To qualify as a remaining member, individuals must be a party to the lease when the qualifying member leaves the unit and must be of legal contract age under state law.

If the eligible household member leaves the unit upon his/her death, the remaining family members are eligible to remain in the unit and continue receiving rental assistance based on income.

However, if the eligible household member leaves the unit for any other reason other than death, the remaining members are eligible to continue receiving rental assistance if at least one remaining family member meets the definition of “persons with disabilities”. If, however, at least one family member does not meet the definition of a “person with disabilities” the remaining family members can still remain in the unit, but the household will not receive PRA rental assistance and must income qualify and pay the TCAC restricted rent on the unit, not to exceed market rent (811 PRA FAQ Published October 2015).

### Assigning a Smaller Unit Than Required

Management will consider assigning a household to a smaller unit size than the standards listed above if the household requests the smaller unit, is eligible for the smaller unit based on the number of household members, and occupancy of the smaller unit will not cause serious overcrowding or will not conflict with the local codes.

### Assigning Units Lager Than Required

If there is no proper unit available for a Section 811 PRA household, management will consider assigning a Section 811 PRA household to a larger unit than the standards listed above if no eligible household in need of the larger unit is available to move into the unit within 60 days, and the household agrees in writing to move, at its own expense, when a proper size unit becomes available. DHCS may also pay for some of these moving costs through the California Community Transitions Program.

### Change in Unit Size After Initial Occupancy

After a household moves into a unit, if the unit becomes underutilized due to a change in household size, management will require the household to move to a unit of appropriate size, if it is available. If the household refuses to move to the correct size unit, the household may stay in the current unit and pay the TCAC ­restricted rent for that unit, without the benefit of Section 811 PRA rental assistance. Management will not evict the tenant for refusing to move but will evict the household if it fails to pay the TCAC­ restricted rent for that unit.

### Change in Need for Accessible Features

If a household is in an accessible unit but no longer needs the accessible features, management may request that the household move to another unit in the property.

# Applicant Screening Criteria

All applicants for assisted housing will be screened according to the requirements set forth in HUD's Occupancy Handbook, HUD Handbook 4350.3 REV­I. Certain key questions relating to the applicant’s eligibility and resident history will be asked, including the applicant’s Social Security number, or other information as noted in Section III for undocumented immigrants, and the names, addresses and telephone numbers of current and former landlords. Failure to provide this information will result in cessation of application processing. Property staff will assist applicants, as needed, in understanding the application process and completing forms. Applicants will be instructed on what aspects of their background will be checked. An applicant has the right to voluntarily withdraw from the application process at any time.

### Things the Property Will Check

1. Past performance in meeting financial obligations, especially rent;
2. A record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other residents, or cause damage to the unit or development;
3. Involvement in criminal activity within the past three (3) years on the part of any applicant household member which would adversely affect the health, safety or welfare of other residents (Chapter 4, Paragraph 4-7, Section C-2, Page 19);
4. A record of eviction from housing, or termination from residential programs;
5. An applicant's ability and willingness to comply with the terms of the property's lease;
6. An applicant's misrepresentation of any information related to eligibility, allowances, household composition or rent;
7. National Database for Sex Offender listing of all adult applicants (HUD Notice: H2012-11, issued on June 11, 2012); and
8. EIV screening for Multi­household and Public Housing for existing tenant search.

Notwithstanding the above, the property will comply with State of California Housing First tenant selection practices pursuant to Welfare and Institutions Code 8255 (b) except where such practices directly conflict with a HUD restriction on admission for the 811 PRA program.

### Things the Property Will Not Check

1. The property is not allowed to require physical examinations or medical testing as a condition of admission;
2. The property will uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy but will not impose greater burdens on persons with disabilities. Persons with disabilities may meet the requirements of the lease with the assistance of others such as attendant care providers;
3. The property will not require a donation, contribution or membership fee as a condition of admission;
4. It is unlawful for the property to make an inquiry to determine whether an applicant has a disability, or to make inquiry as to the nature or severity of a disability.

## Procedures to Determine an Applicant's History of Past Performance

### Past Performance

Past performance for meeting financial obligations will be checked by contacting the current landlord and utility supplier (if applicable). If verified records of timely rental payments (and utility payments, if applicable) are received from a landlord and/or utility supplier, no further documentation of past performance in meeting financial obligations, especially rent, will be collected. The property will run a credit check and obtain a credit report on the applicant.

In addition, the property will check court records for evidence of evictions or judgments against the applicant. The purpose of these checks is to obtain information on the applicant's past history of meeting financial obligations, future ability to make timely rent payments, and to describe whether the applicant has ever been evicted from a rental unit.

**Note: PRA applicants will not be denied occupancy based on a poor credit history or a history of nonpayment of rent if the applicant, at the time of commencement of occupancy, will have access to rental assistance sufficient to pay his/her share of the PRA unit rent and there are procedures in place to ensure such rental assistance will be paid on a monthly basis in accordance with the HUD PRA Model Lease and other PRA program requirements.**

### Record of Disturbance

The property will check with the current landlord for potential problems regarding disturbance of neighbors, destruction of property, or housekeeping habits that would pose a threat to other residents. If the applicant is not currently living under a lease with a landlord, the current housing provider will be asked to verify the applicant's ability to comply with lease terms. Any area for which the applicant has upkeep responsibility will be inspected.

An applicant's behavior toward property staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward staff will be noted in the file.

**Note: PRA applicants will not be denied occupancy based on a record of disturbance if procedures are put in place to assist the resident in addressing circumstances which may cause disruptive or other problematic behavior.**

## Involvement in Criminal Activity

Involvement in criminal activity by any member of an applicant household that would adversely affect the health, safety or welfare of other residents will be verified. In addition, the current or former landlord will be asked to indicate problems in this area during the applicant's tenancy.

### Substance Use

Any household member may be evicted if there is reasonable cause to believe that member’s behavior, from abuse or pattern of abuse of alcohol or other legal substances, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on current behavior/actions, not the condition of substance use. An opportunity to appeal this determination must be provided, along with consideration of a Reasonable Accommodation based on a related disability.

In cases where a qualified agency, such as the TSO, other service provider, F.I.A. or Protective Services, reports that a household shows potential for improvement in housekeeping, an eligibility decision will be reached after receiving such a referral or recommendation from such an agency.

### Record of Eviction

Staff will check property records, landlord records and other court records to determine whether the applicant has been evicted from any other property in the past.

Record of termination from residential programs will be checked with police, service agencies and with any housing providers referred by the applicant.

An applicant will in no way be held accountable by the property for the rental delinquency or other problems of a former household of which the applicant was a member, but not the head or spouse.

Staff will consider the date and circumstances of any past eviction or termination in determining its relevance to property tenancy.

### Complying with the Lease

If an applicant can document through landlord references that s/he is complying with lease terms in current residences, and has so in former residences, this criterion will be considered to have been satisfied. Ability to comply with the property lease terms will be checked only in the absence of satisfactory landlord's documentation.

### Misrepresentation of Information

If, during the course of processing an application, it becomes evident that an applicant has intentionally falsified or otherwise misrepresented any facts about his/her current situation, history, or behavior in a manner that would affect eligibility, applicant selection criteria qualification, allowances or rent, the application shall be rejected.

## Review of Information

### Screening for Credit History

The owner will screen all applicants for their credit activity for the past 3 years. PRA applicants will not be denied occupancy based on a poor credit history or a history of nonpayment of rent if the applicant, at the time of commencement of occupancy, will have access to rental assistance sufficient to pay his/her share of the PRA unit rent and there are procedures in place to ensure such rental assistance will be paid on a monthly basis in accordance with the HUD PRA Model Lease and other PRA program requirements.

### Screening for Rental History

The owner will screen for applicant rental history including:

1. Applicants should have at least two years of rental history to contact. These years do not have to be recent or consecutive years:
2. The rental history of the current landlord will be reviewed;
3. If the applicant's current living arrangements are with a household member, then one previous landlord will be contacted:
4. If an applicant's preceding housing was "owner occupied" this criterion is waived:
5. Applicants should not have a history of more than four (4) late payments, or if such history exists, must be able to establish arrangements to ensure that their rent will be paid in a timely manner each month:
6. Applicants must show a willingness to maintain premises in a sanitary condition, with or without the assistance of others, including addressing any undesirable noise, odor, or disruptions to the quiet and peaceful enjoyment of other residents.

### Screening for Housekeeping Habits

All landlords contacted for rental history will also be questioned regarding the applicant's housekeeping habits, to determine the maintenance of the present home, with or without the assistance of others in regard to sanitary conditions, and fire and safety standards.

There is evidence of grossly unsanitary or hazardous housekeeping habits, which create a health and safety hazard through acts of neglect, or causing, or permitting to cause any damage to or misuse of the premises that cannot be remedied with assistance from the management agent, TSO or other service provider. This includes causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in good and clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.

If an applicant is living with someone else, and the housekeeping is out of control of the applicant, the owner must not deny admission to the applicant. The owner should evaluate only the living quarters over which the applicant has control.

### Screening for Drug Abuse and Other Criminal Activity

Refer to “Involvement in Criminal Activity” above.

### Screening for State Lifetime Sex Offender Registration

During the admissions screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided. Any member of the household who is subject to a lifetime registration requirement under a state sex offender registration program will be denied admission. In accordance with Federal law, any individual who is a sex offender subject to a lifetime registration requirement under state lawshall not be admitted to Federally assisted housing**.**

Mandatory Prohibition for Lifetime Sex Offenders**-** HUD regulations at 24 CFR § 5.856, § 960.204(a)(4), and § 982.553(a)(2) prohibit admission after June 25, 2001, if any member of a household is subject to a State lifetime sex offender registration requirement. This regulation reflects a statutory prohibition. A household receiving assistance with such a member is receiving assistance in violation of federal law (HUD Notice H2012-11 issued June 11, 2012.

### Violence Against Women Act (VAWA)

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of assistance, or occupancy rights if the resident or an immediate member of the resident's household is the victim or the threatened victim of that abuse.

An incident(s) of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be "good cause" for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

1. Form HUD­5382, *Certification of Domestic Violence, Dating Violence or Stalking, Sexual Assault, or Stalking, and Alternate Documentation.*
2. All current tenants will be provided the option to complete form HUD­5380, *Notice of Occupancy Rights under The Violence Against Women Act.* This form will also be made available to all families at the time of admission.

**VAWA Lease Addendum HUD­91067 Form**

Form HUD­91067, HUD's lease addendum for the VAWA provisions, is a required addendum to every lease. If it is determined that physical abuse caused by a tenant is clear and present, the law provides management the authority to bifurcate the lease, and remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction of, or termination action against the individual, will be done in accordance with the procedures prescribed by Federal, State, and local law. If such action is deemed necessary, an interim recertification will be processed reflecting the change in household composition.

## Reasons for Owner to Deny Admission

The owner will deny admission in accordance with (HUD Notice H2022-22, Issued October 29, 2022) if:

1. The household has a member required to register as a sex offender on a lifetime basis under state law;
2. The household has a member who was evicted for manufacturing, selling, or using methamphetamines in public housing or federally subsidized housing within three years of their PRA tenant application date.
3. The household has a member who was evicted in the last three years from federally assisted housing for drug-related criminal activity; however, the owner may consider two exceptions to this provision: (1) the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or (2) the circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
4. A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member’s illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.

# Marketing

## Fair Housing Requirements

The property enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, sex, sexual orientation, gender, gender identity, gender expression religion, age, familial status, disability, national origin, or immigration status.

### Filling Available Units

Whenever additional applicants are needed to fill available units, advertising will be carried out in accordance with the State­ approved PRA Affirmative Fair Housing Marketing Plan, and as indicated below.

### Race and Ethnic Data Reporting

The property will offer all members of an applicant/tenant household the option of completing Form HUD­27061­H, Race and Ethnic Data Reporting Form. This form is used for gathering race and ethnic data in assisted housing programs. The form will be offered for completion at initial application or at lease signing. In ­place tenants who have not completed the form will be offered the opportunity to complete the form. There is no penalty for persons who do not complete the form. The property will place a note in the file of any household member who chooses not to complete the form.

## Affirmative Fair Housing Marketing

### Special Marketing Requirements for Section 811 PRA Units

The PRA TSOs shall comply with the requirements of the State approved PRA Affirmative Marketing form(s) for the project. The purpose of the Affirmative Marketing form(s) is to ensure that eligible families of similar income levels will have a similar range of housing opportunities. The form(s) outlines marketing strategies to be used to attract PRA­eligible tenants. Special efforts will be made to attract persons who are least likely to apply due to such factors as the racial or ethnic composition, gender, or first language of the health care facility, Regional Center service area, census tract, or county­wide area in which the PRA applicants are currently residing, or other factors that HUD or the State may require.

Marketing will also seek to reach potential applicants outside the immediate area if marketing only within the facility or service area would create a disparate impact against certain classes, such as the case of an entire facility or service area that includes no minorities.

### Monitoring and Documenting Marketing Activities

PRA TSOs will monitor marketing efforts and document the results in writing. The documentation will be made available, upon request, for all marketing activities, to show consistency with affirmative fair housing marketing requirements and the approved Affirmative Marketing form(s) for the program. This documentation will include copies of marketing materials, records of marketing activities conducted, and documentation of any special marketing activities conducted in accordance with the project’s approved Affirmative Marketing form(s).

### Review of Affirmative Marketing form(s)

PRA TSOs will review the Affirmative Marketing form(s) (a) 30 days prior to beginning their PRA outreach and marketing efforts and (b) annually thereafter to periodically assess the effectiveness of Affirmative Marketing efforts and take corrective action.

## Advertising

### Form of Advertising

All advertising for this property includes either the HUD­ approved Equal Housing Opportunity logo, the Equal Housing Opportunity slogan, or an equal housing statement. All visual advertising will depict members of all eligible protected classes including individuals from both majority and minority groups.

### Fair Housing Poster

The property has posted the required Equal Housing Opportunity poster in a window of the Leasing Office which can be seen from the street, so that it is readily apparent to all persons seeking housing.

# Unit Transfer Policy

## Required by Owner

Owner may require a resident to transfer to a smaller unit size. This may occur when the household composition decreases, and the household no longer qualifies for the unit size in which they are dwelling. If a unit of appropriate size is not available, the owner will not evict the household. However, if an appropriately sized unit is available, the household may be required to move in 30 days so that HUD is not paying more in rental subsidy than it should be under program requirements Chapter 7, Section 7-15, Pages 28-30).

## Request by Resident

Once an applicant has become a resident, a transfer of units may be warranted. There are different types of bedroom unit sizes at this property. If a resident has an increase in household size or has a medical/health condition that warrants a larger unit or a unit that has special design features for a person with disabilities, a transfer may be requested. On occasion there may be other requests for transfers that the property will consider on a case­-by­-case basis. All transfer requests must be made in writing and must state the reason for the request. The request will then be forwarded to the district or regional manager for final approval.

In accordance with the Violence Against Women Act (VAWA), residents who are victims of domestic violence, dating violence, sexual assault, or stalking are allowed to request an emergency transfer from the resident's current unit to another unit.

## Violence Against Women Act (VAWA) Emergency Transfer

VAWA Emergency Transfer allows victims of domestic violence, dating violence, stalking, and sexual assault (VAWA crimes) to seek alternative housing when the victim of VAWA crimes is either: A victim of sexual assault that occurred on the property within 90 days of the request for the VAWA transfer; or Is a victim of a VAWA crime who reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same dwelling unit.

Owner/Agents will make reasonable efforts to assist a resident who requests and qualifies for an external VAWA Emergency Transfer when a safe unit at the current property is not immediately available. Reasonable efforts should include providing contact information for relevant local service providers, government agencies, and other affordable housing developments in the area (HUD Notice H2017-05, VAWA Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents, issued June 30, 2017).

### Acceptable Reasons for Transfers

Current residents can request a transfer to a different size unit after they have been a resident for a period of twelve (12) months and are in good standing. Current residents may qualify for a unit transfer for one of the following conditions:

1. Medical/health conditions, including inability to use stairs, or the need for a live-­in attendant;
2. Household size increases or decreases, or composition changes;
3. There is a need for a unit with special design features for a person with disabilities; or
4. Other potential conditions not related to health, which will be reviewed on a case-by-case basis by the owner;
5. VAWA Emergency Transfer Request

### Placement on Transfer Waiting List

If the property supervisor approves a request for a transfer to a different unit, and there is no current unit available, the resident will be placed on the property's transfer waiting list. In­house residents that must be transferred due to overcrowding will be transferred first. Residents needing transfers due to medical reasons must have a written physician's statement.

## Assigning Units for Persons with Physical Disabilities

The property will always give a household that has indicated a need for certain unit accommodations because of a disability, the opportunity to benefit from the HUD program in place at the property. The property asks the household to decide for itself, in compliance with Section 504 of the Rehabilitation Act, whether a unit meets the needs of the household.

The household will be notified whenever any unit becomes available, without regard to unit accessibility, pursuant to the PRA Tenant Selection procedures below. The property will never prohibit an eligible household with a member who has a disability from accepting a suitable nonassessable unit if no accessible unit is available when the household reaches the top of the PRA waiting list. If the applicant decides to accept a standard unit, s/he may request some modification to the unit as reasonable accommodation. Depending on the nature of the needed modification, it may be paid for by the California Department of Health Care Services’ (DHCS) California Community Transition’s Program, or Medi-Cal Waiver Program, the Regional Center for persons with Intellectual or Developmental Disabilities, or other agency **with prior approval from DHCS or the Regional Center, as applicable.**

Applicant(s) may also make modifications at their own expense with prior approval from the property. When the resident vacates the unit, s/he must agree to restore the premises to the condition that existed before the modification, if requested by the property. The property will not require this restoration if the modification benefits the property or is needed by another resident.

### Reasonable Accommodation

The property will consider requests for reasonable accommodations from applicants/residents with disabilities, in order that they may benefit from the use and enjoyment of the dwelling units. The applicant/resident must be able to show that the requested accommodation is necessary, and that there is a strong, identifiable relationship between the requested accommodation and the individual's disability.

If a household requests an accessible feature, policy modification, or other reasonable accommodation, the property, on its own, or through the assistance of the DHCS California Community Transitions Program, or Medi-Cal Waiver Program, the Regional Center for persons with Intellectual or Developmental Disabilities, or other agency **with prior approval from DHCS or the Regional Center, as applicable** will provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program, or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the operations of the property.

### Placement on Transfer Waiting List

If the property supervisor approves a request for a transfer to a different unit, and there is no current unit available, the resident will be placed on the property's transfer waiting list. In­house residents that must be transferred due to overcrowding will be transferred first. Residents needing transfers due to medical reasons must have a written physician's statement.

### Procedures for Filling Vacancies

If a request for a transfer to a different unit is approved, the resident agrees to pay all transfer costs prior to the move. Costs may include damages that are beyond normal wear and tear. However, if a resident is transferred as an accommodation to a household member's disability,

then the owner may be obligated to pay the costs associated with the transfer as discussed under Section 504 of the Rehabilitation Act of 1973 of Chapter 2 of HUD Handbook 4350.3 REV­1. DHCS may also pay for some of these costs through the California Community Transitions Program.

### Priority for Filling Vacancies

The property will fill its vacant units with current PRA residents awaiting transfers before applicants from the PRA waiting list. The Property will notify the applicable TSO’s and CalHFA regarding any request for a unit transfer request for transfers. Unit transfers that are required by management will take priority over resident requested transfers.

# Waiting List Management

Any PRA-eligible household who wishes to be admitted to the property or to be placed on the waiting list must complete an application. The application must include a signature certifying the accuracy and completeness of the information provided. If the applicant is placed on the waiting list, the list will note the name of the applicant, the date and time of application was received, the type of income, the size of unit desired, and any other pertinent information.

### Selecting Names from the Waiting List

Upon completion of the interview, the applicant will be asked to sign all required verification documents. Should the applicant fail to attend two (2) scheduled interviews or sign and/or provide required documents in a timely manner, management will move on to the next applicants on the list regarding the vacant unit until an applicant complies with all requirements to process their application.

**Persons Exiting Institutions**

Where suitable units are available and two or more PRA-Eligible Households are ready to move in at the same time, meaning that their tenant application has been approved, and they are ready to move-in, preference shall be given to individuals exiting institutional settings.

1. If two or more persons from institutionalized settings qualify at the same time and both are ready to move-in, these referrals from the TSOs will be given priority based on first-come-first-served based on a date and time-stamped application consistent with HUD Handbook 4350.3 Chapter 4 wait list management procedures.

**Persons Not Institutionalized**

Pursuant to the requirements of the current PRA Notice of Funding Availability, when suitable units become available, if there are no PRA-Eligible Households from qualifying institutional settings who are ready to move in and there are two or more PRA-Eligible Households who are prioritized as follows:

(1) at-risk of institutionalization,

(2) homeless, or

(3) at-risk of homelessness,

who all have approved tenant-applications and are ready to move-in, priority for available units shall be given on the basis of greatest need as determined by the Management Agent in consultation with the TSOs, CalHFA, DHCS, and DDS.

## Preferences

**As set forth above, preference shall be given to individuals who are transitioning from an in-patient facility. Pursuant to the requirements of the Section 811 PRA Program and any associated agreements, the Owner/Agent must notify the TSO(s), CalHFA, DHCS, and DDS of a vacancy as soon as early as possible and hold designated PRA 811 unit(s) vacant for a minimum of 30 days. If no Eligible Tenants are identified within 30 days, the designated PRA 811 unit will no longer eligible for subsidy. The Owner/Agent may proceed to lease the unit to a non-PRA applicant.**

## Removal of Applications form the Waiting List

An applicant's name will not be removed from the waiting list unless the applicant moves into a vacant unit or no longer qualifies as a PRA­eligible household pursuant to Section 811 PRA program requirements.

# Application Intake and Processing

All persons wishing to be admitted to the property, or placed on a waiting list, must complete an application. All applications will be taken through the appropriate PRA TSO.

### Communications with Applicants

All communications with applicants will be by first class mail, electronic mail, telephone, or through the applicable PRA TSO. In all cases, the TSO shall be copied on all communications with the applicant. Failure to respond to communications may result in withdrawal of an application from further processing. The property will make exceptions to these procedures to take into account circumstances beyond the applicant's control, such as medical emergencies or extreme weather conditions. All communications will be in a form that the tenant can understand.

### Applications for Residency

Written applications will be accepted from anyone who wishes to apply. Every application must be completed and signed by the applicant or their legal designee. The information requested on the application form includes:

* Household characteristics such as name, sex (optional), age, disability status (only where necessary to establish eligibility), need for an accessible unit, and Race & Ethnicity (see below Race/Ethnicity Data Collection);
* General household contact information such as address, phone number, etc.; Sources and estimates of the household's anticipated annual income and assets;
* Social Security number(s);
* Higher education student status (only if a member of the household is a student in higher education);
* Screening information, which may include prior landlord, credit, and drug/criminal history, EIV screening of former subsidized housing;
* Marketing information regarding how the applicant heard about the property; and
* Certification from the applicant stating the accuracy and completeness of information provided, and an acknowledgement that the applicant has read the Privacy Act and understands the disclosure requirements.

### Race & Ethnicity Form

The applicant provides self-certification of their race and ethnicity for data collection by using form HUD­27601­H, Exhibit 4­3 of HUD Handbook 4350.3 REV­1. Completing this form is optional and there is no penalty for not completing form.

### Supplemental to Application HUD-92006 Form

HUD 92006 form must be included as an attachment to the Rental Application Owner/Agent must notify applicants at the time of application of their right to include as part of their application the name, address, telephone number and other relevant information of a family member, friend, or social, health, advocacy or other organization. This individual or organization may be contacted by the Owner/Agent to help in resolving issues that may arise during the applicant’s tenancy or to assist in providing special care or services the applicant may require as a tenant (HUD Notice H2009-13, Issued September 15, 2009).

Staff will be prepared to assist any applicants who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision or language problems and, in general, making it possible for interested parties to apply for assisted housing.

## Determining an Applicant’s Eligibility

### Preliminary Determination

Before any applicant is put on a waiting list, the property, in consultation with the applicant’s TSO will make a preliminary eligibility determination to ensure that there are no obvious factors that would make an applicant ineligible.

### Placement on a Waiting List

If a preliminary screening indicates that a household is eligible for tenancy, but units of appropriate size are not vacant, the household will be placed on a PRA waitlist according to the PRA program waitlist procedures for Institutionalized and Noninstitutionalized Individuals. The household will be notified when a suitable unit becomes available.

**Applicant must have an approved PRA 811 referral to be placed on the waiting list. The PRA 811 referral is good for one year from the date the referral was approved by DDS and/or DHCS or both State Agencies. If an applicant has approached the top of the waiting list and the referral has expired. Owner/Agent must contact the TSO to obtain a new/revised PRA 811 referral. Owner/Agent may not move forward with contacting the applicant until an approved PRA 811 referral is submitted and received.**

## Verification Interview

As applicants approach the top of the waiting list, they will be contacted to schedule an interview to verify all information given on the application. The interview will be conducted in accordance with HUD's Occupancy Handbook, HUD Handbook 4350.3 REV­1. The property will confirm and update all information provided on the application, and will explain program requirements, verification procedures, and penalties for false information, which include eviction, loss of assistance, fines up to $10,000, and imprisonment up to five years. The applicant will be asked to sign the release of information consent portion of the Authorization for Release of information (HUD 9887 & HUD 9887A Forms) and any other necessary verification requests.

# Verification Requirements

## Required Consent Forms

Adult members of assisted families must authorize owners to request independent verification of data required for program participation. To provide owners with this authorization, adult household members must sign two HUD required consent forms, and the owner's specialized verification forms.

### Form HUD­9887, Notice and Consent to the Release of Information to HUD

Each member of the household who is 18 years of age and older must sign this form regardless of whether s/he has income. The consent allows HUD to verify information with the IRS, the Social Security Administration, and with State agencies that maintain wage and unemployment claim information.

### Form HUD 9887­A, Applicant's/Tenant's Consent to Release of Information­ Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance

Owners and all household members 18 years of age and older, regardless of whether they have income, must sign this form. The consent allows owners to request and receive information from third-party sources about the applicant/resident.

## Required Information

All information relative to the following items must be verified:

1. Income, assets, household composition, and Social Security numbers;
2. Deductions for such things as age, disability, disability expenses, and medical costs;
3. Documented ability and willingness to abide by lease requirements, previous history of

tenancy, rent paying, caring for a home, and criminal activity of any household member.

All of the above information must be documented, and appropriate verification forms or letters placed in the applicant or resident file. No decision to accept or reject an application will be made until all verifications have been collected.

## Enterprise Income Verification (EIV)

The Enterprise Income Verification, Income Discrepancy Report (EIV) system is an upfront income verification tool available to owners to validate tenant reported wage, unemployment, and social security income during annual and interim recertifications of income. Existing tenant checks will be performed using EIV prior to move-­in for all applications. EIV is a web-based application available to authorized program administrators of HUD’s rental assistance programs that allows the administrator to verify income through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.

## Preferred Forms of Verification

Verifications shall be attempted in the following order:

Utilizing the EIV system, when applicable;

1. Third party written verification;
2. Third party oral verification with a record kept on the file;
3. Review of documents provided by the family, or affidavits from the family.

Each file where EIV information is unable to obtain, management must document the file for clarification, and show that management attempted to obtain third party written documentation before relying on some less acceptable form of information.

## Verification Documentation

Documentation used as part of the verification process may include:

1. Checklists completed as part of the interview process and signed by the applicant;
2. Verification forms completed and signed by third parties;
3. Reports/letters of interviews; and
4. Notes of telephone conversations with reliable sources.

At a minimum, such reports will indicate the date of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received. Management staff will be the final judge of the credibility of any verification submitted by an applicant. If a staff member considers documentation to be doubtful, the property manager/owner will review it before making a ruling about its acceptability. Staff will continue to pursue credible documentation until it is obtained, or the applicant is rejected for failing to produce it.

## Verifying Annual Income

Projections of Annual Income will include estimates for each income recipient, and will be based on the best available information, considering the past year's gross income, and for employed families, the current income rate, and any potential rate increase, bonus, or possibility of overtime. The income of irregular workers will be estimated on the basis of the best information available, considering earning ability and work history. Overtime income will be computed in accordance with verification obtained from the employer, in the absence of more reliable or accurate information.

## Rent Formula for Section 811 PRA

Applicants must agree to pay the rent required by the Section 8 subsidy formula used at the property. Calculating the Tenant Contribution for Assisted Units shall be in accordance with the requirements found in HUD Handbook 4350.3 REV­1, Chapter 5.

Total Tenant Payment (TTP) is the amount a tenant is expected to contribute for rent and utilities. TTP for PRA is based on the family’s income. Calculation of TTP is the greater of the following:

* 30% of monthly adjusted income;
* 10% of monthly gross income

Tenant Rent is the portion of the TTP the tenant pays each month to the Owner for rent. Tenant Rent is calculated by subtracting the utility allowance from the TTP. It is possible for the Tenant Rent to be $0 if the utility allowance is greater than the TTP. A utility reimbursement to the tenant must be provided if the utility allowance is greater than the TTP.

## Verifying Zero Income

If an applicant reports zero or nominal income ($100 or less income per month), the property will advise her/him that if they are still at zero income when they become a resident, they will be asked to complete a questionnaire prepared by the property stating their source of necessary living

items that are not covered by Food Stamps or other Federal assistance sources. After 90 days at zero income, and for every 90-­day period thereafter, the resident will be reviewed to determine if they have begun to receive any type of income.

### Hardship Exceptions

The property will waive the monthly rent requirement to any household unable to pay due to a long­ term financial hardship. The financial hardship exemption constitutes the only statutory exemption and includes the hardship situations listed below.

NOTE:A household who is eligible for and receives a hardship exemption must be reviewed every 90 days.

1. The household has lost Federal, State, or local government assistance or is waiting for eligibility determination (including legal immigrants);
2. The household income has decreased due to a change in circumstances, including but not limited to, loss of employment;
3. A death in the household has occurred;
4. Other applicable situations, as determined by HUD, have occurred.

## Attempted Fraud

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission based on attempted fraud. The property considers false information about the following items to be grounds for rejecting an applicant:

1. Income, assets, household composition; Social Security numbers; allowances; and
2. Previous resident or criminal history

Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis to exclude applicants.

# Making an Occupancy Determination

## Non-Discrimination

The following list of factors will not be considered in making a decision to admit or reject an application: race, color, sex, sexual orientation, gender, gender identity, gender expression, religion, age, familial status, disability, national origin, or immigration status.

## Applicants with Disabilities

It is illegal to reject an applicant because s/he has a disability, or for reasons that could be overcome by the property's reasonable accommodation of the applicant's disability. If, even with a reasonable accommodation, applicants with disabilities cannot meet essential program requirements, it is permissible to reject them.

### Determining Program Eligibility

An applicant who happens to have a disability but who is able to document that, with or without assistance, they have the ability to meet financial obligations, care for a rental unit, avoid disturbing neighbors and destroying property, avoid engaging in criminal activity , and otherwise comply with the terms of the HUD PRA Model Lease, would be recommended for admission.

## Recommendations for Admission or Rejection

If at any point in the screening process (including landlord references, criminal check, or verification of ability to comply with lease terms), it becomes clear to the property that an applicant will not meet the screening criteria, the file will be sent to the appropriate Supervisor for review. The first step in this review is a determination of the file's completeness. If any information is missing or the case for rejection or acceptance is not compelling, the file will be returned to the staff for further work, in consultation with CalHFA, DHCS, DDS and the PRA TSO.

### Authorizing Admission

If an applicant is clearly eligible and passes the screening criteria, admission will be authorized.

### Authorizing Rejection

Likewise, if the applicant is ineligible, rejection will be authorized. See next section of this plan for further requirements regarding rejection.

# Rejection of Ineligible Applicants

Applicants who do not pass the eligibility requirements will immediately be sent a letter of rejection along with a copy of the Grievance Procedures (Attachment G). This written rejection notice will specifically state one of the reasons listed below for the rejection and will inform the applicant of her/his right to respond to the owner in writing, or to request a meeting within 14 days to dispute the rejection. Where possible, the property owner will work with the applicant and the PRA TSO or other service provider to resolve issues that might lead to rejection of the housing application.

## Reasons for Rejection

The property will reject an applicant if s/he:

1. Is ineligible for occupancy based on HUD's guidelines as indicated in HUD Handbook 4350.3 REV­1;
2. Is unable to disclose and document a SSN, or does not execute a certification stating that no SSN has been assigned;
3. Does not sign and submit verification consent forms or the Authorization for Release of information (HUD­9887 &HUD­9887A Forms);
4. Has household characteristics that are not appropriate for the unit sizes that are available; or
5. Failing property's **resident screening criteria** as set forth in this Tenant Selection Plan. If this item is the cause for rejection, the letter of rejection will specifically state in which area the applicant did not pass the screening criteria, as indicated below.

### Failing Property’s Screening Criteria

Reasons for failing the property's resident screening criteria will include:

1. The household has a member required to register as a sex offender on a lifetime basis under state law;
2. The household has a member who was evicted for manufacturing, selling, or using methamphetamines in public housing or federally-subsidized housing within three years of their PRA tenant application date;
3. The household has a member who was evicted in the last three years from federally assisted housing for drug-related criminal activity; however, the owner may consider two exceptions to this provision: (1) the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or (2) the circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household);
4. A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member’s illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.

**Substance Use**

Any household member may be evicted if there is reasonable cause to believe that member’s behavior, from abuse or pattern of abuse of alcohol or other legal substances, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on current behavior/actions, not the condition of substance use. An opportunity to appeal this determination must be provided, along with consideration of a Reasonable Accommodation on the basis of a related disability.

**Housekeeping**

There is evidence of grossly unsanitary or hazardous housekeeping habits, which create a health and safety hazard or fire hazard through acts of neglect, or causing, or permitting to cause any damage to or misuse of the premises that cannot be remedied with assistance from the management agent, TSO or other service provider. This includes causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in good and clean condition; or any other conduct or neglect which could result in a health or safety problem, fire hazard, or in damage to the premises.

If an applicant is living with someone else, and the housekeeping is out of control of the applicant, the owner must not deny admission to the applicant. The owner should evaluate only the living quarters over which the applicant has control.

### Report from Qualified Agency

In cases where a qualified agency, such as the TSO, other service provider, F.I.A. or Protective Services, reports that a household shows potential for improvement in the area of housekeeping, an eligibility decision will be reached after receiving such a referral or recommendation from such an agency.

### Notice of Ineligibility and Rights to Request a Reasonable Accommodation

If the Owner/Agent, PRA TSO determines that an applicant is ineligible based on

1. income or household composition, or
2. failure to meet the disclosure and verification requirements for Social Security Numbers (as provided by 24 CFR part 5), or
3. failure by an applicant to sign and submit consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies (as provided by 24 CFR part 5), or
4. Owner is not selecting the applicant for other reasons,

The Owner will promptly notify the applicant in writing of the determination and its reasons. The applicant has the right to meet with the Owner (or Owner’s designee) and has the right to request a reasonable accommodation. The applicant may also exercise other rights if the applicant believes that he or she is being discriminated against on the basis of race, color, sex, sexual orientation, gender, gender identity, gender expression religion, age, familial status, disability, national origin, or immigration status.

### Appeal Process

All denied applicants have 14 days to respond in writing or to request a meeting to discuss their rejection. Appeal letters and a copy of the appeal process will be provided to CalHFA, DHCS, DDS, the PRA TSO, and the property owner in-person, by electronic mail, or at the address provided by these entities. A member of the property owner’s staff who was not involved in the initial decision to deny admission will conduct any meeting with the applicant. A written response will be sent to the applicant, CalHFA, DHCS, DDS, and the PRA TSO within 5 days following the review meeting with the final decision.

## Grievance Procedures (Attachment G)

[Tenant Grievance Procedure - Addendum G2](https://www.calhfa.ca.gov/multifamily/section811/resources/HUD_documents/calhfa-model-lease-addendum-G.pdf)

# Acceptance of Eligible Applicants

## Offering a Unit

When a unit becomes available for occupancy, it will be offered to the first household on the PRA waiting list in accordance with the terms for waiting list management provided in Section IX of this Tenant Selection Plan.

## Preparing to Move In

* The applicant and owner's representative will inspect the unit, and will both sign and date the Move­In Inspection Form;
* All applicants will sign the HUD PRA Model Lease Form HUD-92236 (“the lease”) and related Addendums and Attachments;
* Unless otherwise paid by the TSO or another entity, the applicant will pay the security deposit by bank check, cashier's check or money order;
* The applicant will pay the pet deposit (if applicable) by bank check, cashier's check or money order;
* Unless otherwise paid by the TSO or another entity the applicant will pay the rent for the first month or partial month of occupancy by bank check, cashier's check or money order;
* The applicant will be given a copy of the lease, the HUD­50059 Form used to certify the rent, the Initial Notice for next year's Annual Recertification, the Move­In Inspection Form, House Rules, Pet Rules (if applicable), a Resident Rights and ResponsibilitiesBrochure, the Lead­Based Paint Disclosure Form (if applicable), EIV and You, a HUD Fact Sheet describing the program and how the property determined the rent, and the receipt for the security deposit and first month's rent, unless otherwise paid by the TSO or another entity.

### Move in Unit Inspection

Before executing the lease the owner's representative, the TSO (if needed and/or required) and the resident will jointly inspect the unit. The move­in inspection form will be used to indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary, and in good repair. If cleaning or repair is required, the owner will specify on the form the date by which the work will be completed, which will be no later than 30 days after the effective date of the lease. The inspection form must be signed and dated by both the owner and the resident.

### Initial and Renewal Leases

The general lease requirements and leasing activities found in HUD Handbook 4350.3 REV­1, Chapter 6 and all specific requirements relating to HUD’s PRA Model Lease as prescribed for this program apply. The term of the initial lease of the PRA units will be for not less than one year. In the case of a lease for a term of more than one year, the Lease must contain a provision permitting termination on 30 days advance written notice by the eligible household after the expiration of the initial lease term.

### Determination of Security Deposit

At the time of the initial execution of the lease, unless otherwise paid by the TSO or another entity, the Owner may collect a security deposit from household in an amount equal to one month's Total Tenant Payment. The eligible household may pay the security deposit from its own resources and/or other public sources. The Owner may collect the security deposit on an installment basis. The Owner must place the security deposits in a segregated, interest-bearing account. The balance of this account must always be equal to the total amount collected from the eligible household plus any accrued interest. The Owner must comply with any applicable State and local laws concerning interest payments on security deposits and return the security deposit to the household following the requirements in HUD Handbook 4350.3 REV­1, Paragraph 6­18.

### Pet Deposit (if applicable)

Pet deposit amounts will be determined in accordance with HUD's occupancy handbook, HUD Handbook 4350.3 REV­1. The pet deposit will not exceed $300, per HUD rules. Pet deposits are not required for assistance animals needed as a reasonable accommodation due to a disability.

See PRA Occupancy Notice HUD Notice H 2013­24 for more information.

## Failure to Move into the Unit on Time

If an applicant fails to move in on the agreed date, the applicant will be contacted to determine if extenuating circumstances exist. If the property determines that extenuating circumstances do exist, and the applicant cannot immediately move into the property, the application will be returned to its current spot on the PRA waiting list, and the unit will be offered to the next household on the PRA waiting list in accordance with the procedures in Section IX of the Tenant Selection Plan. If the property does not find that there are extenuating circumstances, in consultation with the TSO, the application will be withdrawn.

## Charges for Facilities and Services Damages

Whenever damage is caused by carelessness, misuse, or neglect on the part of the resident, household member, or visitor, the resident is obligated to reimburse the owner for the damages within 30 days after the resident receives a bill from the owner. The property will deduct accrued, unpaid damage charges from the resident's security deposit at the time of move­ out, as allowed by the laws of this state.

### Special Management Services

The property will charge for special services such as responding to lockout calls and providing extra keys. At the time of move­out, the property will charge the resident for each key not returned.

### Court Filing, Attorney, and Sheriff Fees

The property will accept fees from residents who wish to avoid or settle an eviction suit as permitted by State and local laws.

### Unit Inspections After Move-In

In addition to the unit inspection at move­in, there will also be an annual inspection for repairs and monitoring of housekeeping habits. If a resident is written up for poor housekeeping habits, s/he must clean their unit within ten (10) business days.

# Resident Responsibilities After Move-In

## Annual Recertification Requirements

Once a resident has moved into assisted housing and has gone through the process of having his/her income, assets, and allowances verified, HUD requires the owner to go through that same process of certification on an annual basis to ensure residents are paying rent based on their ability to pay. This system of annually re­verifying income is called Annual Recertification.

The owner will initiate the annual recertification process by first notifying the resident at the signing of each lease of their obligation to recertify next year. One hundred twenty days before the new recertification effective date, the owner will send the resident a reminder notices of their need to report for an Annual Recertification. The resident is then obligated to respond to these notices by reporting to the owner at the requested time, to complete the recertification process.

## Interim Recertification Requirements

### Owner Responsibility

The owner will process interim recertifications when the resident reports circumstances which would decrease the rent, as indicated in Chapter 7 of HUD’s occupancy handbook, HUD Handbook 4350.3 REV­1.

### Resident Responsibility

If an assisted resident experiences certain changes in their income or household composition at a time other than their scheduled annual recertification, HUD requires them to immediately report these changes to the owner, so that an interim recertification can be processed, as listed in the HUD PRA Model Lease.

# Termination

## Termination of Assistance

Prior to initiating any actions associated with termination, the owner will consult with the TSO CalHFA, DHCS and DDS to attempt to avoid termination. Following this consultation, the owner may terminate a resident's assistance if:

* The resident fails to provide required information at the time of recertification, including changes in household composition, or changes in income or Social Security numbers for new household members;
* The resident fails, to sign/submit required consent and verification forms;
* An annual or interim recertification determines that the resident has an increased ability to pay the full contract rent;
* The resident fails to move to a different sized unit within 30 days after the owner notifies him/her that a transfer is required, and that the unit of the required size is available;

Actions to terminate assistance will be based only on a change in the resident's eligibility for assistance or a resident's failure to fulfill specific responsibilities under program requirements.

## Termination of Tenancy by Owner

The authority to terminate tenancy of residents is in accordance with the HUD PRA Model Lease and the State/local Landlord/Tenant Act. The resident shall be given a copy of the Eviction Procedures (Attachment F). The owner will terminate a resident's tenancy for the following reasons:

### Material Noncompliance with the Lease

The owner will terminate tenancy when a resident is in material noncompliance with the lease, including:

1. Failure of the resident to submit in time all required information on household income and composition;
2. Extended absence (60 days away from unit without prior management approval);
3. Abandonment of the unit (without rent payment);
4. Fraud, which is when a resident knowingly provides inaccurate or incomplete information;
5. Repeated minor lease violations;
6. Nonpayment of rent due under the lease.

### Drug Abuse or Other Criminal Activity

1. The owner will terminate tenancy for any type of current criminal activity;
2. The owner will evict a household if it is determined that the actions or inactions of a household member interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents;
3. The owner will terminate tenancy if it is determined that a household member threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
4. The owner will terminate tenancy during the term of the lease if a resident is fleeing to avoid prosecution.

### Material Failure to Carry Out Obligations under a State or Local Landlord and Resident Act

State and local laws impose obligations on a landlord and resident. These laws provide that violations of the resident's obligations constitute grounds for eviction.

### Other Good Cause

The owner will terminate tenancy for other good cause, which is defined by state and local laws.

The conduct of a resident may be deemed good cause, provided the owner has given the resident prior written notice and stated the conduct would constitute a basis for termination of occupancy in the future.

### Termination of Tenancy by Resident

In order to terminate tenancy, the resident must provide the owner with a written 30­day notice to vacate the unit, as required in the lease. Prior to initiating any actions associated with termination, the owner will consult with the resident’s TSO, CalHFA, DHCS and DDS to see if actions should be taken to try to prevent termination by the PRA resident.

## Eviction Procedures (Attachment F)

[Eviction Hearing Procedure](https://www.calhfa.ca.gov/multifamily/section811/resources/HUD_documents/calhfa-model-lease-addendum-F.pdf)