



TENANT SELECTION PLAN

LAKE MHA
TENANT SELECTION PLAN

TABLE OF CONTENTS

BACKGROUND & PURPOSE

SECTION I	PROJECT ELIGIBILITY REQUIREMENTS
SECTION II	INCOME LIMITS
SECTION III	INCOME TARGETING
SECTION IV	OUTREACH AND MARKETING
SECTION V	PROCEDURES FOR ACCEPTING APPLICANTS
SECTION VI	SCREENING
SECTION VII	PREFERENCES
SECTION VIII	PROCEDURES FOR REJECTING APPLICANTS
SECTION IX	UPDATING AND REMOVING NAMES FROM THE WAITING LIST
SECTION X	CLOSING AND OPENING THE WAITING LIST
SECTION XI	OCCUPANCY STANDARDS
SECTION XII	NOTIFICATION OF SELECTION
SECTION XIII	TRANSFERS
SECTION XIV	ELIGIBILITY OF STUDENTS FOR ASSISTED HOUSING
SECTION XV	ANNUAL RECERTIFICATION
SECTION XVI	INTERIM RECERTIFICATION
SECTION XVII	UNREPORTED OR UNDERREPORTED INCOME
SECTION XVIII	REPAYMENT OPTIONS/AGREEMENT
SECTION XIX	RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM
SECTION XX	SECTION 504 OF THE REHABILITATION ACT OF 1973 & FAIR HOUSING ACT

Jackson Towers/ Lake M.H.A.

TENANT SELECTION PLAN

BACKGROUND

Jackson Towers/ Lake M.H.A. are the HUD-subsidized multifamily properties, under the Section 8 Rental Assistance Demonstration (RAD) program. The program requires that all applicants have equal access to affordable housing and that all tenants are treated equitably. The occupancy requirements and procedures governing this property are found in **HUD Occupancy Handbook 4350.3**. The federal regulations and statutes are found in 24 CFR, part 880, as modified by the RAD Requirements.

PURPOSE

The purpose of the Tenant Selection Plan (TSP) is to ensure that tenants are selected for occupancy in accordance with HUD requirements and established management policies and procedures.

I. PROJECT ELIGIBILITY REQUIREMENTS

Project eligibility describes the criteria by which management must determine whether a family is eligible to reside in a specific property (e.g. limited to a specific population, unit size, and occupancy standards).

- a. **Citizenship/immigration status requirements** - all applicants must be a U.S. citizen or national. If a non-citizen, an applicant must have eligible immigration status. All family members, regardless of age, must declare their citizenship or immigration status. The required documents of citizenship/immigration status shall be:
 1. U.S. Citizen - a signed declaration of citizenship, and a birth certificate, or passport, or any other government issued documentation.
 2. Non-citizens 62 years and older - a signed declaration of eligible non-citizen status and proof of age.
 3. Non-citizens, under 62 years of age, claiming eligible status - a signed declaration of eligible immigration status; a signed consent form and one of the Department of Homeland Security documents as evidence of eligible immigration status. (Forms: 1-551, 1-94, 1-94, 1-688, 1-668B, 1151).
- b. **Social security number requirements** - applicants and tenants, excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, are required to disclose and provide verification of their social security number (SSN).
 1. **Applicants** do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for

placement on the waiting list. However, applicants must disclose and provide verification of a SSN, for all non-exempt household members, before they can be housed. If a unit becomes available and the required SSNs have not been verified, the next eligible applicant must be offered the unit. The applicant will then be given 90 days, from the unit offer date, to verify the required SSNs. The applicant will retain their place on the waiting list during the 90-day period. If the required SSNs are not verified after the 90-day period, the applicant will be determined ineligible and removed from the waiting list.

2. **Tenants**, except those age 62 or older, as of January 31, 2010, whose initial determination of eligibility was begun January 31, 2010, and those persons who do not contend eligible immigration status, must provide verification of their SSN at the time of their interim or annual recertification if: they have not previously disclosed a SSN; previously disclosed a SSN that HUD or the SSA determined was invalid; or been issued a new SSN. If the tenant fails to verify SSNs, the household tenancy may be terminated.
3. **Adding a household member** requires verification of their SSN at the time of the request or at recertification when the new household member is processed. If the new household member is under six years of age and does not have a SSN, the verification should be provided within 90 days. An additional 90 days will be granted if failure to provide verification of the SSN is beyond the control of the tenant. During this time period, the child is included as part of the household and entitled to the dependent deduction. If verification of the SSN is not provided, the household tenancy may be terminated.

c. **Elderly or Disabled Households** – Jackson Towers and Washington Square buildings shall be designated for elderly or disabled families, including those whose head, co-head, or spouse is at least sixty-two (62) years of age or is a person with disabilities. Woodlawn Homes is designated as family housing. For purposes of this requirement “elderly family”, “disabled family” and “persons with disabilities” are defined at 24 C.F.R. §5.403.

II. **INCOME LIMITS**

In order for an applicant to be eligible for occupancy, the applicant's total family annual income must not exceed the applicable income limit, established yearly by HUD. Income limits are available at the management office or from HUD's website at www.huduser.org.

Income limits are based on the median income for a metropolitan statistical area (MSA), as follows:

Income Limit	Median income for the Area
Low-income limit	80% of median income
Very low-income limit	50% of median income
Extremely low-income limit	30% of median income

III. INCOME TARGETING

Jackson Towers/ Lake M.H.A. is required to ensure that during a fiscal year, at least 40% of the units that become available, together with initial certifications of in-place residents, are leased to families whose incomes are extremely low. If there are no extremely low-income applicants, management shall actively market for extremely low income families. If the 40% income targeting cannot be achieved through marketing activities, then other eligible families on the waiting list will be selected.

In order to achieve the 40% goal of extremely low-income families, the following tenant selection method will be used:

- a. Average yearly vacancies will be estimated by the volume of unit turnovers and admissions for the most recent two full years of activity.
- b. Alternate between selecting the first extremely low-income family on the waiting list (which may mean skipping over higher income families); then select the family at the top of the waiting list (regardless of income level) for the next available unit.

When determining family size for establishing income eligibility, all persons expected to live in the unit are considered, except live-in aides. When determining family size for income limits, the following individuals are counted, even though they are not living in the unit:

- a. Temporarily absent family members who are still considered family members (i.e. working out of state, long term visits out of state, etc.)
- b. Family members in the hospital or rehabilitation facility for periods of limited or fixed duration.
- c. Persons permanently confined to a hospital or nursing home (decided by the family). If such persons are included, they cannot be listed as the head, co-head, or spouse on the lease.

IV. OUTREACH AND MARKETING

The PHA should conduct outreach as necessary to ensure that the PHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the PHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the PHA to serve a specified percentage of extremely low income families, the PHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

PHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

PHA outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities.
- Utilize agency website and appropriate social media resources for additional marketing.

V. PROCEDURES FOR ACCEPTING APPLICATIONS

All applicants must complete an application, which is used to determine if the applicant should be placed on the waiting list. This full application is completed so that management has enough information to determine the applicant's complete eligibility.

- a. All interested persons are required to complete an application and the Supplemental and Optional Contact Information Form (HUD 92006). Required VAWA documents must be included with the application. Applications are available at the management office, Monday through Thursday (except holidays) from 7:30 a.m. to 6:00 p.m. If requested, applications can be mailed to an interested applicant.
- b. Completed applications must be returned by mail, by FAX, or submitted in person during normal business hours. When the completed application is received at the

- management office, it will be dated and time stamped, which will indicate placement on the waiting list.
- c. Each application is placed on a waiting list by date and time of application. The wait list will also show: client number; elderly and/or disabled; annual income; need for accessible unit and applicable preference points. Additional information listed will include: withdrawn date and time; withdrawal reason and move-in date and time.
 - d. A preliminary eligibility determination will be made to determine if the applicant's family size is suitable for the unit bedroom size requested, and listed preferences are verified by staff.
 - e. All applicants will be notified via postal mail indicating receipt of their application. Those withdrawn for incomplete applications, not eligible will also receive a written letter.
 - f. While the family is on the waiting list, the family must inform the PHA, within 10 business days, of changes in family circumstances. These include; family size or composition, preference status, or contact information, including current residence, mailing address and phone number. The changes must be submitted in writing. When an applicant reports a change, it may affect bedroom size, entitlement to a preference and their position on the waiting list. The waiting list will be updated accordingly.
 - g. The applicant will be required to sign HUD-9887 - Notice and Consent for Release of Information, various HUD and management forms, and income and asset verification forms.

VI. SCREENING

All applicants will be screened in accordance with HUD regulations and management policies and procedures. Such screening will entail the receipt and review of credit reports, landlord reports, criminal background reports (to the extent allowable under federal, state, or local laws), and the EIV Existing Tenant Search.

Applicant screening will consist of the following:

- a. Credit reports - only as it relates to timely payments of rent and utilities and any history of evictions; fraud (credit activity for five years prior to date of application).
- b. Landlord reports - history of disruptive behavior; poor housekeeping habits; late and/or missed rent payments; lease violations; violation of house rules (current and past two landlords).
- c. Home Inspection, at their current location, may be conducted for all program applicants for determination of housekeeping standards.
- d. Criminal Background Records - standards that prohibit admission are:

1. Normally any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity, unless: the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or, the circumstances leading to the eviction no longer exists (member no longer resides with the applicant household).
2. A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. However, the owner may consider and require evidence of whether a member currently or previously engaged in drug related activity is participating in or has successfully completed an approved, supervised drug rehabilitation program.
3. Any household member who is subject to a state sex offender lifetime registration requirement. This information will be verified by searching the Dru Sjodin National Sex Offender Database (www.nsopw.gov).
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. Any household member convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing.
6. Convictions for the following felony crimes: (i) for a period of one year from completion of sentencing: drug-related criminal activity; and (ii) for a period of two years from the completion of sentencing: Aggravated Murder, Felonious Assault, Child Abuse, Abduction, Criminal Child Enticement, Gross Sexual Imposition, Unlawful Sexual Conduct with Minor, Domestic and Dating Violence, Murder, Aggravated Assault, Kidnapping, Rape, Sexual Battery, Aggravated Arson, Endangering children, and Stalking. However, applicants may address and present mitigating circumstances regarding criminal convictions prior to admissions decisions.

e. EIV (Enterprise Income Verification System) Existing Tenant Search - this report shall be run for all new applicants and household members prior to them being offered a unit, to determine if anyone is currently residing at another Multifamily Housing, or Public and Indian Housing location. If someone is currently residing at such location, the Manager will meet with the person(s) giving them the opportunity to explain any circumstances relative to their housing assistance at another location (i.e. applicant may want to move to another location). Before admitting the applicant, a follow-up will be conducted with the respective Manager to confirm the applicant's program participation status, and coordinate move-out, move-in dates

VII. PREFERENCES

Jackson Towers/ Lake M.H.A. will use the following local preferences:

- a. Residency preference: For families, who live, work or have been hired to work in the jurisdiction, specifically Lake County. (2 points)
- b. Veteran preference: Veterans or surviving spouses of veterans. (2 points)
- c. Families that includes a family member who is a victim of domestic violence, dating violence, sexual assault, and stalking. (2 points)
- d. Upward Mobility: Applicants with at least one adult member who can document enrollment in an educational, upward mobility or training/vocational programs. Job training programs undertaken as a requirement of persons receiving temporary Assistance to Needy Children(TANF) are eligible for these preference points Additionally, persons who cannot work because of age (62 or older) or disability qualify for this preference. [24 CFR 960.206(b)(2)]. (2 points)

VIII. PROCEDURES FOR REJECTING APPLICANTS

Applicants may be rejected for housing based on the following reasons:

- a. Family members who did not declare citizenship or non-citizenship status; or sign a statement electing not to contend non-citizen status (such family members may be excluded as a family member).
- b. Is unable to disclose and document SSNs of all household members, or does not execute a certification stating that no SSN has been assigned.
- c. Does not sign the Authorization for Release of Information (HUD-9887), verification forms, or any other form used by Jackson Towers/Lake M.H.A.to determine eligibility.
- d. If family size exceeds the established occupancy requirements
- e. Total family income exceeds established HUD income limits.
- f. Failed the screening process.
- g. In accordance with the Violence Against Women Act, being a victim of domestic violence, dating violence, or stalking (a “victim of abuse”), is not a basis for denial of admission if the applicant otherwise qualifies for admission. The Agent may require that the victim of abuse certify the abuse in accordance with applicable HUD guidance.

All rejected applicants will be sent, via postal mail, a Rejected/Withdrawn letter, stating the reason for the rejection/withdrawal. The applicant will have 10 business days, from the date of the letter, to respond in writing requesting a meeting to dispute the rejection.

IX. UPDATING WAITING LIST AND REMOVING/WITHDRAWING NAMES FROM THE WAITING LIST

Management shall update, or purge, the waiting list at least once a year, to ensure that applicant information is current and that any names that should no longer be on the list are removed.

Names may be removed from the waiting list for the following reasons:

- a. The applicant no longer meets the eligibility requirements for the property or program.
- b. The applicant fails to respond to a written notice for an eligibility interview to lease a unit, or to update their application.
- c. The applicant is offered, and rejects a unit for the second time; a first unit rejection will move the applicant to the bottom of the waiting list (only two offers per applicant will be made)
- d. Mail sent to the applicant's address is returned as undeliverable.
- e. Applicant is no longer interested.

If an applicant's name is removed from the waiting list and it is then determined that an error was made by management, the applicant will be reinstated at their original place on the waiting list. When a name is withdrawn from the waiting list, the waiting list will indicate the date and time of withdrawal, as well as the reason for the withdrawal. When applicants have leased a unit, the waiting list shall show the date and time the unit was leased.

X. CLOSING AND OPENING THE WAITING LIST

When the waiting list has become excessive (average wait time of one year or more), the waiting list shall be closed. A notice will be advertised in a publication of general circulation, indicating the effective date when the waiting list will be closed. A notice will also be posted in the management office and on Housing Authority's web site.

While the waiting list is closed, management may exhaust the current waiting list in order to provide that all applicants are served, prior to opening and accepting new applicants.

When it has been determined that new applications will be accepted, a notice will be advertised in a publication of general circulation, and placed on Authority's web site, indicating the date that new applications will be accepted. The notice will also indicate where and when to apply and the eligibility requirements. The Affirmative Fair Housing

Marketing plan will be followed when applications are accepted.

XI. OCCUPANCY STANDARDS

Occupancy standards serve to prevent the over or underutilization of units that can result in an inefficient use of housing assistance. The standards also ensure that residents are treated fairly and consistently, and receive adequate housing space.

Jackson Towers/ Lake M.H.A. will use the same occupancy standards for each of its developments.

The occupancy standards are as follows:

The policy will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex (other than spouses, and children under age 5) will not be required to share a bedroom.

Persons of different generations will not be required to share a bedroom.

Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.

Single person families will be allocated a zero or one bedroom.

Foster children will be included in determining unit size.

Reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

Consideration for granting exceptions to the occupancy standards, at the family's request, occurs if it is determined the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5-I.B) and the family does not want to transfer to a larger size unit.

When evaluating exception requests management will consider the size and configuration of the unit. In no case will management grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

To prevent vacancies, management may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

Processing of Exceptions

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, management will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the management will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

The management will notify the family of its decision within 10 business days of receiving the family's request.

XII. NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, the PHA must notify the family by first class mail.

The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview.

Who is required to attend the interview.

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation.

Documents that must be provided at the interview to document eligibility for a preference, if applicable.

The Verification Information Packet, mailed to the applicant, includes all other forms, documents and information that should be completed and brought to the interview.

Time allotted for the family to respond to the notice.

If a notification letter is returned to the PHA with no forwarding address, or the family fails to respond to the notice within 10 business days, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the PHA from making an eligibility determination; therefore no informal hearing will be offered.

Families selected from the waiting list are required to participate in an eligibility interview.

Eligibility Determination

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined. Management will notify a family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

Management must also promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a within 10 business days after the determination is made, with an opportunity for an informal hearing on such determination. The notice will specify the reasons for ineligibility.

If the PHA uses a criminal record or sex offender registration information as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the

applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application.

XIII. TRANSFERS

Requests from Residents

Once an applicant has become a resident, a transfer of units may be warranted. There are one, two, three and four bedroom unit sizes at the properties. If a resident has an increase in family size, or has a medical/health condition that warrants a larger unit or a unit that has special design features for a person with disabilities, a transfer may be requested. On occasion there may be other requests for transfers that Jackson Towers/ Lake M..A. will consider on a case-by-case basis. All transfer requests must be made in writing, and must state the reason for the request. The request will then be forwarded to manager/owner for final approval.

Requirement by Owner

On occasion an owner may require a resident to transfer to a smaller unit size. This may occur when the family composition decreases and the family no longer qualifies for the unit size in which they are dwelling. If a unit of appropriate size is not available, Jackson Towers/ Lake M.H.A. will not evict the family and will not increase the family's rent to the market rent. However, if an appropriately sized unit is available and the family refuses to move, the family may stay in their current unit and pay the HUD-approved market rent. Management may evict the family if the family fails to pay the market rent in accordance with the lease.

Acceptable Reasons for Transfers

Current residents may qualify for a unit transfer for one of the following conditions:

- Medical/health conditions, including inability to use stairs, or the need for a live-in attendant;
- Family size increases or decreases, or composition changes;
- There is a need for a unit with special design features for a person with disabilities; or
- Other potential conditions not related to health, which will be reviewed on a case-by-case basis by Management.

Placement on Transfer Waiting List

If the property management approves a request for a transfer to a different unit, and there is no current unit available, the resident will be placed on the transfer waiting list. In-house residents that must be transferred due to overcrowding will be transferred first. Residents needing transfers due to medical reasons must have a written statement from a qualified medical professional.

Procedures for Filling Vacancies

If a request for a transfer to a different unit is approved, the resident agrees to pay all transfer costs prior to the move. Costs may include damages that are beyond normal wear and tear. However, if a resident is transferred as an accommodation to a household member's disability, then Jackson Towers/ Lake M.H.A. may be obligated to pay the costs associated with the transfer as discussed under Section 504 of the Rehabilitation Act of 1973 of Chapter 2 of HUD Handbook 4350.3 REV-1.

Priority for Filling Vacancies

Management will fill its vacant units with current residents awaiting transfers before applicants from the waiting list. Unit transfers that are required by management will take priority over resident requested transfers.

XIV. ELIGIBILITY OF STUDENTS FOR ASSISTED HOUSING

The student rule applies to all individuals enrolled as students at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential. However, the student rule does not apply to any student who is living with his/her parents who are applying for or receiving Section 8 assistance.

Management shall deny admission, on the basis of program ineligibility, to any individual who:

- a. Is enrolled as a student at an institution of higher education
- b. Is under the age of 24, is not a veteran of the United States Military
- c. Is unmarried
- d. Does not have a dependent child
- e. Is not a person with disabilities, as defined in section 3(b)(3)(F) of the U.S. Housing Act of 1937, and was not receiving Section 8 assistance as of November 30, 2005; and
- f. Is not otherwise eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive Section 8 assistance.

XV. ANNUAL RECERTIFICATION

To ensure that assisted residents pay rents commensurate with their ability to pay, HUD requires a recertification of family income and composition at least annually. Tenant rents must be recomputed based on the information gathered. Tenants are required to supply information requested by management for use in the recertification process. At recertification time, all household members must be checked through the Dru Sjodin National Sex Offender Database (www.nsopw.gov).

XVI. INTERIM RECERTIFICATION

Interim re-certifications are performed when a tenant experiences a change in income or family composition between annual re-certifications. Management must process an interim recertification if a tenant reports:

- a. A change in family composition;
- b. An increase in a family's cumulative income of more than \$200 per month;

- c. An increase in allowances (medical expenses, disability assistance expense); or
- d. Most decreases in income (except if the decrease was caused by a deliberate action of the resident to avoid paying rent, or if the decrease will last one month or less).

XVII. UNREPORTED OR UNDERREPORTED INCOME

If management determines the tenant unreported or underreported their income, management must go back to the time the unreported or underreporting of income started, not to exceed the five-year limitation that the tenant was receiving assistance as shown on the HUD-9887 and HUD 9887A. A calculation must be made to determine the difference between the amount of rent the tenant should have paid and the amount of rent the tenant was charged. Management will notify the tenant of any amount due and their obligation to reimburse management. A record of the calculation will be given to the tenant and a copy placed in the tenant file.

XVIII. REPAYMENT OPTIONS/AGREEMENT

Tenants can repay amounts due in a lump sum payment, or by entering into a repayment agreement with management, or a combination of both. Tenants who do not agree to repay amounts due will be in non-compliance with their lease and the lease may be terminated. The tenant and management must both agree on the terms of the repayment agreement.

XIX. RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM.

Jackson Towers was converted under the Rental Assistance Demonstration (RAD) Program and is subject to RAD Requirements. Prior Residents as of January 1, 2018 are deemed “Existing Households” and as such shall be entitled to return after rehabilitation without rescreening and other rights described in the attached Quick Reference Guide to Multifamily Housing Requirements. Management maintains a current list of Existing Households in its files.

- a. Termination Notification – HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects converting assistance under RAD, that supplement notification requirements in regulations at 24 CFR 880.607 and the Multifamily HUD Model Lease.
 - i. *Termination of Tenancy and Assistance.* The termination procedure for RAD conversions to PBRA will additionally require that public housing authorities (PHAs) (as owners) provide adequate written notice of termination of the lease which shall not be less than:
 - 1. A reasonable period of time, but not to exceed 30 days:
 - 1. If the health or safety of other tenants, owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - 2. In the event of any drug-related or violent criminal activity or any felony conviction; or

2. 14 days in the case of nonpayment of rent

- ii. Termination of Assistance. In all other cases, the requirements at 24 CFR 880.603, the Multifamily HUD Model Lease, and any other HUD multifamily administrative guidance shall apply.
- b. Grievance Process. In addition to program rules that require that tenants are given notice of covered actions under 24 CFR Part 245 (including increases in rent, conversions of a project from project-paid utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances), HUD is incorporating resident procedural rights to comply with the requirements of section 6 of the Act. RAD will require that:
- i. Residents be provided with notice of the specific grounds of the proposed owner adverse action, as well as their right to an informal hearing with the PHA (as owner);
 - ii. Residents will have an opportunity for an informal hearing with an impartial member of PHA's staff (as owner) within a reasonable period of time;
 - iii. Residents will have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the owner as the basis for the adverse action. With reasonable notice to the PHA (as owner), prior to hearing and at the residents' own cost, resident may copy any documents or records related to the proposed adverse action; and
 - iv. PHAs (as owners) provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action, and the evidence the PHA (as owner) relied on as the basis for the adverse action.

The PHA (as owner) will be bound by decisions from these hearings, except if the:

- a. Hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing.
- b. Decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

If the PHA (as owner) determines that it is not bound by a hearing decision, the PHA must promptly notify the resident of this determination, and of the reasons for the determination.

xx. SECTION 504 THE REHABILITATION ACT OF 1973, THE FAIR HOUSING ACT AMENDMENTS OF 1988 AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

There are multiple laws that address the rights of residents in HUD-subsidized housing:

- a. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD.
- b. The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. It applies to housing, regardless of the presence of federal financial assistance.
- c. 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 financial assistance from HUD.
- d. Management policies and practices will be designed to provide assurance that all persons with disabilities will be provided reasonable accommodations so that they may fully access and utilize the full range of the management rental- housing program and related services.
- e. Management will ensure that a qualified individual with a disability be provided reasonable modification(s) to the premises (i.e., dwelling unit) unless management can demonstrate the proposed physical modifications will result in an undue administrative and financial burden or a fundamental alteration in the program or activity.
- f. All requests for reasonable accommodations must be submitted in writing to the Manager. Verification of the need for a unit with special features (reasonable accommodations) must be submitted in writing from a qualified professional with knowledge of the resident's disability.