

## LIVERMORE HEIGHTS APARTMENTS RESIDENT SELECTION PLAN

### **NON-DISCRIMINATION REQUIREMENTS:**

**Livermore Heights Apartments** adheres to the Civil Rights and Fair Housing Acts and Section 504 of the Rehabilitation Act and will not discriminate against applicants or residents on the basis of race, color, national origin, sex, age, disability, religion, familial status, or social economic class. In compliance with Section 504 regulations, **Livermore Heights Apartments** does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

### **PRIVACY POLICY:**

It is the policy of the Property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals; records maintained by the Property.

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

This Privacy Policy in no way limits the Property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

The applicant or tenant file is available for review by the applicant or tenant upon request or by a third party who provides signed authorization for access from the applicant or tenant.

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

### **INCOME LIMITS:**

**Livermore Heights Apartments** is identified as a Section 8 Loan Owner Set Aside Property. This property is designed to serve extremely low, very low and low income people.

Based on the annual turnover history, owner will analyze the waiting list semi-annually by income category for those applicants who are likely to be offered units during the current year.

Forty percent (40%) of applicants who are at or below extremely low income on the waiting list and are expected to be offered units in the current year will be offered an

apartment before those applicants on the waiting list who meet the very low-income limit. Once this 40% requirement has been met for extremely low-income applicants, units may be offered to very low-income applicants in accordance with the date of their application. If it is discovered there are not enough applicants on the waiting list to meet the extremely low-income requirement, owner will increase its efforts to ensure that a sufficient number of applicants on the waiting list are of extremely low income.

If there are 50 applicants on the waiting list and only 30% have income at or below the extremely low-income limit, owner will continue to fill vacant units with extremely low-income applicants until the 40% target has been accomplished. **For example**, if a low-income applicant applied for an apartment on an earlier date than an extremely low-income applicant would be offered an apartment first. Once the 40% target renting to extremely low income people has been met, owner will then offer units to those applicants at or below the very low-income limit.

### **EXCEPTIONS FOR ADMITTING OVER-INCOME APPLICANTS**

If **Livermore Heights Apartments** waiting lists and current marketing efforts will not provide enough extremely low and very low-income applicants to fill current or imminent vacancies, owner may seek approval from HUD to rent to an applicant whose income exceeds the very low-income limit. However, before HUD will approve this exception to the rule, (1) owner would have to prove that a mortgage default is likely because the Section 8 vacancy payments do not cover the property's essential operating costs and mortgage payments, or (2) market studies and rental history show that the very low income population is too small to provide enough applicants to sustain project occupancy. **The existence of (1) or (2) above does not necessarily entitle a property to an exception. HUD has no obligation to grant any exceptions.** HUD will review granted exceptions periodically and may withdraw permission to exercise this exception. If there is a Contract Administrator for the property, such as Kentucky Housing Corporation, all written requests for such an exception to the very low-income limit, with certification and documentation as specified in Exhibit 3-1 in the HUD 4350.3 REV-1 Handbook, must be submitted to the Contract Administrator. The Contract Administrator will submit all documentation and its recommendation to the HUD Field Office for a final decision on requests for exceptions.

Owner must maintain complete records of the marketing efforts targeted to extremely low-income families, and must demonstrate that reasonable efforts were made to fill available units with extremely low income families. Owner must also demonstrate that an ongoing effort to meet the 40% requirement is being made. Compliance with this requirement will be monitored by HUD and/or the Contract Administrator, Kentucky Housing Corporation during the annual owner review of each property.

### **ADMISSION OF POLICE OFFICERS/SECURITY PERSONNEL:**

For the purpose of deterring crime in and around the property, owner may lease a Section 8 unit to a police officer or security personnel who is over the income limits. To be eligible, the police officer or security personnel must be employed full-time (at least 35

hours per week) by a governmental unit or private employer and be compensated by their employer for providing policing or security services. Owner must submit a written plan to the Contract Administrator, Kentucky Housing Corporation for authorization to lease to over-income police or security personnel. (For written plan requirements, see page 3-15 of HUD Handbook 4350.3 REV-1.)

### **INCOME LIMITS AND FAMILY SIZE**

**See attached current year's Income Limits Summary**

When determining family size for establishing income eligibility, owner must include the following individuals who are not living in the unit:

- **Children temporarily absent** due to placement in a foster home.
- **Children in joint custody arrangements** who are present in the household 50% or more of the time.
- **Children who are away at school** but who live with the family during school recesses.
- **Unborn children** of pregnant women.
- **Children who are in the process** of being adopted
- **Temporarily absent family members** such as a family member who is working in another state on assignment, a family member who is in the hospital or rehabilitation facility for a limited or fixed duration, or a family member who is currently permanently confined in a nursing home.
- **Family members in the hospital or rehabilitation facility** for periods of limited or fixed duration. These persons are temporarily absent as defined above.
- **Persons permanently confined to a hospital or nursing home.** The family decides if such persons are included when determining family size for income limits. If such persons are included, they must not be listed as the head, co-head, or spouse on the lease or in the data submitted on the HAP but may be listed as other adult family member. This is true even when the confined person is the spouse of the person who is or will become the head. If the family chooses to include the permanently confined person as a member of the household, owner must include income received by these persons when calculating family income (HUD Handbook 4350.3 REV-1, paragraph 5-6 C). The owner should consider extenuating circumstances that may prevent the confined member from being able to sign the HUD-50059. If the owner determines the confined member is unable to sign the HUD-50059, the owner must document the file why the signature was

not obtained. If the family elects not to add the permanently confined member, the individual would not be listed on the HUD-50059.

- **Live-in Aides:** When determining family size for establishing income eligibility, owner must not include a Live-In Aide. A Live-In Aide is a person who resides with one or more elderly persons, near elderly persons, or persons with disabilities, and who (1) is determined to be essential to the care and well-being of the person(s); (2) is not obligated for the support of the person(s); and (3) would not be living in the unit except to provide the necessary supportive services. While a relative may be considered to be a Live-In Aide/Attendant, they must meet the above requirements, especially (3). The Live-In Aide qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a tenant, and may not qualify for continued occupancy as a remaining family member. The Tenant and Live-In Aide at the time of leasing should sign a certification stating they understand the Live-In Aide is not a member of the household and will be denied occupancy of the unit after the tenant, for whatever reason, is no longer living in the unit. Since a Live-In Aide is not a member of the household, a criminal check will be processed by the Application In-Take Clerk, by applying the same criteria established for screening other applicants.
- **Foster Children/Adults:** When determining family size for establishing income eligibility, Foster Children/Adults are not included. A foster adult is usually an adult with a disability who is unrelated to the tenant family and who is unable to live alone. Foster children are legally in the custody of a state, county, etc., yet are cared for by foster parents under some kind of short-term foster care arrangement with the custodial agency. These children will generally remain in foster care until they are reunited with their parents.

#### **OTHER ELIGIBILITY REQUIREMENTS:**

In addition to the family's annual income not exceeding program income limits as stated above, applicants must also meet the following requirements to be eligible for occupancy and housing assistance.

**Applicants must disclose social security numbers** for all family members at least 6 years of age and older and provide proof of the numbers reported. When an applicant has a social security number (SSN) but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided. However, an applicant may not become a participant in the program unless the applicant submits the required SSN documentation to owner. The applicant must provide SSN documentation to owner within sixty (60) days from the date on which the applicant certified that the documentation was not available. Owner must accept an applicant's certification of the SSN and continue to process the application. If owner determines the applicant is otherwise eligible for admission to the property,

and the only outstanding verification is that of the SSN, the applicant may retain his or her place on the waiting list for the 60-day period during which the applicant is trying to obtain documentation. After 60 days, if the applicant has been unable to supply the required SSN documentation, the applicant should be determined ineligible and removed from the waiting list. Owner may extend the time period for an additional 60 days if the applicant is at least 62 years old and unable to submit the required documentation within the first 60-day period.

**All adults in each applicant family must sign** consent forms and, as necessary, verification documents, so owner can verify sources of family income and family size. Owner must consider a family **ineligible** if the adult members refuse to sign applicable consent and verification forms. **(1)** All members of an applicant or tenant family who are at least 18 years of age and each family head and spouse regardless of age must sign the HUD required consent forms HUD-9887 *Notice and Consent for the Release of Information to HUD* and form HUD-9887-A *Applicant's/Tenant's Consent to the Release of Information Verification by Owners of Information Supplied by Individual Who Apply for Housing Assistance*. Each family member age 18 and older must sign form HUD-9887 and for HUD-9887-A. It is not necessary to have each person sign a separate form. All adults regardless of whether they report income must sign these forms. **(2)** All adult members of an applicant or tenant family must sign individual verification forms authorizing the owner to verify family income and other applicable eligibility factors (e.g., disability status). **(3)** Consent and verification forms protect the rights and privacy of tenants and applicants by allowing them to have control over any information collected about them. **(4)** Owner must comply with provisions of the federal Privacy Act as well as any state or local laws relating confidentiality. **If the applicant or tenant, or any adult member** of the applicant's or tenant's family, does not sign and submit the consent form as required in 24 CFR 5.230, the following statements apply: **(1)** Owner must deny assistance and admission to the applicant; or **(2)** owner must terminate assistance to the tenant. All **information reported by an applicant or tenant family is subject to verification.**

**The unit for which the family is applying** must be the family's only residence. Owner **MUST NOT** provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit.

**An applicant must agree to pay the rent** required by the program under which the applicant will receive assistance.

**Only U.S. citizens or eligible non citizens may receive assistance** under Section 8 programs.

**RESTRICTION ON ASSISTANCE TO NON CITIZENS:**

Assistance in subsidized housing is restricted to U.S. citizens or nationals and non citizens who have eligible immigration status as determined by HUD. All applicants for

assistance must be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application. Owner must arrange to provide the notice in a language that is understood by the applicant if the person is not proficient in English.

All family members, regardless of age, must declare their citizenship or immigration status. Noncitizens (except those age 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Noncitizens age 62 and older must sign a declaration of eligible immigration status and provide a proof-of-age document. U.S. citizens must sign a declaration of citizenship.

A mixed family – a family with one or more ineligible family members and one or more eligible family members – may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance.

Applicants who hold a noncitizen student visa are ineligible for assistance, as are any noncitizen family members living with the student. This prohibition applies to the noncitizen student's spouse and children. However, spouses and children may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

Owner is responsible for administering the restriction on assistance to noncitizens in accordance with regulations. Owner must treat all applicants equally, applying the same noncitizen rule procedures without regard to race, color, national origin, sex, religion, disability, or familiar status, and must comply with nondiscrimination requirements described in Chapter 2 of the HUD 4350.3 REV-1 Handbook.

Owner generally considers citizenship/immigration status once for each family, but they must do so more frequently if immigration status or family composition is likely to change (e.g., when a family member applies for a change in immigration status). Owner determines the applicant's citizenship immigration status during the initial eligibility determination, prior to move-in. As part of the annual or interim recertification process, owner must determine the citizenship/immigration status of tenants when they have not previously collected the proper documentation or when documentation suggested that a tenant's status was likely to change. If the status of a family member in a mixed family changes from ineligible to eligible, the family may request an interim recertification. The required evidence of citizenship/immigration status for any new family member must be submitted at the first interim or regular recertification after the person moves to the unit.

Owner should notify families in writing that they are eligible for assistance, or for partial assistance, as a mixed family. Owner must also notify families in writing if they are found to be ineligible based upon citizenship/immigration status. Owner is required to verify with the Department of Homeland Security (DHS) the validity of documents provided by applicants. To do so, owner must obtain computer software and install it, obtain an access code and user ID by calling the Office of Multifamily Housing at HUD

headquarters. HUD will record the required information and notify DHS to provide the computer software and access to the verification system to owner. (See HUD 4350.3 REV-1 Handbook, Appendix 2, which is the instruction manual providing specific and detailed instructions on use of the *Systematic Alien Verifications for Entitlements System (SAVE)*) Owner must obtain the following documentation for each family member regardless of age:

- **From U.S. citizens** a signed declaration of citizenship. Owner may require verification of the declaration by requiring presentation of a U.S. birth certificate or U.S. passport;
- **From noncitizens 62 years and older** a signed declaration of eligible noncitizen status and proof of age;
- **From noncitizens under the age of 62** claiming eligible status: (1) a signed declaration eligible immigration status, (2) a signed consent form, and (3) one of the DHS-approved documents listed on page 3-24 in the HUD 4350.3 REV-1 Handbook.

Owner should have noncitizens not claiming eligible immigration status sign a statement that they acknowledge their ineligibility for assistance.

If an applicant cannot supply required documentation of citizenship/immigration status within owner's specified timeframe, owner may grant the applicant an extension of not more than 30 days, but only if the applicant certifies the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. Although the extension period may not exceed 30 days, owner may establish a shorter extension period based on the circumstances of the individual case. Owner must inform the applicant in writing if an extension request is granted or denied. If the request is granted, owner must include the new deadline for submitting the documentation. If the request is denied, owner must state the reasons for the denial in the written response. When granting or rejecting extensions, owner must treat applicants consistently.

Owner must not delay the family's assistance if the family submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, the owner must offer the family a unit. The owner must provide assistance to the family member determined to be eligible and to those family members that submitted their immigration documents on time. If any family members did not provide the required immigration documentation, then the assistance for the family must be prorated.

Because of the prohibition against delaying assistance to family members who have provided the required immigration documentation in a timely manner, owners are advised

to implement procedures to verify eligible immigration status in advance of other verification efforts.

Owners continue to provide assistance to those family members who submitted their immigration documentation in a timely manner until their immigration status has been verified.

Owner must conduct primary verification of eligible immigration status only for persons claiming eligible immigration status. Primary verification can be conducted through the SAVE ASVI database; DHS automated system after obtaining computer software, access code and user ID. After accessing the ASIV database, owner enters the required data fields. Immigration status confirmation will be displayed on the computer screen. If the message "institute secondary verification" is displayed, manual verification process must be used. Within 10 days of receiving an "Institute Secondary Verification" response, the owner must prepare DHS form G-845S, *Document Verification Request*. The owner must send DHS FORM G-845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the property's jurisdiction. DHS form G-845S is provided in Exhibit 4-2. Instructions for completing and mailing the DHS Form G-845S are found in Appendix 2-B of this handbook. This information is taken from DHS' current Systematic Alien Verification for Entitlements (SAVE) Program Instructions Manual and should be used until such time as the instruction manual is updated by DHS and included in its entirety in Appendix 2-A.

**Owner must retain for a minimum of 5 years the following documents** that may have been submitted to owner by the family, or provided to owner as part of the DHS appeal or the informal hearing process: **(1)** the application for financial assistance; **(2)** the form completed by the family for income re-examination; **(3)** photocopies of any original documents (front and back), including original DHS documents; **(4)** the signed verifications consent form; **(5)** the DHS verification results; **(6)** the request for a DHS appeal; **(7)** the final DHS determination; **(8)** the request for an informal hearing; and **(9)** the final informal hearing decision.

### **TEMPORARY DEFERRAL OF TERMINATION OF ASSISTANCE**

Families that were receiving assistance on June 19, 1995 under one of the programs covered by the non-citizen rules are eligible for temporary deferral of termination of assistance. If the following applies:

- Family has no eligible members; or
- Mixed family qualifies for prorated assistance (and does not qualify for continued assistance) and chooses not to accept the partial assistance;

The deferral allows the family time to find other suitable housing before HUD terminates assistance. During the deferral period, the family continues to receive its current level of assistance.

The initial deferral period is for six months and may be extended for an additional six-month period, not to exceed 18 months.

- At the beginning of each deferral period, the owner must inform the family of its ineligibility for financial assistance and offer the family information concerning, and referrals to assist in finding, other affordable housing.

NOTE: If the family receiving assistance on June 19, 1995 includes a refugee under section 207 of the Immigration and Nationality Act, or an individual seeking asylum under section 208 of that Act, a deferral can be given to the family and there is no time limitation on the deferral period. The 18 month deferral limitation does not apply.

- Before the end of each deferral period, the owner must determine whether affordable housing is available to the family and whether to extend the deferral of termination of assistance.
- To extend a deferral period, an owner must determine that no affordable housing is available. The owner must inform the family of the owner's determination at least 60 days before the current deferral period expires. The owner's determination should be based on the following:
  - A vacancy rate of less than 5% for affordable housing of the appropriate unit size in the housing market for the area in which the housing is located;
  - The local jurisdiction's Consolidated Plan, if applicable;
  - Availability of affordable housing in the market area; and
  - Evidence of the family's efforts to obtain affordable housing in the area.
- To terminate assistance, the owner must determine that affordable housing is available, or that the maximum deferral period has been reached.
- If eligible for prorated assistance, the family may request and begin to receive prorated assistance at the end of the deferral period.
- Affordable housing for the purpose of temporary deferral of assistance is housing that
  - Is not substandard;
  - Is the appropriate size for the family; and
  - Can be rented by the family for an amount less than or equal to 125% of the family's total tenant payment (TTP), including utilities.

#### **APPLICATIONS AND SCREENING PROCEDURES:**

**Management will accommodate persons with disabilities who, as a result of their disabilities, cannot utilize the owner's preferred application process by providing alternative methods of taking applications.**

**Applications will be taken at Livermore Heights Apartments during regular office hours. All applicants are required to complete an application and consent to the release**