

# Osawatomie Court Apartments, LLC

## Tenant Selection Plan

## **Tenant Selection Plan-**

### **PROPERTY ELIGIBILITY DEFINITION**

#### **HOUSEHOLD/RESIDENT TYPE**

This community has been designated to serve elderly and disabled households. The disabled household will be limited to 10% of the community.

**Elderly Family:** A family whose head or spouse or sole member is a person who is at least 62 years of age. It may include two people who are at least 62 years of age living together, or one person who is at least 62 years of age living with one live-in aide.

### **INCOME LIMITS**

Income limits vary by household size. The Owner/Agent will provide Applicants a copy of the income limits for the community area upon request. In addition, Applicants can review the income limits by accessing the following web site: <http://www.huduser.org/datasets/il.html>

HUD requires that community managers incorporate the most recently published income limits when determining eligibility. Income limits are updated annually (usually around February).

For this community, qualified Applicant households meet the following income limit requirements:

<b>Subsidy Type</b>	<b>Type of Income Limit</b>	<b>Number of Units</b>
Section 8 (Pre-1981)	Low & extremely low-income limit	54

### **INCOME LIMITS DEFINITION**

Low-income family is a family whose annual income does not exceed 80 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families.

Extremely low-income family is a family whose annual income does not exceed the higher of the federal poverty level or 30 percent of the median income, as determined by HUD, with adjustments for smaller or larger families.

### **THE PURPOSE OF THE Tenant SELECTION PLAN**

The Resident Selection Plan helps to ensure that residents are selected for occupancy in accordance with HUD requirements and established management policies.

### **ASSISTANCE DEFINITION**

The community is operating under the guidelines established for the following programs:



Section 8 (Post October 1981) (HUD)

**POLICIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR HOUSING ACT AMENDMENTS OF 1988 AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

**FAIR HOUSING**

Title VIII - The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status.

**EQUAL ACCESS TO HOUSING AND HUD PROGRAMS REGARDLESS OF SEXUAL ORIENTATION OR GENDER IDENTITY: FINAL RULE**

On February 3, 2012, the Department of Housing and Urban Development published in the Federal Register a Final Rule. Through this Final Rule, HUD implements policy to ensure that its core programs are open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

Management will also comply with additional fair housing protections provided through state, city and local jurisdiction.

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

**SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. Although Section 504 often overlaps with the disability discrimination prohibitions of the Fair Housing Act, it differs in that it also imposes broader affirmative obligations on owner/agents to make their programs as a whole, accessible to persons with disabilities.

These obligations include the following:

**COORDINATING EFFORTS TO COMPLY WITH SECTION 504 REQUIREMENTS**

The owner/agent has designated a specific person to address questions or requests regarding the specific needs of our disabled applicants and residents. This person is referred to as the Section 504 Coordinator.

**NAME OF SECTION 504 COORDINATOR:** 504 Coordinator

**ADDRESS:** 7920 Ward Parkway Kansas City, MO 64114



**PHONE NUMBER:** 816-561-4240

**TDD/TTY NUMBER:** 711

**REQUESTS FOR REASONABLE ACCOMMODATION OR MODIFICATION**

The owner/agent will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, the owner/agent will make reasonable accommodations or modifications for individuals with handicaps or disabilities (applicants or residents) unless these modifications would change the fundamental nature of the community or result in undue financial and/or administrative burden.

**ELIGIBILITY REQUIREMENTS**

An application which is not completed in its entirety may be rejected. Your application may also be rejected for any misrepresentation as to name, age, residence, citizenship status, employment, income, family composition, marital status, or other persons who may occupy the apartment.

Applications which do not include telephone numbers, addresses, and information of current and prior landlords for the previous 3 years, creditors, references, etc., will not be processed.

**PROGRAM ELIGIBILITY**

Based on Federal Regulations, the owner/agent may not admit ineligible applicants. In the selection of applicants for admission, Eligibility Criteria has been established in accordance with HUD guidelines. All information reported by the household is subject to verification. All applicants will be screened carefully and the following eligibility standards will be applied:

1. The household's annual income must not exceed program income limits
2. Applicants must disclose social security numbers for all household members and provide proof of the numbers reported.
3. All adults in each applicant household must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter
4. The unit for which the household is applying must be the household's only residence
5. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance
6. Only U.S. citizens or eligible non-citizens may receive assistance
7. The household size must be appropriate for the available apartments

**DISCLOSURE AND CERTIFICATION OF SOCIAL SECURITY NUMBER**

All non-exempt household members must provide a social security number and adequate documentation to verify



the accuracy of the Social Security Number provided.

**CITIZENSHIP/IMMIGRATION STATUS REQUIREMENTS**

Applicants are required to declare U.S. Citizenship or submit evidence of eligible immigration status for each household member seeking housing assistance.

The owner/agent is required to obtain the following information:

1. Owner's Summary Sheet (lists all household members who will reside in the assisted unit)
2. Family Summary Sheet (lists all household member who will reside in assisted unit)
3. Citizenship Declaration (each household member listed on the Owner's Summary Sheet must complete)
4. Forms and/or evidence of citizen/immigration status We will use an option DHS and SAVE.

If you have any questions or difficulty in completing the described items or determining the type of documentation required, please contact the management office. If you are unable to provide the required documentation in the timeframe described above, you should immediately contact the management office and request an extension. Failure to provide this information could be reason to deny your application for assistance and/or residency.

**SINGLE RESIDENCE/SUBSIDY CRITERIA**

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

The owner/agent will not knowingly provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another community.

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

Applicants must disclose if they are currently living in another community and receiving assistance. Failure to do so may result in denial of subsidy for one of the apartments for the period that dual assistance was provided. Resident will then be required to pay unassisted or market rent for that period. Existing tenant search in EIV will be used.

Upon determination of eligibility for move in, all adults in the applicant household will be required to sign the



Verification of Previous Rental Assistance (HD 2.5).

**ELIGIBILITY OF STUDENTS ENROLLED AT AN INSTITUTE FOR HIGHER EDUCATION FOR ASSISTED HOUSING UNDER SECTION 8 OF THE US HOUSING ACT OF 1937**

Eligibility of Students for Section 8 assistance is determined at the following times:

1. Move-in
2. Initial Certification
3. Annual Certification
4. Interim Certification if the household reports a change in student status

Assistance shall be provided under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) if any of the following criteria apply. A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student is:

Primary Eligibility:

1. Is living with his/her parents who are receiving section 8 assistance
2. Is at least 24 years of age
3. Is a veteran of the United States military
4. Has a dependent other than a spouse (e.g. dependent child)
5. Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance
6. Is married
7. Is a person with disabilities, as such term is defined in Section 3(b)(3)(E) of the 1937 Act and was receiving assistance under Section 8 of the 1937 Act as of November 30, 2005

Secondary Eligibility:

8. Will be 24 by December 31 of the current year
9. Is a graduate or professional student
10. Has lived independent from his/her parent(s) for at least a year
11. Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  - a. The individual is an orphan, in foster care, or a ward of the court of was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
  - b. The individual is/was immediately prior to attaining the age or majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;



- c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
  - i. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act,
  - ii. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director
  - iii. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
  - iv. A financial aid administrator; or
12. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. The owner/agent will verify a student's independence from his/her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by doing the following:

1. Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education's definition of "independent student";
2. Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of "independent student"; and
3. Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student.

If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

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 and other required fees and charges is included in the annual income, except:

1. A person over the age of 23 with dependent children or;
2. A person living with his/her parents who are receiving Section 8 assistance

Financial assistance that is provided by person not living in the unit is not part of the annual income if the student meets the Department of Education's definition of "vulnerable youth".

### **OCCUPANCY STANDARDS**

Occupancy standards serve to prevent the overutilization or underutilization of units that can result in an inefficient use of housing assistance. Occupancy standards also ensure that residents are treated fairly and



consistently and receive adequate housing space.

Below, please find this community's occupancy standards description:

<b>Number of Bedrooms</b>	<b>Min. # Household Members</b>	<b>Max. # Household Members</b>
1	1	2

Any household placed in a unit size different from that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit when one becomes available in accordance with HUD requirements.

The owner/agent will exercise the right to conduct a verification of household composition. At any time, the owner/agent may request to verify that one or more household members does or does not reside in the unit. Household composition is verified using a variety of methods including, but not limited to:

1. Landlord references
2. Drivers License
3. United States Postal Service
4. Medical Records
5. School Records

#### **PROCEDURES FOR TAKING APPLICATIONS & OPENING AND CLOSING THE WAITING LIST**

It is the owner/agent's policy to accept and process applications in accordance with HUD Handbooks and Regulations when applicable.

Generally, the owner/agent requires that applicants submit a full application. However, if there are no units available and the wait for a unit is expected to be 6 months or longer, the owner/agent may opt to allow applicants to complete an abbreviated Preliminary Waitlist Application. Applicants will be required to complete the qualification application as they approach the top of the Waiting List.

All applications must be submitted to the owner/agent at the management office. The owner/agent will accept the application using other methods if there is a need for a reasonable accommodation due to the presence of a disability. Applications must be completed in full, signed and dated in order to be accepted by applicants. All applications must be signed, dated, and time stamped by management.

All communications with applicants will be by one or more of the following methods:

1. First Class Mail
2. Phone
3. Email
4. In person
5. By Fax





## **OPENING AND CLOSING WAITING LISTS**

The owner/agent may, at its discretion, restrict application taking, suspend application taking, and close Waiting Lists in whole or in part. Owner/Agent will use a 12-month waiting period to determine whether the Waiting List may be closed.

Decisions about closing and opening the Waiting List will be based on the number of applications available for a particular size and type of apartment and the ability of owner/agent to house an applicant in an appropriate apartment within a reasonable period of time.

Notices announcing that the Waiting List is closing or opening will be publicly announced. Announcements will be provided to the public using one or more of the following methods:

1. Local newspapers
2. Publications described in the Affirmative Fair Housing Marketing Plan
3. Flyers distributed in applicable neighborhoods

During the period when the Waiting List is closed, the owner/agent will not maintain a list of individuals who wish to be notified when the Waiting List is reopened.

## **PRIVACY POLICY**

It is the policy of the owner/agent 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 owner/agent.

Therefore, neither the community owner nor its agents shall disclose any personal information contained in its records to any person unless the individual about whom information is requested gives written consent to such disclosure.

This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for residency.

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

## **VERIFICATION**

The owner/agent shall obtain verifications in compliance with requirements set forth in the HUD Handbook 4350.3. After the preliminary eligibility determination, no decision to accept or reject an application shall be made until information provided on the application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed.

Any information provided by the applicant is subject to verification.



## METHODS OF VERIFICATION

Verifications will be attempted in the following order:

1. Third-party
2. Review of applicable documents
3. In the absence of any of the above, certification from the household members

Each file will be documented, when appropriate, to show that staff attempted to obtain third-party verification before relying on some less acceptable form of information.

The owner/agent will be the final judge of the credibility of any verification submitted by an applicant. If the owner/agent considers documentation to be doubtful, it will be reviewed by management staff who will make a ruling about its acceptability.

The owner/agent will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

## PERIOD FOR VERIFICATION

Only verified information that is less than 120 days old may be used for verification or recertification. Verified information not subject to change (such as a person's date of birth) will not be re-verified.

### Determining Net Family Assets

It is the policy of OCA, LLC., to determine each family's net assets at the time of admission and at annual and interim reexaminations.

When determining Net Family Assets, OCA, LLC., will take the following steps:

1. Provide the tenants with a description of non-necessary personal property and ask the family to estimate the total value of their non-necessary personal property. If the family estimates that their non-necessary personal property is valued under \$50,000 (as adjusted annually for inflation) then we will not ask the family to report the individual items of the non-necessary personal property, except every third year when fully verifying all assets.
2. If the tenant's non-personal property has a net value over \$50,000, OCA, LLC., will ask the tenant to report a full list of their non-necessary personal property. OCA, LLC., will assess the list to determine if any of the items are necessary personal property. A determination will be made as to each item identified, based on HUD/OCA, LLC., guidance and if the item is determined to be necessary, or otherwise excluded from net family assets, like retirement account, educational savings account, etc. it will be excluded from the family's net assets.

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

We will not enforce asset limitation for all families at AR and IR certifications.



## **Hardship Exemptions**

Hardship relief will be allowed when a family that demonstrates its eligible health and medical care expenses, or reasonable attendant care and auxiliary expenses exceed 5 percent of the family's annual income. Two 90 day extensions will be allowed with 3rd party verification.

If a family develops an inability to pay rent because of childcare expenses that can be proven by a 3rd party verification, one 90 period will be allowed. No extensions.

All tenants who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income examination prior to January 1, 2024, will begin receiving the 24-month phased-in relief at their next annual or interim reexamination, whichever occurs first after implementation of HOTMA. (5/31/2024)

Tenants who receive this phased-in relief will have eligible expenses deducted as follows:

1st twelve months - in excess of 5% of annual income.

2nd twelve months - in excess of 7.5% of annual income

After 24 months - in excess of 10% threshold will phase in and remain in effect unless the tenant qualifies for general hardship relief.

Once a family chooses to receive general relief, they may no longer receive the phased in relief.

Tenants must report if the circumstances that made the family eligible for the hardship exemption are no longer applicable.

If the tenant reports the change in circumstances in a timely manner (within 7 days), OCA, LLC., will provide the tenant with (30) days advance notice of any rent increase, and such rent increase will be effective the first day of the month beginning after the end of that 30 notice period.

If the tenant does not report the change in a timely manner, the adjustment will be made retroactive to the date it would have been effective had the information been provided on a timely basis. The tenant will be responsible for any underpaid rent and may be offered a repayment agreement.

OCA, LLC., has opted not to use permissive deductions.

## **De Minimis Errors**

Once the OCA, LLC., becomes aware of the existence of an income calculation error, the error(s) will be corrected retroactive to the effective date of the action resulting in an error regardless of the dollar amount associated with the error.

Tenants will not be required to repay OCA, LLC., in instances where OCA, LLC., miscalculated income resulting in a family being undercharged for rent. Once OCA, LLC., becomes aware of the error the tenant will be provided with a 30-day notice of the increase to their rent portion.

OCA, LLC., will take corrective action to credit or repay a tenant if the tenant was overcharged rent, including di minimis errors, in the income determination.

### **Interim Rent Changes**

Tenants must report all changes in family income of \$200 or more or family composition, within 15 calendar days from the effective date of the change to be considered “timely.”

Timely reporting related to an increase in rent: when a tenant reports a change in income or composition that will result in an increase in tenant rent, the family must be provided a minimum of 30 calendar days notice of the rent increase. The rent increase will be effective on the first of the month following the end of the 30 day notice.

Timely reporting related to a decrease in rent: tenants that report changes in family income or composition within 15 calendar days from the effective date of the change that results in a decrease in tenant rent, the decrease will be effective the first day of the month following the most recent previous income examination.

### **Decrease In Income**

An interim reexamination will be conducted when OCA, LLC., becomes aware that the tenant’s adjusted income has changed by an amount that is estimated to result in a decrease of at least 10% of the tenant’s annual income. Amount will be adjusted to the nearest whole number. Retroactive rent decreases will not be applied later than the first of the month following the most previous income examination.

### **Increases In Income**

OCA, LLC., will perform an interim reexamination when the family reports a change in adjusted income that will result in an increase of 10% or more in annual adjusted income. An adjustment will not be conducted within 3 months of the next AR or if a previous IR due to a decrease in Adjusted Income since the last AR.

Not only will changes of income be taken into consideration but also changes to eligible expenses, if applicable, to determine if an interim reexamination will be completed.

Households must report changes in Annual Adjusted income if the family meets the minimum threshold.

**We opt out of Safe Harbor.**

**Social Security Number**

OCA, LLC., requires that each family member provide their Social Security Number and proof that the SSN belongs to that person.

If a tenant/family member is unable to provide a Social Security card or other evidence of their SSN, OCA, LLC., will accept a document, self certification that passes the EIV Screening, stating the persons name and a declaration from the person stating why they cannot obtain a Social Security Card and what their SSN is.

If OCA, LLC., has accepted any declarations as evidence of a SSN we will review the Failed SSA Identity Report monthly to quickly identify any participants whose identity is not verified.

**Zero Income**

OCA, LLC., will no longer conduct zero income review for zero income tenants. Instead will monitor zero income tenants in EIV to identify increases in income.

## CONSENT AND VERIFICATION FORMS

All adult members of a household must sign consent forms and, as necessary, verification documents, so that the owner/agent can verify eligibility and screening criteria. Consent and verification forms protect the rights and privacy of applicants and residents by allowing them to have control over any information collected about them. Each household member age 18 and older must sign the following forms regardless of whether they report income:

1. HUD-9887, *Notice and Consent for the Release of Information to HUD and to a PHA*
2. HUD-9887-A, *Applicant's/Resident's Consent to the Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance.*

All adult members of an applicant or resident household must also sign individual verification forms authorizing the owner/agent to verify household income and other applicable eligibility factors (e.g., employment, disability status, etc.).

## PROVISIONS FOR REFUSAL TO SIGN

If the applicant or any adult member of the applicant's household, does not sign and submit the consent forms as required in 24 CFR 5.230, the owner/agent must deny assistance and residency.

### Form HUD-9887

OCA, LLC., requires that each family member above the age of 18 sign a HUD-9887 form to authorize the release of certain information on admission.

At each annual or interim reexamination it will be determined if any family member has turned 18 and had not yet signed the HUD-9887 form. Such a family member will be required to sign the appropriate form at the reexamination.

The executed consent form HUD-9887 will remain effective until the family is denied assistance, the assistance is terminated, or if the family provides written notification to the OCA, LLC., to revoke consent.

Tenants have the right to revoke consent by notice to OCA, LLC., however revoking consent may result in termination or denial of assistance or admission.

Termination of assistance will be immediate upon Revocation of Consent, local HUD office will be notified immediately.

Interim or annual reexaminations of income, including when a tenants income decreases and the tenant requests an interim reexamination to decrease tenant rent, without the tenants executed consent form(s).



## VERIFYING THE NEED FOR AN ACCESSIBLE UNIT

When an applicant requests an accessible unit or a unit preference, such as a first-floor unit, the owner/agent will conduct inquiries to:

1. Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability
2. Verify that the applicant needs the features of the unit as an accommodation to a household member's disability
3. Verify that the applicant is qualified to receive a priority on the Waiting List available to persons with a disability or to persons with a particular type of disability

## MISREPRESENTATION/FRAUD

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission because of misrepresentation or attempted fraud.

*HUD defines fraud as "deceit or trickery deliberately practiced in order to gain some advantage dishonestly". Fraud is an intentional deception; it cannot be committed accidentally.*

The owner/agent will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until the owner/agent has independently investigated the information. The owner/agent considers false information, including the following examples, to be grounds for rejecting an applicant:

1. Identity
2. Social Security Numbers/Information
3. Income
4. Assets/Income from Assets
5. Household composition
6. Disability
7. Birth date/Age
8. Citizenship, naturalization, and/or eligible immigration status
9. Eviction History
10. Criminal History
11. Sexual Offender Status
12. Eligibility for Preferences and priorities
13. Allowances
14. Current/previous residence history
15. Status as a Student
16. Current receipt of federal or state housing assistance

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicants.

## DETERMINATION OF APPLICANT ELIGIBILITY



Information needed to determine applicant eligibility shall be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD and community eligibility requirements as indicated. If any household member has declared him/herself an eligible non-citizen, verification of non-citizen eligibility will begin within a reasonable timeframe after the owner/agent accepts the application.

#### **PRELIMINARY DETERMINATION OF ELIGIBILITY**

Owner/Agent will make a preliminary eligibility determination before placing a household on the Waiting List or initiating final eligibility tasks.

The owner/agent will review the Preliminary Waitlist Application (HD 9.2) to ensure that there are no obvious factors that would make the applicant ineligible. If information on the application indicates that the applicant household does not meet the eligibility and/or screening requirements the household will be rejected.

If a preliminary eligibility indicates that a household is eligible for residency, but units of appropriate size are not available, the owner/agent will place the household on the Waiting List for the community and notify the household when a suitable unit becomes available.

If an applicant is otherwise eligible but no appropriate size unit exists in the community, the owner/agent will reject the application.

All Preliminary Waitlist Applications must be updated every 6 months, or they will be removed from the active waitlist.

#### **FINAL DETERMINATION OF ELIGIBILITY**

When a unit becomes available, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, is not an entitlement to housing. Every applicant must meet resident screening guidelines. The applicant screening criteria must be met in order for the owner/agent to offer a unit to the household.

#### **APPLICANT SCREENING CRITERIA**

Screening is used to determine the applicant's suitability as a resident based on:

1. Past behavior
2. Record of paying rent and other bills
3. Record of complying with essential lease provisions
4. Record of complying with government requirements

Screening is used to help ensure that households admitted to a community will abide by the terms of the lease, pay rent on time, take care of the community and unit, and allow all residents to peacefully enjoy their homes. Anyone who wishes to live on the community must be screened prior to moving in.





Applications for Police Officers, Courtesy Patrol Officers and Live-In Aides must have complete criminal background and credit screening, at a minimum. Police Officers must also furnish a letter from their supervisor stating that they are in good standing with their department.

After move-in has occurred, any addition to the household must be approved by the owner/agent. The current screening guidelines in place at the time the new household member applies will be used to determine eligibility for admission.

Screening is performed in a manner that is reasonable, consistent, and complies with Fair Housing laws.

### **SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

HUD has established standards that prohibit admission of:

1. Any household containing a member who was evicted in the last three years from federally assisted housing for drug-related criminal activity.
2. A household in which any member is currently engaged in illegal use of drugs or for which the owner/agent 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 community by other residents.
3. Any household member who is subject to any state sex offender registration requirement or has been subject to lifetime inclusion on any state sex offender registration.
4. Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.
5. Owner/Agent must deny admission to assisted housing for any household with a member determined to be illegally using a controlled substance, e.g., marijuana.

In addition to HUD requirements, the owner/agent has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document.

The owner/agent may reject applications if any household member's criminal history includes one or more of the following:

1. Record of any conviction or adjudication, other than acquittal, of the following crimes by any household member:
  - a. Murder
  - b. Arson
  - c. Kidnapping
  - d. Crimes involving harm to children
  - e. Crimes involving explosives
  - f. Crimes involving terrorism
  - g. Crimes involving the manufacture and/or distribution of illegal or controlled substances



2. Record of any conviction or adjudication, other than acquittal, of the following crimes by any household member within 7 years of conviction or parole, whichever is later:
  - a. Assault/Battery
  - b. Burglary/Theft
  - c. Domestic Violence
  - d. Pimping/Prostitution
  - e. Property Damage
  - f. Possession of illegal or controlled substance
  - g. Unlawful possession of a weapon
  - h. Violating a restraining order
  - i. Disorderly conduct
  - j. Harm to an animal
3. Record of any conviction or adjudication, other than acquittal, for any act covered under the Violence Against Women Act
4. Sex Offender Registration: Applicant is or ever has been subject to registration under a state sex offender registration program

United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. Anyone claiming non-citizen status will be required to provide proof of legal immigration status even if the applicant is claiming to be a non-eligible, non-citizen.

If the owner/agent is unable to complete required criminal or sexual offender screening, the application will be rejected.

If criminal screening indicates that the applicant has an unacceptable criminal history, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

#### **CRIMINAL SCREENING DISCOVERIES**

If the criminal background investigation results indicate that the applicant does not meet the criminal screening criteria, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

Before rejecting the household, the owner/agent will compare the information provided by the applicant with the criminal history report. If the information conflicts, the owner/agent will:

1. Notify the household of the proposed action based on the information;
2. Provide the subject of the criminal record and the resident with information about how to obtain a copy of the information;
3. Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
4. Allow the household the opportunity to remove the household member



In this situation, applicants will have 10-calendar days to resolve the discrepancy. If the applicant fails to contact the owner/agent or indicates that he/she cannot provide documentation verify that the criminal screening information is not correct, the owner/agent will deny the application.

If, after move-in, the owner/agent discovers that there was criminal history that would have resulted in rejection, the owner/agent will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been know at the time of the eligibility determination, the owner/agent will take steps to evict the household.

### **SCREENING FOR CREDIT HISTORY**

The owner/agent screens all household members' credit history. Discovery of the following credit history will deem a household member ineligible:

1. Judgment for property damage
2. Unpaid rent
3. Outstanding local utility bills that would prohibit applicant from obtaining utilities in their name at the community which they have applied
4. Bankruptcies that have not been discharged
5. Any record of failure to pay child support that exceeds twelve months of delinquency
6. Overpayment of federal assistance due to misrepresentation and/or fraud

Outstanding medical bills and school loans are not considered.

If no credit history is available, the owner/agent will assume that the "credit history" is positive.

### **SCREENING FOR RENTAL HISTORY**

Owner/Agent will verify and review rental history with any community indicated for the last 3 years.

HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Existing Tenant Search Report provided via HUD's Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

Nothing prohibits a HUD housing assistance recipient from applying to this community. However, the applicant must move out of the current community and/or forfeit any voucher before HUD assistance on this community will begin. Special consideration applies to:

1. Minor children in joint custody arrangements
2. Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the



application may be denied based on the applicant's "misrepresentation" of information. If the owner/agent discovers a discrepancy between the information on the application and the information provided in EIV, the applicant will be notified and will have 5-business days to respond to the inquiry (See Notice of Potential Rental History Conflict).

This information will be reviewed periodically based on HUD's instruction and this owner/agent's EIV policy. If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this community, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

If the owner/agent discovers that any member of the applicant household is in the process of being evicted or has been evicted from any community, the applicant household will be rejected. The application may be considered, on appeal, if all outstanding balances have been paid to the prior landlord or if an approved payment plan has been arranged with the prior landlord.

The owner/agent will contact the prior community owner/agent (as indicated above) and inquire about the following information:

1. Adherence to the lease & community policies
2. Compliance with certification reporting requirements
3. Rental payment performance
4. Unit maintenance
5. Record of disturbing neighbors
6. Complaints

If information obtained is negative the applicant will be rejected. Negative responses include but are not limited to:

1. Currently being evicted or has been evicted from any community, for lease violations
2. Failure to comply with the lease.
3. Failure to report changes in household information.
4. Providing false information
5. Attempting to receive or receiving HUD assistance in multiple units/homes
6. Slow or no response to requests to recertify.
7. Poor rental payment history (average more than 4 (four) late payments per year), record of returned checks, any outstanding balance.
8. Record of poor unit maintenance or extensive damage to the unit.
9. Complaints from neighbors regarding actions that directly impact the peace and quiet comfort of others living in the community and/or record of actions that interfered with or prevented the previous landlord from effectively managing the community.
10. A current outstanding balance owed by any household member to a prior landlord.



11. Failure to execute or pay repayment agreements

If no rental history is available, the owner/agent will assume that the “rental history” is positive.

**REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS**

The owner/agent complies with applicant rejection requirements set forth in the HUD Handbook 4350.3.

The owner/agent reserves the right to reject applicants for admission if it is determined that the applicant or any member of the household falls within any one or more of the following categories:

1. Failure to meet the HUD indicated eligibility requirements for the assistance program/community
2. Failure to meet the applicant screening requirements
3. No unit of the appropriate size exists on the community
4. Failure to provide social security information as described
5. Failure to provide proof of citizenship or eligible non-citizen status as described
6. Refusal to sign appropriate verification documents
7. Misrepresentation
8. Fraud
9. Failure to respond to management inquiries for additional information during the application process
10. Failure to respond to management inquiries while on the Waiting List
11. Inability to contact the applicant via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
12. Record of eviction due to lease violation
13. Past non-compliance with rental agreement: Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations
14. Owing prior landlords: Applicants who owe a balance to present or prior landlords will not be considered for admission unless they can provide in writing sufficient payment arrangements with whom they owe
15. Record of disturbance of neighbors, destruction of property or other disruptive or dangerous behavior during residency
16. Record of violent behavior: Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors
17. Owing utility providers: Applicants who owe a balance to the local utility provider for the community at which they have applied will not be considered for admission
18. Inability to pay the security deposit required either in full or as part of a payment plan
19. Failure to demonstrate the ability to pay rent

**REJECTION NOTICES**

The owner/agent will promptly notify the applicant, in writing, of the denial of admission or assistance. The result of the eligibility determination will be sent to the head of household, as indicated on the application, via First Class Mail.

The rejection notice will include:



1. The specifically stated reason(s) for the rejection; and
2. The applicant's right to respond to the owner/agent in writing or request a meeting within 14-calendar days to dispute the rejection
3. The applicant may request a reasonable accommodation to participate in the informal appeal of rejection
4. The applicant will be sent the Notice of Occupancy Rights under the Violence Against Women Act (HD 10.2) and the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation (HD 10.3)

Information about the results of the eligibility determination will not be provided over the phone or via email

#### **MEETINGS WITH APPLICANTS TO DISCUSS REJECTION NOTICES**

A member of the owner/agent's staff who was not involved in the initial decision to deny admission or assistance will conduct any meeting with the applicant to discuss the applicant's rejection.

Within 5-business days of the owner/agent response or meeting, the owner/agent will advise the applicant in writing of the final decision on eligibility.

#### **CONSIDERATION OF EXTENUATING CIRCUMSTANCES IN THE SCREENING PROCESS**

Owner/Agents may consider extenuating circumstances during the meeting to discuss rejection notices. If an applicant is clearly eligible and passes the screening guidelines, admission shall be authorized. Likewise, if the applicant is ineligible, rejection shall be authorized.

Management will follow the grievance process in compliance with requirements set forth in the HUD Handbook 4350.3.

#### **WAITING LIST**

To ensure that applicants are appropriately and fairly selected for the next available unit (when a unit of the appropriate size or type was not available at the time of application), it is essential for owner/agents to maintain Waiting Lists with appropriate information taken from the application.

The owner/agent will place the applicant household on the Waiting List after the Preliminary Waitlist Application (HD 9.2) is complete.

#### **MAINTAINING WAITING LISTS**

It is the policy of the owner/agent to administer its Waiting List as required by HUD handbooks and regulations.



The owner/agent will update the Waiting List by removing the names of those who are no longer interested in or no longer qualify for housing.

The owner/agent will contact applicants on the Waiting List at least every 6 months by First Class mail to determine the applicant's desire to remain on the Waiting List.

Applicants will have 10-business days from the date of the letter to respond. If the applicant fails to respond in 10-business days, the applicant will be deemed ineligible and removed from the Waiting List.

If this letter is unable to be delivered by the United States Postal Service, the applicant will be deemed ineligible and removed from the Waiting List.

If the household composition changes, the owner will:

1. Update the Waiting List information

### **INCOME TARGETING**

Based on the HUD contract for this community, the owner/agent is required to comply with the Income Targeting Requirement. Income Targeting requires that the owner/agent set up policies to ensure that during the community fiscal year, 40% of all households that move in to the community and receive Section 8 assistance or who begin receiving Section 8 assistance fall within the Extremely Low-Income Limits for the area where the community is located.

Applicants will be selected based on Waiting List order. Each quarter, the percentage of extremely low-income admissions for the year to date will be examined. An alternate resident selection method will be implemented if extremely low-income admissions are:

1. Less than 30% after the first quarter of the fiscal year
2. Less than 35% after the second quarter of the fiscal year
3. Less than 40% after the third quarter of the fiscal year

If, during quarterly review, the owner/agent discovers that the community is not meeting the income targeting objectives, households at the top of the Waiting List will be skipped unless they meet the current extremely low-income limits. Families meeting the extremely low-income limit requirement will be selected to receive Section 8 assistance until compliance is ensured. After compliance is ensured, the owner/agent will return to the policy of choosing applicants based on the date the application was submitted and the applicant's qualification for a preference.



When an extremely low-income applicant is needed to achieve targeting requirements, and the next applicant on the Waiting List has income above the extremely low-income limit, that applicant must be returned to the Waiting List. These applicants will retain the same position on the Waiting List. When the owner/agent has achieved income targeting objectives, applicants will be selected based on the processes described in this plan.

### **PREFERENCES**

Applicants with preferences are selected from the Waiting List and receive an opportunity for an available unit earlier than those who do not have a preference. Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances.

Preferences will be given to those applicants displaced by a presidentially declared disaster or government action. Preferences affect only the order applicants are selected from the Waiting List. They do not make anyone eligible who was not otherwise eligible. Preferences are not permitted if they, in any way, interfere with affirmative marketing efforts or fair housing requirements.

### **EXISTING RESIDENT PREFERENCE**

Residents who are requesting new apartments and who qualify for the following preferences will be placed on the preferred waiting list based on the date and time the completed Unit Transfer Request (HD 8.4) is received. These existing residents will be placed first based on the date and time the completed Unit Transfer request is received and priority will be given in the order listed below.

1. There is a verified need for an accessible apartment
2. There is a verified need for a reasonable accommodation
3. There is a verified medical need for a different apartment
4. There is a need because the household that does not require the accessibility features of an apartment in which they are living to accommodate a disabled applicant/resident on the waiting list
5. Imminent Threat (VAWA Emergency Transfer)

6. Availability of Section 8 assistance

If two or more adult household members reside in one apartment and one or more adults choose to apply for a separate apartment, that applicant will receive preference over other non-residents

### **EXCEPTIONS TO THE PREFERENCE RULE**

Management must give priority to current households:

1. Residing in a unit that has been determined uninhabitable due to flood, fire or other natural disaster
2. When their unit is designated for major rehabilitation





### **SELECTING APPLICANTS FROM THE WAITING LIST**

When the owner/agent determines that a unit may become available, management will contact as many households on the Waiting List as required.

Those household's members will be required to meet with management for an eligibility interview. The interview shall be conducted in accordance with the HUD Handbook 4350.3. No decisions to offer the unit shall be made until all information presented by the applicant on the application has been verified and a final eligibility determination has been made.

### **OFFERING ACCESSIBLE UNITS**

Units that have been made accessible in accordance with the Universal Federal Accessibility Standards will be offered to applicant households with disabled members first. In some cases, the owner/agent may implement marketing effort to ensure that disabled households occupy accessible units.

An accessible unit will be offered as follows:

Units with mobility accessible features will be offered to households with a verified need for mobility accessible units first

If there is no household on the Waiting List that has requested an accessible unit, the unit will then be offered to the next eligible household. If the household has no members who require the features of the accessible unit, all adult household members must sign an Accessible Unit Availability Agreement (HD 1.13) that includes a requirement to move, at the household's expense, to the first available non-accessible unit that meets the household's occupancy requirements as described in this plan.

The household will not be required to move if:

1. There are no available units that meet the household's occupancy requirements
2. There are no eligible applicants who require the features of the accessible unit

In either of the cases above, the household will have a maximum of 30-calendar days to complete the move at their own expense. If the applicant fails to move in 30-calendar days, assistance will be terminated.

This rule, in no way, affects the single residence criteria. The household may only accept assistance in one unit on any given day.

### **OFFERING UNITS TO APPLICANTS WITH DISABLED HOUSEHOLD MEMBERS**

The owner/agent will not skip over a household that has reached the top of the Waiting List and has indicated a



need for certain unit features because of a disability. The household will be given the opportunity to benefit from the program and decide for itself, in compliance with Section 504, whether a unit meets the needs of the disabled household member, based on size, location, or facilities.

The applicant may decide to accept a standard unit, particularly when units meeting the household's needs are in short supply. The household may accept the unit and request some modification to the unit as a reasonable accommodation.

### **OFFERING UNITS TO APPLICANTS WITH PREFERENCES**

Applicants with preferences receive an opportunity for an available unit before those applicants who do not have a preference.

### **OFFERING AN APARTMENT**

When a unit becomes available and eligibility is determined, available units will be offered over the phone. An offer letter will be sent the same day. The owner/agent will attempt to contact the applicant 3 times.

If the owner/agent is unable to contact the household within 5-business days from the date of the letter, the offer will be cancelled and the apartment will be offered to the next applicant based on the selection criteria described above.

If no reply is received within 5-business days from the date of the letter, the household will be rejected and removed from the Waiting List.

All non-exempt household members must disclose and provide verification of their SSN at the time the unit becomes available/unit is offered or the next eligible applicant must be offered the available unit.

### **RIGHT OF REFUSAL**

Applicant households will be offered available units based on the information included in this Resident Selection Plan. Each applicant household will be offered the opportunity to accept an offered apartment 3 times. If a resident does not wish to accept an offered apartment, they have the right to refuse the offer.

Refusal must be made:

1. In writing
2. Over the phone. If the refusal is made over the phone, contact must be made with a member of the management staff. Leaving a message is not adequate
3. By email
4. By facsimile



The first time an applicant refuses a unit, the unit will be offered to the next qualified household based on the criteria described above. The applicant household will retain the same place on the Waiting List.

The second time an applicant refuses a unit, the unit will be offered to the next qualified household based on the criteria described above. The applicant household will retain the same place on the Waiting List.

The third time an applicant household refuses an offered unit; the household will be moved to the bottom of the Waiting List.

Right of refusal policies will be modified in three cases:

1. Households who have requested an accessible unit will be offered units as they become available, regardless of whether the unit includes accessible features. A disabled household has the right to refuse an unlimited number of non-accessible units or units that do not meet their accessibility requirements with no penalty
2. If a household with no disabled members is at the top of the Waiting List, and there are no disabled households on the Waiting List, the applicant household may be offered an accessible unit. An applicant household with no disabled household members has the right to refuse an unlimited number of accessible units with no penalty
3. Any applicant on a community set aside for the elderly and/or disabled may reject an available unit if this unit is close to another unit with an animal with no penalty. The owner/agent is not obligated; at the time the applicant rejects a unit, to provide an alternate unit (See HUD Handbook 4350.3 Paragraph 6-10-C-2)

The Right of Refusal policy applies to applicant households and existing residents who have received approval for a Unit Transfer.

#### **REMOVAL OF APPLICANTS FROM THE WAITING LIST**

The owner/agent will remove an applicant's name from the Waiting List when:

1. Applicant requests that the household name be removed
2. The unit that is needed, using household size as the basis, has changed and no appropriate size unit exists in the community
3. Applicant fails to meet eligibility requirements
4. Applicant fails to meet screening requirements
5. Applicant is rejected for any reason described in this plan
6. Applicant cannot be contacted by US Mail (letters are returned or undeliverable)
7. Applicant cannot be contacted by phone (number disconnected or changed)
8. Applicant was clearly advised, in writing, of the requirement to tell owner/agent of his/her continued interest in housing by a particular time and failed to do so
9. Applicant failed to move in to an offered unit within 24 hours of the agreed upon date and time
10. The owner/agent has notified the applicant, in writing, of its intention to remove the applicant's name,



because the applicant no longer qualifies for assisted housing at this community

If an applicant is removed from the Waiting List, and subsequently the owner/agent determines that an error was made in removing the applicant, the applicant will be reinstated at the original place on the Waiting List. If an applicant is removed from the Waiting List, then later the applicant household feels that they are now qualified for assistance/residency, the applicant household must submit a new application. The applicant will be placed on the Waiting List, as necessary, based on the submission date of the new application.

### **SECURITY DEPOSIT REQUIREMENTS**

The owner/agent must collect a security deposit at the time of the initial lease execution. The amount of the security deposit established at move-in does not change when a resident's rent changes.

The amount of the security deposit to be collected is dependent upon:

1. The type of housing program
2. The date the AHAP or HAP contract for the unit was signed; and
3. The amount of the total resident payment or resident rent

The owner/agent will comply with any applicable state and local laws governing the security deposit. The resident is expected to pay the security deposit from his/her own resources, and/or other public or private sources.

The owner/agent accepts payment of security deposits in installments as agreed upon by the owner/agent and the applicant (based on ability to pay).

### **PET DEPOSITS**

The pet rules may require residents to pay a refundable pet deposit, but apply only to those residents who own or keep pets in their units. This deposit is in addition to any additional financial obligation generally imposed on residents of the community.

Assistance animals that assist persons with disabilities are considered to be auxiliary aids and are exempt from the pet policy and from the refundable pet deposit.

The owner/agent will use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet on the community. Such expenses would include, but not be limited to, the cost of repairs and replacement to the unit, fumigation of the unit, and the cost of animal care facilities.

The owner/agent will return the unused portion of a pet deposit to the resident within a reasonable time after the resident moves from the community or no longer owns or keeps a household pet in the unit.

1. The pet deposit will not exceed \$300
2. The initial deposit will not exceed \$50 at the time the pet is brought onto the premises
3. The pet rules provide for gradual accumulation of the remaining required deposit, not to exceed \$10 per



month until the deposit is reached

NOTE: A resident may pay the entire amount or increments that are greater than \$10 if they choose to do so. Kansas state laws require that the pet deposit cannot exceed ½ of the contract rent.

### **APARTMENT INSPECTIONS**

All apartments must undergo a move-in and move-out inspection by the on-site management team. These inspections include not only interior but also exterior inspections. There will be an annual inspection. From time to time, HUD and/or the Contract Administrator will conduct an inspection.

The move-in inspection is an opportunity to familiarize the resident with the community and the unit, as well as to document its current condition. By performing move-in inspections, owner/agent and residents are assured that the unit is in livable condition and is free of damages. A move-in inspection gives the owner an opportunity to familiarize residents with the operation of appliances and equipment in the unit.

Upon the unit being vacated by the resident, an owner/agent performs a move-out inspection to ensure there are no damages to the unit. The owner will list the damages on the move-out form and compare it with the move-in form to determine if the damage is reasonable wear and tear or excessive damage. The resident will be given prior notice of the move-out inspection and be allowed to accompany the owner if the resident chooses.

In addition, the owner/agent will perform unit inspections on at least an annual basis to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced. This is also an opportunity to determine any damage to the unit and, if so, make the necessary repairs.

HUD, or its authorized contractor(s), has the right to inspect the units and the entire community to ensure that the community is being physically well maintained. These inspections assure HUD that owners are fulfilling their obligations under the regulatory agreements and/or subsidy contracts and that residents are provided with decent, safe, and sanitary housing.

### **FAILURE TO TAKE POSSESSION OF THE APARTMENT ON TIME**

If a household fails to take possession of the apartment within 24 hours of the agreed date and time, the applicant household will be rejected and removed from the Waiting List and the apartment will be offered to the next household on the Waiting List. This includes unit transfers.

### **UNIT TRANSFER POLICIES**

The owner/agent will accept applications for transfer based on the following:

1. There is a verified need for an accessible apartment
2. There is a verified need for a reasonable accommodation



3. There is a verified medical need for a different apartment

In the cases above, the owner/agent will assist with moving expenses including paying to initiate service for critical utilities.

4. There is a need because the household that does not require the accessibility features of an apartment in which they are living to accommodate a disabled applicant/resident on the waiting list
5. Imminent Threat (VAWA Emergency Transfer)
6. There is a need for a new apartment because of a change in household size and/or composition that results in over-utilization (unit is too small)
7. There is a need for a new apartment because of a change in household size and/or composition that results in under-utilization (apartment is too big)
8. Availability of Section 8 assistance
9. If two or more adult household members reside in one apartment and one or more adults choose to apply for a separate apartment, that applicant will receive preference over other non-residents

Existing residents must complete a Unit Transfer Request. The Unit Transfer Request must be completed and signed by the head of household and all adult household members.

Factors concerning approval of transfers are as follows:

1. A household that has given notice to move will not be approved for a unit transfer.
2. The household must be a resident in good standing for the most current prior year (See "Screening for Rental History")

### **SECURITY DEPOSITS & UNIT TRANSFERS**

When a resident transfers to a new unit, the owner/agent must charge a new deposit and refund the deposit for the old unit less any outstanding amounts for rent, fees or damages. New deposits will not be required when the resident has requested a transfer due to a reasonable accommodation, for over/under utilization of the unit, imminent threat (VET), need for an accessible unit or due to a medical need.

### **ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

Management must approve any new household member before he/she moves in to the unit. The proposed new household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the current Resident Selection Plan. In addition, the rent payment will be re-calculated to reflect any income or allowances for the new household member.

Paragraph 13 of the HUD approved lease specifically states that:

*"...The Tenant agrees to permit other individuals to reside in the unit only after obtaining the prior written approval of the Landlord..."*

Information about new household members who are under the age of 18 must be provided to management within 30-calendar days. This includes required eligibility information including Social Security Numbers and



documentation, proof citizenship or non-citizen eligibility and other pertinent information. Failure to provide this information within 30-calendar days will result in termination of subsidy for the entire household. Household members under the age of 6 who do not already have a SSN will have a 90-day period for disclosure of the Social Security Number and documentation of the number.

This policy applies to live-in aides as well. Owner/Agent established screening criteria will also be applied to live-in aides, except for the criterion regarding credit performance or the ability to pay rent on time because live-in aides are not responsible for rental payments. However, live-in aides must meet other screening criteria established by the owner/agent. Income and/or allowances received by live-in aides will not be considered.

#### **DETERMINING THE ELIGIBILITY OF A REMAINING MEMBER OF A RESIDENT FAMILY**

Periodically, family composition changes after initial occupancy. If the qualifying person leaves the unit, a determination must be made as to whether the remaining member of the household will be eligible to receive assistance. Eligibility depends upon the type of project occupied and other issues.

The following basic requirements for eligibility must be met for a person to qualify as a remaining member of a household:

1. The individual must be a party to the lease when the family member leaves the unit
2. The individual must be of legal contract age under state law

#### **CHANGES TO THE RESIDENT SELECTION PLAN**

Applicants will be notified in writing when the Resident Selection Plan undergoes significant change. At that time, applicants will be:

1. Given an opportunity to review the new plan
2. Notified of changes to preferences
3. Asked to indicate desire to remain on the Waiting List

If the applicant household does not respond, that household will be deemed ineligible and removed from the Waiting List.

The current Tenant Selection Plan, in place at the time of final eligibility determination, will be used to determine eligibility.

Attached:

Appendix A: Request for Reasonable Accommodation.

Appendix B: Disclosure of Social Numbers.

Appendix C: VAWA and Request for Transfer.

Appendix D: Examples of Necessary and Non-Necessary Personal Property



**Attachments:**

**Request for Reasonable Accommodation or Modification**

**Required Social Security Number Documentation**

**Citizenship Eligibility**

**Violence Against Women Act Policy**



**Osawatomie Court Apartments**  
Administrative Offices

## Appendix A

### **Resident Unit Transfer Policy**

**We will transfer tenants to different units as a reasonable accommodation to a household member's disability. For example, a tenant with a physical disability might need a transfer to an accessible unit or a unit on the ground floor.**

**Unit transfers for a medical reason should be certified by a doctor (for example to the ground floor) and a doctor should also confirm the need for a unit transfer based on medical need for an accessible unit.**

**Transfers which are needed as a reasonable accommodation will be made on a medical priority basis where applicable and by date of request when there is no medical priority basis.**

**Osawatomie Court Apartments**  
Administrative Offices

## Appendix B

### Disclosure of Social Security Numbers

All household members receiving assistance or applying to receive assistance will be required to provide a Social Security Number and adequate documentation necessary to verify that number. This rule applies to all household members including live-in aides, foster children and foster adults. Adequate documentation means a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:

- Original Social Security card
- Driver's license with SSN
- Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union.
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

For eligibility purposes, applicants do not need to provide verification of a Social Security Number for household members to be placed on the waiting list. However, applicants must provide adequate documentation to verify each Social Security Number for all non-exempt household members before they 1) can be screened, 2) can participate in the eligibility interview or 3) can be housed.

If all non-exempt household members have not provided verification of their Social Security Numbers at the time a unit becomes available, the next eligible applicant must be offered the available unit.

- The applicant who has not provided required Social Security Number information for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose/verify the Social Security Numbers.
- During this 90-day period, the applicant may retain its place on the waiting list.
- After 90 days, if the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

#### Exceptions to Disclosure of Social Security Number

The Social Security Number requirements do not apply to:

1. Individuals who do not contend eligible immigration status.
2. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
  - The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
  - Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. This documentation must be retained in the resident file. An owner/agent cannot accept a certification from the applicant stating they qualify for the exemption.
  - The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.

#### Secondary Verification of the Social Security Number (Optional)

The Social Security Number provided will be compared to the information recorded in the Social Security Administration database (through HUD's Enterprise Income Verification System) to ensure that the Social Security Number, birth date and last name match. If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error must be returned to HUD. If the applicant/resident deliberately provides an inaccurate Social Security Number, the owner/agent and/or HUD may pursue additional penalties due to attempted fraud.

# Appendix C

NOTICE OF OCCUPANCY RIGHTS UNDER  
THE VIOLENCE AGAINST WOMEN ACT

U.S. Department of Housing and Urban Development  
OMB Approval No. 2577-0286  
Expires 06/30/2017

## Osawatomie Court Apartments \*\*1

### Notice of Occupancy Rights under the Violence Against Women Act \*\*2

#### To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. \*\*3 The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that HUD-Sec.8 is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA."

#### Protections for Applicants

If you otherwise qualify for assistance under HUD-Sec.8, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

#### Protections for Tenants

If you are receiving assistance under HUD-Sec.8, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under HUD-Sec.8 solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

#### Removing the Abuser or Perpetrator from the Household

Osawatomie Court Apartments may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If Osawatomie Court Apartments chooses to remove the abuser or perpetrator, Osawatomie Court Apartments may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, Osawatomie Court Apartments must allow the tenant who is or has been a victim and other household members

to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, Osawatomi Court Apartments must follow Federal, State, and local eviction procedures. In order to divide a lease, Osawatomi Court Apartments may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

### **Moving to Another Unit**

Upon your request, Osawatomi Court Apartments may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, Osawatomi Court Apartments may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

Osawatomi Court Apartments will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

Osawatomi Court Apartments's emergency transfer plan provides further information on emergency transfers, and Osawatomi Court Apartments must make a copy of its emergency transfer plan available to you if you ask to see it.

**Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or**

## **Stalking**

Osawatomi Court Apartments can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from Osawatomi Court Apartments must be in writing, and Osawatomi Court Apartments must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. Osawatomi Court Apartments may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to Osawatomi Court Apartments as documentation. It is your choice which of the following to submit if Osawatomi Court Apartments asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- \* A complete HUD-approved certification form given to you by Osawatomi Court Apartments with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- \* A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- \* A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- \* Any other statement or evidence that Osawatomi Court Apartments has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, Osawatomi Court Apartments does not have to provide you with the protections contained in this notice.

If Osawatomi Court Apartments receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), Osawatomi Court Apartments has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, Osawatomi Court Apartments does not have to provide you with the protections contained in this notice.

## **Confidentiality**

Osawatomi Court Apartments must keep confidential any information you provide related to the exercise of

your rights under VAWA, including the fact that you are exercising your rights under VAWA.

Osawatomi Court Apartments must not allow any individual administering assistance or other services on behalf of Osawatomi Court Apartments (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

Osawatomi Court Apartments must not enter your information into any shared database or disclose your information to any other entity or individual. Osawatomi Court Apartments, however, may disclose the information provided if:

- \* You give written permission to Osawatomi Court Apartments to release the information on a time limited basis.
- \* Osawatomi Court Apartments needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- \* A law requires Osawatomi Court Apartments or your landlord to release the information.

VAWA does not limit Osawatomi Court Apartments's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, Osawatomi Court Apartments cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if Osawatomi Court Apartments can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If Osawatomi Court Apartments can demonstrate the above, Osawatomi Court Apartments should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic

violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

### **Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with [insert contact information for any intermediary, if applicable] or the HUD field office.

### **For Additional Information**

You may view a copy of HUD's final VAWA rule at ...  
<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>.

Additionally, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact Osawatomi Court Apts, LLC - 913-755-4691.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact Osawatomi Court Apts, LLC - 913-755-4691.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact Osawatomi Court Apts, LLC - 913-755-4691.

Victims of stalking seeking help may contact Osawatomi Court Apts, LLC - 913-755-4691.

Attachment: Certification form HUD-5382 VAWA Appendix C: Certification of Domestic Violence

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- \*\*1 The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD's program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.
- \*\*2 Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.
- \*\*3 Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.



## **Osawatomi Court Apartments**

### **Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

#### **Emergency Transfers**

Osawatomi Court Apartments is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), \*\*1 Osawatomi Court Apartments allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. \*\*2 The ability of Osawatomi Court Apartments to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether Osawatomi Court Apartments has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that [insert name of program or rental assistance here] is in compliance with VAWA.

#### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

#### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify Osawatomi Court Apartments's management office and submit a written request for a transfer to Osawatomi Court Apartments. Osawatomi Court Apartments will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under Osawatomi Court Apartments's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

Osawatomi Court Apartments will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives Osawatomi Court Apartments written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about Osawatomi Court Apartments's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

Osawatomi Court Apartments cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. Osawatomi Court Apartments will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. Osawatomi Court Apartments may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If Osawatomi Court Apartments has no safe and available units for which a tenant who needs an emergency is eligible, Osawatomi Court Apartments will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, Osawatomi Court Apartments will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

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\*\*1 Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

\*\*2 Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

**CERTIFICATION OF  
DOMESTIC VIOLENCE,  
DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING,  
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: \_\_\_\_\_

2. Name of victim: \_\_\_\_\_

3. Your name (if different from victim's): \_\_\_\_\_

4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

5. Residence of victim: \_\_\_\_\_

6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

8. Date(s) and times(s) of incident(s) (if known): \_\_\_\_\_

10. Location of incident(s): \_\_\_\_\_

In your own words, briefly describe the incident(s):


This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

**The requirements you must meet are:**

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- (2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER**

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_  
\_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_  
\_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_  
\_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. \_\_\_\_\_

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.  
\_\_\_\_\_  
\_\_\_\_\_

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: \_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Osawatomie Court Apartments**  
Administrative Offices

Appendix D

Osawatomie Court Apartments, LLC. will consider the following to be necessary items of personal property:

- Any automobile regularly used by a member of the family to commute to work, school, or childcare
- Any computer or electronic device (such as laptop, tablet, monitor, or cellphone) that is used by any family member to work, look for work, or study
- Any item used for religious purposes (such as a historic book of scripture).
- Any furniture used in the family's home
- Jewelry or other keepsakes which hold religious or cultural value, or deep family significance. For example, a watch which has been in the family and passed down from generation to generation.

Osawatomie Court Apartments, LLC. will consider the following to be non-necessary items of personal property:

- Bank accounts and other financial investments (e.g., checking account, savings account, stocks/bonds)
- Any automobile that is used purely for recreation (such as an RV or camping trailer) and not for any of the defined "necessary" uses, is a "non-necessary" item of personal property and is included in the calculation of net family assets
- Collectible items (such as sports cards or trading cards) that are not used for a work-related purpose by a family member

Osawatomie Court Apartments, LLC. may make case-specific determinations of other "necessary" items.