



Tenant Selection Plan



*451 North Main Street
Cadiz, Ohio 43907
(740) 942-2215 * FAX (740) 940-2590*

Effective: November 1, 2018





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Bingham Terrace Apartments is a Multi-Family Project-Based Section 8 property that is administered by the U. S. Department of Housing and Urban Development (HUD), and is designated to attract applicants for occupancy from all potentially eligible groups of people in the housing area regardless of race, color, religion, sex, national origin, disability, familial status, marital status, source of income, age, ancestry, medical condition, sexual orientation, or any other arbitrary basis. Bingham Terrace Apartments has fourteen (14) one bedroom, twenty-eight (28) two bedrooms, and fourteen (14) three-bedroom units available for rent. To be eligible for occupancy at this property, there must be a match between the applicant's family size and the unit size available at Bingham Terrace Apartments. The goal of this Tenant Selection Plan is to establish a guideline for the selection of residents in accordance with HUD regulations, which will enhance the quality of life for our residents and improve the financial viability of Bingham Terrace Apartments.

Availability of Plan

This Tenant Selection Plan is available to the public upon request. It will be posted in a common area of the rental office, and in a common area of the Harrison Metropolitan Housing Authority (HMHA) administrative office. It may be reviewed at the above locations during normal business hours.

Modification of Plan

Bingham Terrace Apartments will review this Tenant Selection Plan at least once annually or when there is a change in HUD regulations to ensure that it reflects current operating practices, program priorities, and HUD requirements. If Bingham Terrace Apartments and/or HUD's Contract Administrator feel the plan needs to be modified in any way, a notice of such modification will be provided by mail to applicants on the waiting list. For this reason, the current Tenant Selection Plan is in place at Bingham Terrace.

Fair Housing and Equal Opportunity Requirements

Non-Discrimination

It is the policy of Bingham Terrace Apartments to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.





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Bingham Terrace Apartments will not discriminate on the basis of race, color, sex, religion, age, disability, national origin, marital status, sexual orientation, ancestry, source of income, medical condition, or any other arbitrary basis in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, Bingham Terrace Apartments will not:

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

Bingham Terrace Apartments shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Section 504 of the Rehabilitation Act of 1973

It is the policy of Bingham Terrace Apartments to assure that qualified individuals with handicaps or disabilities are not discriminated against on the basis of their handicap or disability. Bingham Terrace Apartments also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at Bingham Terrace Apartments.

Reasonable Modifications: Bingham Terrace Apartments will allow reasonable modifications to individual units or common areas when requested by applicants and residents with disabilities. If considered reasonable by Bingham Terrace Apartments, these modifications will be made at the property's expense. If deemed to be unreasonable, an active dialogue will be opened between Bingham Terrace Apartments and the disabled applicant or resident to find a mutually agreeable solution.

Reasonable Accommodations: Bingham Terrace Apartments will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, Bingham Terrace Apartments will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Bingham Terrace Apartments will make reasonable adjustments to rules, policies, and services in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common area of dwelling, or to participate in or have access to other activities conducted or sponsored by Bingham Terrace Apartments.

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

- Make structural alterations that require the removal or altering of a load-bearing structural member;
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service;





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- Take any action that would result in an undue financial and administrative burden on Bingham Terrace Apartments, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

Information Regarding Disabilities

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

Auxiliary Aids to Ensure Effective Communication: Bingham Terrace Apartments will seek to effectively communicate with applicants, residents, and members of the public who are individuals with disabilities. The use of auxiliary aides will be implemented when necessary. Bingham Terrace Apartments asks for 7 days' notice in order to make any service, meeting, interview, appointment, or any business accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, readers, interpreters, large print or Braille applications, leases, and other information/communications, recordings of such information, and a community room television that provides closed-captioning service.

Assistance Animals: Bingham Terrace Apartments will allow assistive animals which are defined as animals that work, provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support to alleviate identified symptoms or effects of a person's disability. These animals, often referred to as assistive, service, support, or therapy animals perform many disability-related services, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. No pet deposit is required for assistive animals. Appropriate rules of conduct will be provided for assistive animals. If an accommodation for assistive animals causes a financial and/or administrative burden on Bingham Terrace Apartments or becomes a danger to the safety of the other residents or staff, the assistive animal will be denied.

Accessible Route: For mobility-impaired persons, Bingham Terrace Apartments is an accessible facility on an accessible route.

Equal Access: Bingham Terrace Apartments will provide assistance in a confidential manner and setting to insure equal access to a resident's documents. An individual with disabilities is responsible for providing their own transportation to and from the location where all documents are kept. Documents that the resident would like to review may be examined during regular business hours. Please contact the management office to make arrangements to examine any documents.

Mitigating Circumstances

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





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Privacy Policy

Personal Information

It is the policy of Bingham Terrace Apartments 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 Bingham Terrace Apartments. Unless required by Federal or state law, neither Bingham Terrace Apartments nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

Determining Eligibility for Assistance

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

Information on Handicaps/Disabilities

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.

Investigations into Fraud/Criminal Activities

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

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

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

Qualifying for Admission Under HUD's Program *Eligibility Requirements*

Defining Program Eligibility

Program Eligibility determines whether applicants are eligible for federal rental assistance. Bingham Terrace Apartments will not admit ineligible applicants. In order to be eligible a family must meet **ALL** of the following eligibility criteria.





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Income Limits

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to very low-income families. Income limits are based on family size and the annual income the family receives. These limits are available for review at the site or management office. Bingham Terrace Apartments will determine income eligibility prior to approving any applicant for tenancy. Once the applicant moves into Bingham Terrace Apartments, this income eligibility test will not be done again unless the resident has gone to market rent and wants once again to be eligible for subsidy. The income limits established for Bingham Terrace Apartments are Very Low and Extremely Low.

Applicants must have an income that is not greater than the maximum income limits established by HUD, and as published annually in the Federal Register. In addition, 40% of the new move-ins per year at this Section 8 property must be at or below 30% of the area median income, as required by HUD, and explained in the “Income-Targeting” paragraph below.

Method for Income-Targeting: HUD requires that Section 8 developments must lease not less than 40% of the dwelling units that become available for occupancy in any project fiscal year to extremely low-income families, which is defined as families whose incomes are below 30% of the area median income. The methodology Bingham Terrace Apartments has chosen to fulfill this obligation is to alternate between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list. The applicant is selected from the waiting list by who is the first extremely low-income applicant for the available unit and then selects the next eligible applicant currently at the top of the waiting list, (regardless of income level) for the next available unit. As subsequent units become available tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached.

Social Security Numbers

Applicants must disclose Social Security numbers for all family members and provide a valid social security card or provide evidence application has been made for the social security card proof of the numbers reported. The Social Security number requirement does not apply to persons not claiming eligible immigration status.

Lack of Social Security Documentation: Bingham Terrace Apartments will continue to process the application, and the applicant will have 60 days from the date on which the applicant certified that the documentation was not available for applicants who have not disclosed and/or provided verification of SSNs for all non-exempt household members. If the applicant is otherwise eligible for admission in the property, the applicant may retain their 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 is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list. One exception to this rule - for applicants age 62 or older as of January 31, 2011, whose initial determination of eligibility for assistance was begun before January 31, 2011.

24 CFR 5.216 has been modified to now permit Bingham Terrace Apartments to accept applicant households that include an applicant family member who is under the age of six (6), who does not yet have a Social Security Number (SSN) assigned to them and was added to the household six (6) months or less from the move-in date. As a result of this change, Bingham Terrace Apartments will not deny occupancy to such applicant households.





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Authorization for Release of Information

All adults in each applicant family must sign an Authorization for Release of Information (HUD form 9887/9887-A) prior to receiving assistance, and annually thereafter. Refusing to sign the Authorization for Release of Information by any adult family member will cause the family to be ineligible for assistance.

EIV (Enterprising Income Verification)

Existing Tenant Search

HUD's EIV database will be utilized to run the Existing Tenant Search when processing an application to determine if any applicant household member may be currently residing and/or receiving assistance through another Multifamily Housing or Public and Indian Housing (PIH) location.

Existing Tenant Search Report: All applicants **MUST** disclose if they are currently receiving HUD housing assistance. Bingham Terrace Apartments will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides Bingham Terrace Apartments with information about an applicant's current status as a HUD housing assistance recipient. Bingham Terrace Apartments will use the Existing Tenant Search Report, during the final eligibility review, to determine if the applicant or any member of the applicant household may be currently receiving HUD assistance. An individual report must be ran for **ALL HOUSEHOLD MEMBER'S INCLUDING CHILDREN.**

Since the applicant is required to provide current landlord information on the application, Bingham Terrace Apartments should be aware of the housing assistance. Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any HUD voucher before HUD assistance on this property will begin. Special consideration applies to minor children where both parents share 50% custody.

The report gives Bingham Terrace Apartments the ability to coordinate move-out and move-in dates with the PHA of the property at the other location. Bingham Terrace Apartments will follow-up with the respective PHA to confirm the individual's program participation status before admission. Notations pertaining to the status of applicants currently receiving subsidy at another property must be documented on the "Section 8 Existing Tenant MO Certification" form, and the notations must include: Name of the person contacted at current applicant residence, date/time of contact, information provided including anticipated move-out date for the applicant(s) and other relevant information.

If the applicant or any member of the applicant household fails to disclose rental history fully and accurately on the application, the applicant may be denied based on "misrepresentation" of information. If Bingham Terrace Apartments' discovers a discrepancy, the applicant will be notified and will have 5 business days to respond to the inquiry. (Please see the "Tenant Selection Plan" for additional information pertaining to denial of applicants). Bingham Terrace Apartments will send the applicant a notice to request a meeting to discuss the information that was provided on the Existing Tenant Search report.





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Failure to respond to Bingham Terrace request for additional information and/or providing false or incomplete information will result in denial and removal from the waiting list in accordance with the properties current Tenant Selection Plan.

Record Keeping-Existing Tenant Search Report: The Existing Tenant Search Report - must be maintained in the Applicants or Tenant file. If the information on the report results in an applicant not being accepted for housing assistance based on the applicant providing false or incomplete information, the report will be maintained in the applicants file, along with associated correspondence sent to the applicant to inform him/her of management's decision to deny them as an applicant.

If the information on the report results in information confirming that the applicant still resides at another property where they receive rental assistance, the report will be maintained in the applicant file along with the associated correspondence sent to the applicant to inform them of management's decision to deny them as an applicant based on the fact that they have not moved out of another property where they are receiving rental assistance.

If the information provided by a current landlord, as indicated on the 'Section 8- Existing MO Confirmation' form confirms that the applicant is currently being evicted the Existing Tenant Search, confirmation as indicated on the "Section 8-Existing MO Confirmation" and associated correspondence sent to the applicant and family must be maintained in the applicants file.

A copy of the Existing Tenant Search report will be filed in each tenant file and a report must be included for each household member, including household minor and dependents. If the Existing Tenant Search report shows that any member of the applicant family is receiving rental assistance at another property, documentation must be included and noted on the "Section 8 Existing Tenant MO Confirmation" confirming the move out date as provided by the landlord. Follow up action may or may not be needed based on information provided by the landlord at the property where the applicant is currently receiving rental assistance and in accordance with the Property's Tenant Selection Plan.

Multiple Subsidy Report: The **Multiple Subsidy Report** will be reviewed quarterly. The Report allows Bingham Terrace Apartments to search TRACS database to identify individuals who may be receiving multiple rental subsidies. If the report shows that a resident is being assisted at another location, Bingham Terrace Apartments must contact the household and offer them the opportunity to dispute or explain the situation, If the results of the searches (both MF and within PIH) (see search option) below shows that a tenant is being assisted at another location, Bingham Terrace Apartments must discuss these results with the household. The notice requires that the household meet with Bingham Terrace within five days of the date of the notice.

Bingham Terrace Apartments must also contact the representative PHA or owner/agent of the other property showing on any multiple subsidy report and document all information obtained regarding receipt of multiple subsidy for any household member. Information will be documented on the property's discrepancy log with notations on all follow-up completed by owner agent.

If any household member received or attempted to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material non-compliance lease violation and may result in penalties up to and including evictions and pursuit of fraud charges.





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Search Options- Multiple Subsidy Report: When running the **Multiple Subsidy Report**, Bingham Terrace Apartments will perform both of the search options as shown below to determine if possible, multiple subsidies exist:

- **Search within MF**
- **Search within PIH**

Recordkeeping-Multiple Subsidy Report: Print out and maintain a copy of the **Multiple Subsidy Report** in the EIV discrepancy log file and include notations as to the outcome of contacts with the residents and/or PHA or owner/agent of other property. In addition, a copy of the **Multiple Subsidy Report** for the resident plus any documentation supporting any contacts made or information obtained to determine if a household and/or household member is receiving multiple subsidies as well as documentation to support any action taken if a household and/or household member is receiving subsidies must be retained in the tenant file.

The tenant file must only contain information for that particular household. Reports may need to be manually separated so that only information for the household is included in the tenant file.

Refer to HUD Handbook 4350.3, Rev 1 as well to determine if households receiving multiple subsidies should be terminated in accordance with the HUD Model Lease and charged market rent for unpaid subsidy at the property as a result of multiple subsidies.

No Income Report: The **No Income Report** will be reviewed quarterly. The report provides Bingham Terrace Apartments with the list of tenants whose identities were verified by the SSA, but do not have or never have received SSA/SSI benefits or wages. Information obtained in the **No Income Report** must be compared to information provided by the applicant/tenant and any/all discrepancies with the information should be researched. Applicants/Tenants claiming to have no household income should be listed on the **No Income Report** and if not listed on this report additional steps must be taken by the Bingham Terrace Apartments to determine why the household is not listed.

Discrepancies between information provided by the applicant/tenant and the information obtained in the **No Income Report** should be handled in the same manner as discrepancies obtained in the **Income Discrepancy Report** and all discrepancies must be documented, discussed with the applicant/tenant, and resolved within (30) days of the date of the report.

Correction must be made for unreported or under-reported household income by processing the appropriate 50059 and processing repayment agreements (as warned) based on the timeframes and amount of subsidy owed by the household, if any. In addition, households reflected on the **No Income Report** that have not reported to Bingham Terrace Apartments - that household is currently receiving income should be contacted to review the information obtained and compared to information provided to the household. Sources of income not included on the **No Income Report** must be accounted for, verified according to the HUD Handbook 4350.3 guidelines, and included on the household's 50059, such as child support income, recurring gifts, benefits not included in the EIV System, etc.

All household reporting zero income must complete a Section 8 - Zero Income Questionnaire in accordance with the "Section 8 - Standard Operating and Procedures Manual" on a quarterly basis as well. The questionnaire is intended to confirm households are meeting daily needs and to be ascertain if there is unreported household income that should be included as part of the household's annual income.





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Recordkeeping - No Income Report: Bingham Terrace Apartments will maintain the **No Income Report** with the EIV Discrepancy log file and include any documentation and correspondence with the household(s) to discuss discrepancies between the individual household reported income and the **No Income Report**. In addition, the owner/agent will maintain individual **No Income Report** in the tenant file along with any/all documentation and correspondence with the household relative to the household’s reported income amounts and the **No Income Report**.

The owner/agent will “purge” EIV printouts at the end of tenancy plus 3 years. Bingham Terrace Apartments will document the resident’s file when information is destroyed. When documenting this action, provide information about when and how the information was destroyed.

Reporting at Annual Certification, Interim Certification and Unit Transfer: Aside from the reports previously mentioned, the EIV Income Reports will be reviewed during annual and interim re-certification. The Income report will be printed and reviewed within 90 days after transmission of the move-in certification and any income discrepancies will be resolved within 30 days of the income report date. Reports will be produced and reviewed based on the following schedule:

Annual Certification Month	Discrepancy and Income Report Viewed for Annual Certification
January	November 1-10
February	December 1-10
March	January 1-10
April	February 1-10
May	March 1-10
June	April 1-10
July	May 1-10
August	June 1-10
September	July 1-10
October	August 1-10
November	September 1-10
December	October 1-10

Only Residence

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

Rent Formula for Section 8

Applicants must agree to pay the rent required by the Section 8 subsidy formula used at Bingham Terrace Apartments, which is defined in HUD’s Occupancy Handbook, HUD Handbook 4350.3 REV-1, CHG-2 as follows:

The applicant/resident will pay the greater of:





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- 30% of the monthly-adjusted income
- 10% of the monthly gross income
- Welfare Rent
- or
- Minimum Rent of \$25

Hardship Exceptions: Bingham Terrace Apartments will waive the minimum monthly rent requirement to any family unable to pay due to a long-term financial hardship. The financial hardship exemption constitutes the only statutory exemption and includes the hardship situations listed below. **NOTE:** A family who is eligible for and receives a hardship exemption must be recertified every 90 days.

- The family has lost federal, state, or local government assistance or is waiting for eligibility determination (including legal immigrants);
- The family would be evicted if the minimum rent requirement were imposed;
- The family income has decreased due to a change in circumstances, including but not limited to, loss of employment;
- A death in the family has occurred;
- Other applicable situations, as determined by HUD, have occurred.

Annual Recertification Policy: Bingham Terrace Apartments will conduct a recertification of family income and composition annually. All family members must supply the information requested by management, owner, and HUD. Tenants must sign the required consent forms and Bingham Terrace Apartments will obtain third party verification of the required documentation, including annual income, the value of assets, authorized deductions from annual income and other factors that affect the determination of adjusted income. Bingham Terrace Apartments will then recompute the rent and assistance payments, if applicable, based upon the information gathered. Failure, by the resident, to comply with the recertification process will result in termination of rental assistance.

Bingham Terrace Apartments will not conduct annual recertification for those residents paying full contract or market rent unless the resident request certification to determine their eligibility to received assistance.

Interim Recertification Policy: Further, to ensure that assisted families pay rents based on their ability to pay, applicants must understand and agree to HUD's requirement that they are required to supply interim information to Bingham Terrace Apartments when the following occurs between annually scheduled recertifications:

- A family member moves in/out of the unit;
- An adult member of the family who was reported as unemployed on the most recent certification obtains employment; or
- The family's income cumulatively increases by \$200 or more per month.

Notification Policy: Bingham Terrace Apartments will inform residents, through required written notices, about their responsibility annually to provide information about the family's income, which is necessary to properly complete a recertification.





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Eligibility under the Noncitizen Rule

According to Section 214 of the Housing and Community Development Act of 1980 (commonly known as the Noncitizen Rule), federal rental assistance is restricted to the following:

- a. U.S. citizens or nationals; and
- b. Noncitizens who have eligible immigration status as determined by HUD.

These requirements apply to applicants, families on the waiting list and tenants. Bingham Terrace Apartments will determine citizenship status for each applicant at the initial eligibility determination, prior to move in. Some families will qualify as mixed families, – i.e., a family with one or more ineligible members and one or more eligible members. Mixed families received prorated assistance based upon the number of eligible and ineligible family members. For family members who move in after eligibility, the required forms and evidence of citizenship must be submitted at the first interim or regular recertification after the person moves to the unit. As part of the annual or interim recertification process, Bingham Terrace Apartments will also determine the citizenship/immigration status of tenants from whom they have not previously collected the proper documentation or whose documentation suggested that their status was likely to change. If the status of a family member in a mixed family changes, the family may request an interim certification. Bingham Terrace will notify families in writing if they are found to be ineligible based upon citizenship/immigration status.

Declarations and Verifications of Citizenship: All family members, regardless of age, must declare their citizenship or immigration status via a specific Declaration or Verification Form, the exact type of which depends on the applicant’s status. All applicants for assistance will be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application. A separate form must be signed by each member of the family. For family members under the age of 18, the form must be signed by an adult member of the household. The following documents are required:

For U.S. citizens: A Declaration of Citizenship Form. In addition, Bingham Terrace Apartments requires a copy of the applicant’s birth certificate.

For Noncitizens under the age of 62: (1) A Verification Consent Form; (2) Declaration of Eligible Immigration Status; (3) One of the documents approved by the Department of Homeland Security as acceptable evidence of immigration status.

Noncitizens age 62 and over: Noncitizens who are age 62 and older are not required to be further verified regarding their immigration status other than signing a Declaration of Eligible Immigration Status and providing a proof of age document.

For noncitizens who are in this country on a visa and are not immigrants: There is an appropriate place on the Verification Consent Form for them to sign stating that they do not claim to have eligible immigrations status and are not therefore eligible for assistance.

Verification Delay: Bingham Terrace Apartments will not delay or terminate the family’s assistance if the family submitted its immigration information in a timely manner, but the Department of Homeland Security verification or appeals process has not been completed. In addition, if at least one family member has submitted the required documentation to Bingham Terrace in a timely manner, and the family comes to the top of the waiting list, Bingham Terrace Apartments will offer the unit and provide prorated assistance based





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upon those family members who submitted their documentation on time. Prorated assistance will continue until the remaining family members submit the required documentation. Once Bingham Terrace Apartments completes the verification process, it will do one of the following:

1. Provide full assistance if all of the family members establish citizenship or eligible immigration status.
2. Continue to provide prorated assistance if any of the family members are ineligible based upon citizenship or immigration status OR
3. Temporary Deferral of Termination of Assistance. If the family does not accept an offer of prorated assistance, then Bingham Terrace Apartments will offer a temporary deferral of termination of assistance in order to provide the family with time to find alternative housing. The initial deferral period is one (1) month and may be extended for a maximum of one additional one (1) month period. At least ten (10) days before the termination of each deferral period, Bingham Terrace Apartments will notify the family if they qualify for another deferral.”

Eligibility Under the Student Rule

On 11-30-05 Congress enacted Public Law 109-115, which included in Title III, Section 327, appropriations for HUD regarding eligibility of students for assisted housing under Section 8. Owners are required to determine a student’s eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student. Bingham Terrace Apartments will use the following HUD guidelines as indicated in Chapter 3 of HUD’s occupancy handbook, HUD Handbook 4350.3 REV-1.

Students Who are NOT Eligible for Section 8 Assistance: According to Section 327(a) of the law, Section 8 assistance shall not 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;
- Is under the age of 24;
- Is not married;
- Is not a veteran of the United States Military;
- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005);
- Is not living with his or her parents who are receiving Section 8 assistance; and





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- Is not individually eligible to receive Section 8 assistance **and** has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

Defining Independent Student: HUD published a Notice in the September 21, 2016 Federal Register, to be effective immediately, revising the rules regarding the eligibility of “independent student” for Section 8 housing. An “independent student” is an individual who:

- Is age 24 or older by December 31 of the award year;
- Is an orphan, in Foster Care, or a Ward of the Court, or was an orphan, in Foster Care, or a Ward of the Court at any time from age 13;
- Immediately prior to the age of majority, was an emancipated minor or in legal guardianship as determined by a court;
- Is a veteran of the United States military or on active duty for other than training (i.e., not Guard or Reserve);
- Is a graduate or professional student;
- Is married;
- Has legal dependents other than a spouse; or
- Was verified during the school year as either an unaccompanied youth who is homeless or at risk of homelessness and is self-supporting.
 - This must be verified by:
 - A local educational agency’s homeless liaison;
 - The director (or designee) or a program funded under the Runaway & Homeless Youth Act;
 - The director of a program funded under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act; or
 - A financial aid administrator; or
 - Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Students who are orphans, in Foster Care, wards of the court from age 18, emancipated or under legal guardianship, homeless or at risk of homelessness are considered “vulnerable youth.” In this case they are automatically considered an “independent student.”

Defining Student Financial Assistance Income: Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance. (See the Glossary of HUD Handbook 4350.3 REV-1 for an expanded definition of Student Financial Assistance.)





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Protection from Eviction: Bingham Terrace Apartments will not evict or require an ineligible student to move from a unit as long as the student is paying market rent and is in compliance with the terms of the lease.

Verifying Information

The applicant must agree to furnish any information required to verify eligibility for rental assistance including all sources of income, assets, and certain expenses. Applicants are hereby informed that, by law, the penalties for false information may include eviction, loss of assistance, fines up to \$10,000, and imprisonment up to five years. The applicant must understand that a final decision of eligibility cannot be made until all verifications are complete. In addition, the applicant must understand that HUD has the right to compare any of the information supplied in the verifications with information that federal, state, or local agencies have on the family's income and household composition.

Bingham Terrace Apartments must explain all program requirements to applicants, including the following verification procedures:

Individual Verification Consent Forms: In addition to the Authorization for Release of Information and the appropriate Consent Forms indicated earlier, applicants must sign Individual Verification Forms that have been designed by Bingham Terrace Apartments for obtaining documentation from third parties, to verify an applicant's income and deductions for determining the rent.

Verification Documentation: Documentation used as part of the verification process may include checklists completed and signed by the applicant, verification forms completed and signed by third parties, dated notes of interviews with third parties whether by phone or in person, documents provided by family members, or affidavits/certifications supplied by the applicant. Bingham Terrace Apartments will be the final judge of the credibility of any verification submitted by an applicant.

Preferred Forms of Verification: Verifications must be attempted in the order indicated below. Each file will be documented to show that Bingham Terrace Apartments attempted to obtain third party written documentation before relying on some less acceptable form of information.

- Third party written;
- Third party oral with a record kept in the file;
- Review of documents provided by the family, or
- Affidavits from the family.

Verifying Zero Income: If an applicant reports zero income on an application, Bingham Terrace Apartments will advise her/him that if they are still at zero income when they come to the top of the Waiting List, they will be asked to fill out a questionnaire prepared by Bingham Terrace Apartments stating their source of necessary living items that are not covered by Food Stamps or other federal assistance sources. After 90 days at zero income, and for every 90-day period thereafter, the resident may be re-certified to determine if they have begun to receive any type of income. If a resident goes through four 90-day periods at zero income, Bingham Terrace Apartments may make a visit to the dwelling unit to determine the likelihood of the resident's report. If the resident is found to have a car, a telephone, cable television, cigarettes, disposable diapers, or other evidence of some form of income, the applicant may be asked to explain the source of income supporting cash expenditures when zero income is present. A Family Budget or Statement of





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Financial Responsibility may be required from the applicant. Investigations may include ordering a credit report on the resident after proper notice is given.

Verification of Independent Student: Requirements for verifying a student's independence has been modified by HUD clarifying that the tax return requirement only applies to the student's tax returns. When determining a student's independence from parents, ***ALL*** of the following are required:

1. Review and verification of previous address information in order to confirm a separate household;
2. Review of student's prior year tax returns to verify independence; and
3. A written certification of support or nonsupport from the parent(s).

If any of these three requirements are not met, proof of the parents' eligibility for Section 8 assistance is required.

Attempted Fraud: Any information provided by the applicant that is later proven to be untrue by verification may be used to disqualify the applicant for admission on the basis of attempted fraud. Fraud is defined in Par 8-13 A of the HUD handbook 4350.3 Rev. 1 as an applicant/resident knowingly providing inaccurate or incomplete information. Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis to exclude applicants. Bingham Terrace Apartments considers false information about the following items to be grounds for rejecting an applicant:

- Income, assets, family composition, Social Security numbers, allowances; and
- Previous resident or criminal history

Qualifying for Admission Under HUD's Project Eligibility Requirements

Defining Project Eligibility

Project Eligibility establishes whether applicants are eligible to reside in the specific property to which they are applying. The Occupancy Standards listed below take into consideration not only type, but also household size and what unit sizes are available at Bingham Terrace Apartments. It is possible that a household might be eligible for subsidy under HUD's requirements, but would not be eligible under the unit size requirements of this particular property.

Occupancy Standards

Occupancy Standards is the minimum and maximum number of occupants residing in a unit. When applying to Bingham Terrace Apartments, the appropriately sized unit must be in the unit configuration within the development. Units are assigned according to household size and composition. If the appropriate unit size is not available at the time of application, the applicant will be put on a waiting list. To avoid overcrowding, and in order to be consistent, we have adopted the following occupancy standards:





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<i>Bedroom</i>	<i>Minimum</i>	<i>Maximum</i>
1	1	2
2	2	4
3	3	6

Defining Persons with Disabilities

Persons with disabilities means a person who:

1. Has a disability, as defined in 42 U.S.C. 423
2. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that;
 - a. Is expected to be of long continued and indefinite duration;
 - b. Substantially impedes the person's ability to live independently; and
 - c. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
3. Has a developmental disability as defined in 42 U.S.C. 6001.
- 4.. Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of infection with the HIV are eligible for occupancy in the Section 202 properties designed for the physically disabled, developmentally disabled, or chronically mentally ill depending upon the nature of the person's disability.
5. Individual with handicap for purposes of reasonable accommodations and program accessibility for persons with disabilities.

NOTE: A person whose sole impairment is alcoholism or drug addiction will not be considered to be disabled for the purposes of the Section 202 program.

Assigning Units for Persons with Physical Disabilities

Bingham Terrace Apartments will always give a family that has indicated a need for certain unit accommodations because of a disability, the opportunity to benefit from the HUD program in place. Bingham Terrace Apartments asks the family to decide for itself, in compliance with Section 504 of the Rehabilitation Act, whether a unit meets the needs of the family. Bingham Terrace will notify the household whenever any unit becomes available, without regard to unit accessibility. Bingham Terrace will never prohibit an eligible family with a member who has a disability from accepting a suitable non-accessible unit if no accessible unit is available when the family reaches the top of the waiting list. If the applicant decides to accept a standard unit, they may request some modification to the unit as a reasonable accommodation.

Assigning Accessible Units: If a unit becomes available that has either been made accessible under Section 504 or was originally designed for disabled households when Bingham Terrace Apartments was approved for funding, Bingham Terrace will first offer the unit to an individual with disabilities who is currently residing in a non-accessible unit who requires the features of the unit. If there is no such current resident, Bingham Terrace Apartments will offer the unit to the next qualified applicant on the waiting list who needs the features of the accessible unit.





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When neither a current resident nor a qualified applicant requires the features of an available accessible unit, Bingham Terrace will offer the unit to another resident or applicant and will incorporate as an addendum to the lease an agreement that the resident will move to a non-accessible unit within Bingham Terrace Apartments when one becomes available. This addendum will also cover whether the resident or Bingham Terrace Apartments will pay for the cost of such a move.

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

If a household requests an accessible feature, policy modification, or other reasonable accommodation, Bingham Terrace Apartments will provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program, or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the operations of Bingham Terrace Apartments.

Policy for Unit Transfers

Requests from Residents: Once an applicant has become a resident, a transfer of units may be warranted. There are one (1), two (2), and three (3) bedroom unit sizes at this property. 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 Bingham Terrace Apartments 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 Bingham Terrace Apartments 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 there is a unit of appropriate size available in the property, then a transfer to an appropriately sized unit is required. If a unit of appropriate size is not available, Bingham Terrace Apartments 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. Bingham Terrace Apartments may evict the family if the family fails to pay the market rent in accordance with the lease. If the tenant transfers, they have 30 days after notification that a unit of the required size is available to move.

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

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





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Placement on Transfer Waiting List: If the Bingham Terrace Apartments manager approves a request for a transfer to a different unit, and there is no current unit available, the resident will be placed on the Bingham Terrace 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 physician's statement.

Procedures for Filling Vacancies: If a request for a transfer to a different unit is approved, the resident agrees to pay all transfer costs prior to the move. Costs may include damages that are beyond normal wear and tear. However, if a resident is transferred as an accommodation to a household member's disability, then Bingham Terrace Apartments 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: Bingham Terrace Apartments will fill its vacant units with current residents awaiting transfers before applicants from Bingham Terrace Apartments waiting list. Unit transfers that are required by management will take priority over resident requested transfers.

Preferences

Elderly Election: Bingham Terrace Apartments has not made an election to give preference for the elderly as allowed under Title VI, Subtitle D of the Housing and Community Development Act of 1992, and as explained in HUD Handbook 4350.3 REV-1, Par 3-18.

Veteran's Election: Bingham Terrace Apartments has made an election to give a 20-point preference for a veteran of the military or a surviving spouse of a military veteran. The preference will not be given without the DD form 214 or Military Discharge Certificate.

Violence Against Women Act (VAWA): Bingham Terrace Apartments has made an election to give a 25-point preference for victims of domestic violence as allowed under 24 CFR 5.655. and as explained in Chapter 4 of HUD Handbook 4350.3 REV-1.

Qualifying for Admission Under Bingham Terrace Apartments' Standards

Property Standards for Bedroom Size

Being eligible for federal rental housing is not an entitlement. Every applicant must meet the resident selection criteria set in place at Bingham Terrace Apartments. These standards are used to demonstrate the applicant's suitability as a resident. They are determined by verifying information on past behavior to document the applicant's ability, either alone or with assistance, to comply with essential lease provisions and any other rules governing tenancy.

Two Persons: Bingham Terrace Apartments has adopted a bedroom size standard of two persons per bedroom (please see chart on page 16). This standard serves to prevent the over-utilization or under-utilization of units that could result in an inefficient use of housing assistance. This standard also ensures that residents are treated fairly and consistently in order to receive adequate housing space. Bingham Terrace Apartments will not make social judgments on a family's sleeping arrangement.





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Families with Children: The Fair Housing Act prohibits properties receiving Federal assistance from discriminating on the basis of familial status, making it illegal to discriminate against families because of the presence of persons under the age of 18. Bingham Terrace Apartments will neither exclude families with children, nor will they develop policies or procedures that have the purpose or effect of prohibiting children. Bingham Terrace Apartments will not exclude eligible elderly families because of the presence of children, or because of the anticipated presence of children.

Counting Family Members: In order to determine the size of unit that would be appropriate for a particular family, Bingham Terrace Apartments will count all full-time members of the family including live-in aides and foster persons who will reside in the unit. In addition, Bingham Terrace Apartments will count all anticipated persons including the following:

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

Property Standards for Behavior

The applicant family will be judged on past habits and practices related to tenancy and not on any attribute or behavior which may be imputed to a particular group or category of persons of which an applicant may be a member.

Screening to Determine Applicant Eligibility

Applicant Screening Policy

All applicants for assisted housing will be screened according to the criteria set forth in HUD's Occupancy Handbook, HUD Handbook 4350.3 REV-1. Certain key questions relating to the applicant's eligibility and resident history will be asked, including Social Security numbers, and the names, addresses and telephone numbers of current and former landlords. Failure to provide this information will result in cessation of application processing. Property staff will assist applicants, as needed, in understanding the application process and completing forms. Applicants will be instructed on what aspects of their background will be checked. An applicant has the right to voluntarily withdraw from the application process at any time. Live in Aids will be subject to the same general screening criteria as family members, except that Live-in Aids will not be screened for their ability to pay rent.





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Things Bingham Terrace Apartments Will Check

- Past performance in meeting financial obligations, especially rent;
- A record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other residents, or cause damage to the unit or development;
- Involvement in criminal activity on the part of any applicant family member which would adversely affect the health, safety, or welfare of other residents;
- A record of eviction from housing, or termination from residential programs;
- An applicant's ability and willingness to comply with the terms of Bingham Terrace Apartments' lease;
- An applicant's misrepresentation of any information related to eligibility, allowances, family composition or rent.

Things Bingham Terrace Apartments Will Not Check

- Bingham Terrace Apartments is not allowed to require physical examinations or medical testing as a condition of admission;
- Bingham Terrace Apartments will uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy but will not impose greater burdens on persons with disabilities.
- Persons with disabilities may meet the requirements of the lease with the assistance of others such as attendant care providers;
- Bingham Terrace Apartments will not require a donation, contribution, or membership fee as a condition of admission;

Procedures to Determine an Applicant's History

Past Performance

- Past performance for meeting financial obligations will be checked by contacting the current landlord and at least one prior landlord and utility supplier (if applicable).
- If verified records of timely rental payments (and utility payments, if applicable) are received from a landlord and/or utility supplier, no further documentation of past performance in meeting financial obligations, especially rent, will be collected.
- An applicant who applies owing a balance consisting of uncollected rent and/or miscellaneous charges may not be placed on the Waiting List until that balance is paid.
- Bingham Terrace Apartments will run a credit check and obtain a credit report on the applicant. In addition, Bingham Terrace Apartments will check court records for evidence of evictions or judgments against the applicant. The purpose of these checks is to obtain information on the applicant's past history of meeting financial obligations, future ability to make timely rent payments and to describe whether the applicant has ever been evicted from a rental unit. If it is determined by the landlord that the applicant is not credit worthy, the applicant will be rejected.





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- Also, Bingham Terrace Apartments will contact the current housing provider to determine the applicant's current lease compliance and ability to pay the rent in a timely manner.

Record of Disturbance

- Bingham Terrace Apartments will check with the current landlord and at least one former landlord for potential problems regarding documented disturbance of neighbors, destruction of property, or housekeeping habits that would pose a threat to the health and safety of other residents and/or property.
- If the applicant is not currently living under a lease with a landlord, the current housing provider may be asked to verify the applicant's ability to comply with lease terms. Any area for which the applicant has upkeep responsibility may be inspected.
- Documentation of current use of illegal drugs on the part of any applicant family member will be sufficient grounds to reject the applicant family.
- An applicant's behavior toward property staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward staff will be noted in the file and may be grounds for denial of residency.

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

Record of Eviction

- Staff will check property records, landlord records and other court records to determine whether the applicant has been evicted from any other property in the past.
- Record of termination from residential programs will be checked with police, service agencies and with any housing providers referred by the applicant.
- An applicant will in no way be held accountable by Bingham Terrace Apartments for the rental delinquency or other problems of a former household of which the applicant was a member, but not the head, co-head, or spouse.
- Staff will consider the date and circumstances of any past eviction or termination of tenancy in determining its relevance to property tenancy.

Complying with the Lease: If an applicant is able to document through landlord references that they are complying with lease terms in current residences, and has so in former residences, this criterion will be considered to have been satisfied. Ability to comply with Bingham Terrace Apartments lease terms will be checked only in the absence of satisfactory landlord's documentation.

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





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Review of Information

If Bingham Terrace Apartments review of information about the applicant indicates that the applicant will not be a suitable resident, Bingham Terrace Apartments may reject the application for tenancy.

Screening for Credit History

- Bingham Terrace Apartments will screen all applicants for their credit activity for the past 3 years.
- Bingham Terrace Apartments will reject an applicant for a credit history reflecting delinquencies on:
 - Any utility bills and/or;
 - Any previous monies owed from prior rental obligations
- Bingham Terrace Apartments will not reject an applicant for a lack of a credit history.

Screening for Rental History: The applicant’s rental history must be acceptable to Bingham Terrace Apartments standards, which are as follows:

- Applicants should have at least one year of rental history to contact;
- The rental history of both the current landlord, and one previous landlord may be reviewed;
- If the applicant’s current living arrangements are with a family member, then two previous landlords may be contacted;
- If an applicant’s preceding housing was “owner occupied” this criterion is waived;
- Applicants must not have a history of more than four (4) late rental or mortgage payments;
- Applicants must show a willingness to maintain premises in a sanitary condition with no evidence of undesirable noise, odor, or disruptions to the quiet and peaceful enjoyment of other residents.

Screening for Housekeeping Habits: All landlords contacted for rental history will also be questioned regarding the applicant’s housekeeping habits, to determine the maintenance of the present home in regard to sanitary conditions, and fire and safety standards.

Bingham Terrace Apartments Will Deny Admission If:

- Any household containing member(s) who was evicted in the last three (3) years from federally assisted housing for drug-related criminal activity. Bingham Terrace Apartments may, at its option, approve such an application, if the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or the circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household)
- Any household member is currently engaging in illegal drug use;





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- 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 will be based upon behavior not the condition of alcoholism or alcohol abuse;
- Any household member has engaged in violent criminal activity;
- Any household member with a derogatory criminal (felony, misdemeanor, etc.) record less than three (3) years old that Bingham Terrace Apartments believes constitutes a threat to the health, safety, and rights to peaceful enjoyment of the property by residents, owners, employees, contractors, subcontractors, or agents of the owner."
- Non-violent felony (forgery, fraud, etc.) that is less than five (5) years from the date of the disposition.

Screening for Other Criminal Activity: Bingham Terrace Apartments will deny admission to any member of the household that is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, Bingham Terrace Apartments is establishing this standard to prohibit admission to this federally assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admission screening process, Bingham Terrace will perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.

Violence Against Women Act (VAWA): "Under The Violence Against Women Act ("VAWA"), criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for denial of admission to Bingham Terrace Apartments if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. However, nothing in the VAWA limits the authority of Bingham Terrace Apartments to deny admission to, or evict from, or terminate the assistance of, any applicant, tenant, or lawful occupant if the Bingham Terrace can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property.

In addition, Sections 606 and 607 of VAWA allows Bingham Terrace Apartments to request in writing that an individual complete, sign and submit, within 14 business days of the request, a HUD-approved certification form. On the form, the individual certifies that he/she is a victim of domestic violence, dating violence, or stalking, and that the incident or incidences in question are bona fide incidences of such actual or threatened abuse. On the certification form, the individual shall provide the name of the perpetrator.

In lieu of a certification form, or in addition to the certification form, a tenant may provide to PHAs, managers or owners:

1. A Federal, State, tribal, territorial, or local police record or court record;
2. Documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, or stalking has signed or attested to the documentation. If the individual does not provide the form HUD - 50066 or the information that may be provided in lieu of the certification by the 14th business





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day or any extension of that date, none of the protections afforded to the victim of domestic violence, dating violence, or stalking by sections 606 or 607 will apply. The PHA, owner or manager would therefore be free to evict, or to terminate assistance, in the circumstances authorized by otherwise applicable law and lease provisions, without regard to the amendments made by Sections 606 and 607.

Bingham Terrace Apartments, at its discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

Other Standards

Cars: Two operational cars per unit (exceptions on 3-bedroom units). All motor vehicles must have no leaking fluids, current tags, inspection stickers, must be insured, and be registered with the office. All registered motor vehicles must display a parking permit issued by Bingham Terrace Apartments. To receive an additional or replacement permit you must provide proof of the purchase and disposal of vehicle's or attest to a lost tag. All other vehicles are subject to tow. Note: There are to be no mechanical repairs to a vehicle on Bingham Terrace Apartments property.

Pets: If pets are allowed, an additional deposit is required, along with a non-refundable pet fee. No exotic pets are allowed. Dog breed restrictions: Rottweiler, Doberman pinscher, Pit Bull, Chow, and German shepherd. Refer to the community's "Rules for Pets".





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Marketing

Fair Housing Requirements

Bingham Terrace Apartments enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, national origin, marital status, sexual orientation, ancestry, source of income, medical condition, or any other arbitrary basis.

Filling Available Units: Whenever additional applicants are needed to fill available units, advertising will be carried out in accordance with the HUD-approved AFHMP, and as indicated below.

Affirmative Fair Housing Marketing Plan (AFHMP)

Bingham Terrace Apartments complies with the requirements of the HUD-approved AFHMP established for Bingham Terrace Apartments, which is designed to promote equal housing choice for all prospective residents regardless of race, color, religion, sex, disability, familial status, national origin, marital status, sexual orientation, ancestry, source of income, medical condition, or any other arbitrary basis. The purpose of the plan is to ensure that eligible families of similar income levels will have a similar range of housing opportunities. The plan outlines marketing strategies Bingham Terrace Apartments will use. Special efforts will be made to attract persons who are least likely to apply due to such factors as the racial or ethnic composition of the neighborhood. Marketing will also seek to reach potential applicants outside the immediate neighborhood if marketing only within the neighborhood would create a disparate impact against certain classes, such as the case of an entire neighborhood that includes no minorities.

Special Marketing Requirements for Section 8 Units: Bingham Terrace Apartments will target its marketing and outreach activities for any Section 8 units to attract applicants with incomes below the very low-income limit. In addition, for income-targeting requirements, Bingham Terrace Apartments will target marketing and outreach to attract applicants with incomes at or below the extremely low-income limit to achieve the income-targeting requirements established on Page 5 of this plan.

Monitoring and Documenting Marketing Activities: Bingham Terrace Apartments will monitor marketing efforts and document the results in writing. The documentation will be made available, upon request, for all marketing activities to show consistency with affirmative fair housing marketing requirements and the approved plan for Bingham Terrace Apartments. This documentation will include copies of media and marketing materials, records of marketing activities conducted, and documentation of any special marketing activities conducted in accordance with Bingham Terrace Apartments approved AFHMP.

Five-year Review of Plan: Bingham Terrace Apartments will review the AFHMP every five years and update it as needed to ensure compliance with HUD regulations. If the demographics of the area have changed, Bingham Terrace Apartments will determine whether advertising efforts should be targeted to different groups. The AFHMP will be revised whenever a substantial change takes place, or the local Consolidated Plan is updated, and be submitted to HUD for approval.





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Advertising

Targeted Population: When available units cannot be filled from applicants on a waiting list, Bingham Terrace Apartments will target advertising to groups other than the typical population of the neighborhood and will reach out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the neighborhood.

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

Source of Advertising: Bingham Terrace Apartments will use the following public forums for its advertising:

- Harrison News Harold
- The Times Leader
- The Wheeling News Register
- Harrison Metropolitan Housing Authority Web Site: <https://harrisonmha.com>
- Jefferson County Chamber of Commerce Web Site: <http://www.jeffersoncountychamber.com>

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

Application Intake and Processing

Application Intake

Applications can be picked up and taken between 7:00 a.m. and 5:00 p.m. Monday - Friday (closed 12:00 – 12:30 for lunch) at Harrison Metropolitan Housing Authority’s Administrative Office located at 82450 Cadiz-Jewett Road, Cadiz, Ohio 43907, at Bingham Terrace Apartments, 451 N. Main Street, Cadiz, Ohio 43907 (8:00 a.m.-12:00 p.m. Monday – Friday), or they may be downloaded from our website at <https://harrisonmha.com>. All communications with applicants will be by first class mail or by telephone. Failure to respond to letters or phone messages may result in withdrawal of an application from further processing. Bingham Terrace Apartments will make exceptions to these procedures to consider circumstances beyond the applicant’s control, such as medical emergencies or extreme weather conditions.

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

- Unit size applying for one (1), two (2) or three (3) applicants may check more than one.
- Household information characteristics such as name, sex, age, disability status (only where necessary to establish eligibility), need for an accessible unit, and race/ethnicity;
- Preferences claim (if any)
- Background History
- Message & Emergency Contact Information
- Vehicle Identification





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- Sources and estimates of the household's anticipated annual income and assets;
- Social Security number(s);
- Citizenship declaration and consent form(s);
- Higher education student status (only if a member of the household is a student in higher education);
- Screening information, which may include prior landlord, credit, and drug/criminal history;
- Marketing information regarding how the applicant heard about Bingham Terrace Apartments; and
- Certification from the applicant stating the accuracy and completeness of information provided, and an acknowledgement that the applicant has read the Privacy Act and understands the disclosure requirements.
- Authorization by the applicant that allows Bingham Terrace Apartments to verify all information provided on the rental application.

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

Determining an Applicant's Eligibility

Preliminary Determination: Before putting any applicant on a waiting list, Bingham Terrace Apartments will make a preliminary eligibility determination to ensure that there are no obvious factors that would make an applicant ineligible.

Placement on a Waiting List: If a preliminary screening indicates that a family is eligible for tenancy, but units of appropriate size are not vacant, Bingham Terrace Apartments will place the family on a Waiting List according to the date and time the application was received in the rental office if requested by the family. The family will be notified when a suitable unit becomes available.

Placement on More than One List: Families may request and be placed on more than one waiting list, as long as they are eligible for the appropriate bedroom size. For instance, a family of 3 that includes a parent, and a son and daughter is eligible for both a two (2) bedroom unit and a (3) bedroom unit. (where applicable).

For more information on Waiting List Management, see Page 28 of this Tenant Selection Plan.

Updating Information: Applicants have the opportunity, at any time, to supplement the information they already provided with their application, any and all changes must be requested in writing.

Verification Interview

As applicants approach the top of the waiting list, they will be contacted to schedule an interview to verify all information given on the application. The interview will be conducted in accordance with HUD's Occupancy Handbook, HUD Handbook 4350.3 REV-1. Bingham Terrace Apartments will confirm and update all information provided on the application, and will explain program requirements, verification procedures, and penalties for false information, which include eviction, loss of assistance, fines up to \$10,000, and imprisonment up to five years. The applicant will be asked to sign the release of information consent portion of the Authorization for Release of Information (Forms HUD 9887 and 9887-A) and any other necessary verification requests.





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Social Security Number Verification: 24 CFR 5.216 has been modified to now permit Bingham Terrace Apartments to accept applicant households that include an applicant family member who is under the age of six (6), who does not yet have a Social Security Number (SSN) assigned to him/her, and was added to the household six (6) months or less from the move-in date. As a result of this change, Bingham Terrace Apartments will not deny occupancy to such applicant households.

When an applicant household with the above composition is housed from the waiting list Bingham Terrace Apartments will give the household 90 days from the effective date of their move-in certification to provide documentation of the SSN for the child. An additional 90-day period will be granted by Bingham Terrace Apartments if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the household Examples include but are not limited to:

- Delayed processing of the SSN application by the SSA;
- Natural Disaster, fire, death in family, etc.

During this time period the child will be included as part of the household and will receive all benefits of the program in which the child is involved, including the dependent deduction. Bingham Terrace Apartments will process an interim recertification once the household discloses and provides verification of the SSN for this individual.

Ineligible Applicants: At the completion of the verification process, applicants will be ineligible to move into Bingham Terrace Apartments for any one of the following reasons:

- The applicant's gross annual income changes by the time they reach the top of the waiting list, and exceeds the income limit for Bingham Terrace Apartments;
- Household members have failed to provide Social Security Numbers (with the exception for an applicant family member who is under the age of six (6) see "Social Security Number Verification" above).
- Household members have failed to declare citizenship/non-citizenship status;
- Household members have failed to sign the release of information forms; and,
- Landlord reference checks reveal that the applicant has a history of nonpayment of rent, eviction for nonpayment of rent, history of disruptive behavior, or history of damaging site property.

Waiting List Management

Anyone who wishes to be admitted to Bingham Terrace Apartments or to be placed on Bingham Terrace Apartments Waiting List must complete an application. The application must include a signature certifying the accuracy and completeness of information provided. If the applicant is placed on Bingham Terrace Apartments Waiting List, the list will note the name of the applicant, the date and time of application, the type of income, the size of unit desired, and any other pertinent information.





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Selecting Names from the Waiting List

Bingham Terrace Apartments will select names from the waiting list in chronological order to fill vacancies, unless 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. In such a case, a notation will be made on the waiting list to indicate why this applicant was skipped for an extremely low-income applicant. Please note the paragraph on Income-Targeting on Page 5 of this Tenant Selection Plan.

Applicant's Refusal to Accept a Unit: When appropriately sized units are offered to applicants, and an applicant turns down a unit offer, the applicant will be removed from the waiting list and will be required to reapply.

Maintaining the Waiting List

In order to maintain a balanced application pool, Bingham Terrace Apartments may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. Decisions about closing the waiting list will be based on the number of applications available, and the ability of Bingham Terrace Apartments to house an applicant within a reasonable period. Closing the waiting lists, restricting intake, or opening the waiting lists will be publicly announced in the *Harrison News Harold*, the *Times Leader*, and will be posted on our website at [www.https://harrisonmha.com](https://www.harrisonmha.com)

Policy for Closing the List: The waiting list will be closed when the average wait is two years. Potential applicants whose names appear on the waiting list will be notified via mail of the closure of the waiting list. The waiting list closure will also be published in the newspaper(s) listed above and will state that additional applications ***will not*** be accepted until the waiting list is no longer excessive. During the period when the waiting list is closed, Bingham Terrace Apartments will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

Reopening the List: If there is a need to reopen the waiting list, Bingham Terrace Apartments will advertise in the newspapers listed above, explaining the rules for applying, when and where to apply, and the order in which applications will be processed.

Updating the Waiting List

The Waiting List will be updated annually. Applicants will be issued 2 notices asking if they want to remain on the Waiting List. If no response is given after the two attempts their name is removed from the waiting list and they are notified in writing that such action has taken place.

Removal of Applications from the Waiting List: Bingham Terrace Apartments will not remove an applicant's name from the waiting list unless:

- The applicant requests that the name be removed.
- The applicant was clearly advised of the requirement to tell Bingham Terrace Apartments of their continued interest in housing by a particular time and failed to do so. Those applicants failing to





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respond within the required time frame will be removed from the list. They may reapply at any time but will not assume their old position on the list.

- Bingham Terrace Apartments made a reasonable effort to contact the applicant to determine if there is continued interest in housing but has been unsuccessful.
- Bingham Terrace Apartments have notified the applicant of its intention to remove their name because they no longer qualify for assisted housing.

Verification Requirements

Required Consent Forms

Adult members of assisted families must authorize owners to request independent verification of data required for program participation. To provide owners with this authorization, adult family members must sign two HUD-required consent forms, plus Bingham Terrace Apartments specialized verification forms.

Form HUD-9887, Notice and Consent to the Release of Information to HUD: Each member of the family who is 18 years of age and older must sign this form regardless of whether they have income. The consent allows HUD to verify information with the IRS, the Social Security Administration, and with state agencies that maintain wage and unemployment claim information.

Form HUD 9887-A, Applicant's/Tenant's Consent to Release of Information – Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance: Owners and all family members 18 years of age and older, regardless of whether they have income, must sign this form. The consent allows owners to request and receive information from third-party sources about the applicant/resident.

Required Information

All information relative to the following items must be verified:

- Income, assets, family composition, and Social Security numbers;
- Deductions for such things as age, disability, disability expenses, and medical costs;
- Documented ability and willingness to abide by lease requirements, previous history of tenancy, rent paying, caring for a home, and criminal activity of any family member.

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





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Verification Documentation

Documentation used as part of the verification process may include:

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

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

Preferred Forms of Verification

Each file will be documented to show that Bingham Terrace Apartments staff attempted to obtain third party written documentation before relying on some less acceptable for of information. Verifications shall be attempted in the following order:

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

Source of Information

Sources of information to be checked may include, but are not limited to:

- Present and former landlords, or housing providers;
- Present and former employers;
- Credit checks and landlord record services;
- Family social workers, parole officers, court records, drug treatment centers, clinics, physicians, clergy; and
- Police departments.

Verifications and Rent Computations

Annual Income, which is used to determine eligibility, and Adjusted Income, which is the income upon which the rent is based, will be computed in accordance with the definitions and procedures established in Federal Law and set forth in the applicable HUD regulations, as found in HUD Handbook 4350.3 REV-1.





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Verifying Annual Income

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

Methods of Verifying Income: Income is the most important factor in determining a family's eligibility and rent. Bingham Terrace Apartments has established methods of verifying income which include:

- Written third party verification (with an appropriate release) through an employer or public agency. Property staff may update this verification by phone provided a memorandum to the file is prepared.
- Property review of documentation provided by the family such as benefit checks, income tax returns, and W-2 forms.

In the absence of any of the above, affidavits from the family describing the amount and type of income is acceptable documentation.

Verifying Zero Income

If an applicant reports zero income, they will advise that if they are still at zero income when they become a resident, they will be asked to complete a questionnaire prepared by Bingham Terrace Apartments stating their source of necessary living items that are not covered by Food Stamps or other federal assistance sources. After 90 days at zero income, and for every 90-day period thereafter, the resident will be re-certified to determine if they have begun to receive any type of income. If a resident goes through four 90-day periods at zero income, Bingham Terrace Apartments will then make a visit to their dwelling unit to determine the likelihood of the resident's report. If the resident is found to have a car, a telephone, cable television, cigarettes, disposable diapers, or other evidence of some form of income, the applicant will be asked to explain the source of income supporting cash expenditures when zero income is present. A Family Budget or Statement of Financial Responsibility may be required from the applicant. Investigations may include ordering a credit report on the resident after proper notice is given.

Attempted Fraud

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. Bingham Terrace Apartments considers false information about the following items to be grounds for rejecting an applicant:

- Income, assets, family composition; Social Security numbers; allowances; and
- Previous resident or criminal history

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





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Making an Occupancy Determination

Non-Discrimination

The following list of factors will not be considered in making a decision to admit or reject an application:

- Race
- Color
- Religion
- Ancestry
- National origin
- Age
- Sex
- Marital status
- Familial status
- Sexual orientation
- Medical condition
- Source of income
- Handicap or disability, including mental or psychological illness

Applicants with Disabilities

It is illegal to reject an applicant because they have a disability, or for reasons that could be overcome by Bingham Terrace Apartments reasonable accommodation of the applicant's disability. If, even with a reasonable accommodation, applicants with disabilities cannot meet essential program requirements, it is permissible to reject them. Such insurmountable problems might arise because of behavior or performance in past housing, inability to comply with the terms of Bingham Terrace Apartments lease or needed services from property staff that represent an alteration in the fundamental nature of Bingham Terraces program or is economically unreasonable.

Determining Program Eligibility: An applicant who happens to have a disability but who is able to demonstrate a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, eschewing criminal behavior, and if necessary, ability to comply with Bingham Terrace Apartments lease, would be recommended for admission with no further reference to or consideration of any disability or handicap.

Recommendations for Admission or Rejection

If at any point in the screening process (including landlord references, criminal background check, or verification of ability to comply with lease terms), it becomes clear to Bingham Terrace Apartments that an applicant will not meet the screening criteria, the file will be sent to the appropriate Supervisor for review. The first step in this





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review is a determination of the file's completeness. If any information is missing or the case for rejection or acceptance is not compelling, the file will be returned to the staff for further work.

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

Authorizing Rejection: Likewise, if the applicant is ineligible, rejection will be authorized. See this plan for further requirements regarding rejection.

Rejection of Ineligible Applicants

Applicants who do not pass the eligibility requirements will immediately be sent a letter of rejection. This written rejection notice will specifically state one of the reasons listed below for the rejection and will inform the applicant of her/his right to respond to Bingham Terrace Apartments in writing, or to request a meeting within 10 days to dispute the rejection.

Reasons for Rejection

Bingham Terrace Apartments will reject an applicant if he or she:

- Is ineligible for occupancy based on HUD's guidelines as indicated in HUD Handbook 4350.3 REV-1;
- Is unable to disclose and document an SSN, or does not execute a certification stating that no SSN has been assigned; (see exception for child under the age of six (6) on page 28 of the TSP.
- Does not sign and submit verification consent forms or the Authorization for Release of Information (Forms HUD-9887 and HUD-9887-A);
- Has household characteristics that are not appropriate for the unit sizes that are available;
- Has not declared citizenship or non-citizenship status, or signed a statement electing not to contend noncitizen status; or
- Does not meet Bingham Terrace Apartments resident screening criteria as set forth in this Tenant Selection Plan. If this item is the cause for rejection, the letter of rejection will specifically state in which area the applicant did not pass the screening criteria, as indicated below.

Failing the Screening Criteria: Reasons for failing Bingham Terrace Apartments' resident screening criteria may include but not limited to:

- A family member was, or is, engaged in criminal activity that involves crimes or physical violence to persons or property, or that disturbs the peaceful enjoyment of the premises;
- There is evidence of acts of violence or any other conduct that constitutes a danger or disruption to the peaceful enjoyment of the premises;
- There is confirmed drug addiction or alcohol abuse, such as a conviction for possession, trafficking or use of narcotics or controlled substances, a record of conviction for activity relating to the misuse of





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alcohol, or written reports from a probation officer, a social agency, or the family itself to the effect that the individual is addicted to, or is misusing drugs or alcohol;

- A family member was evicted in the past three (3) years from federally assisted housing for drug and criminal activity;
- A family member has been evicted from a resident within 5 years, evictions after five years: member must establish positive rental history (no other eviction and no late rental payments made) and paid prior eviction in full;
- A family member has a conviction for the offense of rape, prostitution, indecent exposure, sodomy, carnal abuse, impairing the morals of a minor or similar crime indicating sexual deviation;
- Any outstanding utility bills
- There is evidence of grossly unsanitary or hazardous housekeeping habits, which includes the creation of health or safety hazards through acts of neglect, or causing, or permitting to cause any damage to or misuse of the premises. This includes causing or permitting infestation, foul odors, or other problems injurious to other persons' health, welfare, or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances, and equipment within the dwelling unit, or failing to maintain them in good and clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.

Report from Qualified Agency: In cases where a qualified agency, such as Protective Services, reports that a family shows potential for improvement in the area of housekeeping, an eligibility decision will be reached after receiving such a referral or recommendation from such an agency.

Appeal Process (Informal Hearing)

All denied applicants have 10 days to respond in writing or to request a meeting to discuss their rejection. Appeal letters should be sent to the address on the cover page of this Tenant Selection Plan. A member of Bingham Terrace Apartments staff who was not involved in the initial decision to deny admission will conduct any meeting with the applicant. A written response will be sent to the applicant within 5 business days following the review meeting with the final decision.

Acceptance of Eligible Applicants

Offering a Unit

When a unit becomes available for occupancy, it will be offered either to the first Extremely Low-income applicant on the Waiting List, or, if the income-targeting percentage has already been met, to the first applicant at the top of the Waiting List. If the applicant cannot be contacted within five (5) working days, the offer will be canceled, and the unit will be offered to the next applicant on the Waiting List. In that event, the first applicant will be sent a letter requesting confirmation of their interest in remaining on the Waiting List. If the applicant replies affirmatively, their application will retain its position on the Waiting List. The applicant will be advised at that time that if another unit becomes available and they cannot be reached within five (5) working days, their name will be removed from the waiting list. If the applicant's reply is negative, or if no reply is received within five (5) working days, the application will be withdrawn.





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Preparing to Move In

- The applicant and site manager will inspect the unit, and will both sign the Move-In Inspection Form;
- All applicants will sign the lease and related documents;
- The applicant will pay the security deposit by bank check, cashier's check, or money order;
- The applicant will pay the pet deposit (if applicable) by bank check, cashier's check, or money order; (no deposit will be required for the assistive animal of a disabled applicant or resident)
- The applicant will pay the rent for the first month or partial month of occupancy by personal check, bank check, cashier's check, or money order;

The applicant will be given a copy of the lease, the HUD-50059 Form used to certify the rent, the Initial Notice for next year's Annual Recertification, the Move-In Inspection Form, House Rules, Pet Rules (if applicable), a *Resident Rights and Responsibilities* brochure, the Lead-Based Paint Disclosure Form, a HUD Fact Sheet describing the program and how Bingham Terrace Apartments determined the rent, and the receipt for the security deposit and first month's rent.

Move-In Inspection: Before executing the lease Bingham Terrace Apartments representative and the resident will jointly inspect the unit. The move-in inspection form will be used to indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary, and in good repair. If cleaning or repair is required, Bingham Terrace Apartments will specify on the form the date by which the work will be completed, which will be no later than 30 days after the effective date of the lease. After the move-in inspection, the resident has five (5) days to report any additional deficiencies in the unit to management. The complete move-in inspection will be attached to the lease. The inspection form must be signed and dated by both Bingham Terrace Apartments and the resident.

Initial and Renewal Leases: Applicants will be required to sign a lease for the program under which they are being admitted, in accordance with Figure 6-2 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1. The initial lease term and any renewal lease terms will be determined in accordance with Figure 6-3 of the handbook.

Determination of Security Deposit: Security deposit amounts will be determined in accordance with Figure 6-6 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.

Pet Deposit (if applicable): Pet deposit amounts will be determined in accordance with Figure 6-7 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1. The pet deposit will not exceed \$300, per HUD rules. No deposit will be required for the assistive animal of a disabled applicant.

Rent Calculation: Monthly rent will be determined in accordance with the resident rent formulas indicated in Exhibit 5-8 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.

Failure to Move In on Time: If an applicant fails to move in on the agreed date, the applicant will be contacted to determine if extenuating circumstances exist. If Bingham Terrace Apartments determines that extenuating circumstances do exist, and the applicant cannot immediately move into Bingham Terrace Apartments, the application will be returned to its current spot on the waiting list, and the unit will be offered to the next household on the Waiting List. If Bingham Terrace Apartments does not find that there are extenuating circumstances, the application will be withdrawn.





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Charges for Facilities and Services

Checks Returned for Insufficient Funds: Bingham Terrace Apartments will impose a fee on the second time, and each additional time, a check is not honored for payment. In addition, the resident will be billed for the amount the bank charges for processing the returned check.

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

Special Management Services: Bingham Terrace Apartments will charge for special services such as responding to lockout calls and providing extra keys. At the time of move-out Bingham Terrace Apartments will charge the resident for each key not returned.

Court Filing, Attorney, and Sheriff Fees: Bingham Terrace Apartments will accept fees from residents who wish to avoid or settle an eviction suit as permitted by state and local laws.

Unit inspections After Move-In

In addition to the unit inspection at move-in, there will also be at least two random and an annual inspection for repairs and monitoring of housekeeping habits. If a resident is written up for poor housekeeping habits, they must clean their unit within five (5) days for a re-inspection. If a resident has three (3) unsatisfactory inspections, they will be required to move out of Bingham Terrace Apartments.

House Rules

Bingham Terrace Apartments has House Rules that are attached to the Lease. These rules are reviewed annually and may be modified. Residents will be notified of any modifications to the House Rules 30 days before they become effective. All residents will be given the opportunity to accept the changes in writing. If a resident chooses to reject any House Rule changes, they will be required to move out of Bingham Terrace Apartments within 60 days.

Resident Responsibilities After Move-In

Annual Recertification Requirements

Once a resident has moved into assisted housing and has gone through the process of having his/her income, assets, and allowances verified, HUD requires Bingham Terrace Apartments to go through that same process of certification on an annual basis to ensure residents are paying rent based on their ability to pay. This system of annually re-verifying income is called Annual Recertification. Per the HUD Handbook 4350.3 REV.1, owners/management agents are allowed to conduct criminal background checks as part of the recertification process. Bingham Terrace Apartments will be administering criminal background checks during annual recertification. If any criminal activities have been found (see page 33 and 34) Bingham Terrace Apartments will require the household to move out within 30 days.





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Bingham Terrace Apartments will initiate the annual recertification process by first notifying the resident at the signing of each lease of their obligation to recertify next year. One hundred and twenty (120) days before the new recertification effective date, Bingham Terrace Apartments will send the resident a reminder notice of their need to report for an Annual Recertification. The resident is then obligated to respond to these notices by reporting to Bingham Terrace Apartments at the requested time, to complete the recertification process. If the resident does not respond or has not started the recertification process within 60 days prior to their recertification date, the resident has waived their right to a thirty-day notice of rent increase.

Interim Recertification Requirements

If circumstances occur in a resident's life that affect his/her ability to pay their rent, a recertification of income, assets, allowances, or household composition should take place before the next scheduled annual recertification is due. This action is called an Interim Recertification. Owners and residents both have certain responsibilities under HUD regulations to initiate interim re-certifications to ensure that an assisted resident continues to pay rent according to their ability to pay.

Owner Responsibility: Bingham Terrace Apartments will process interim re-certifications when the resident reports circumstances which would decrease the rent, as indicated in Chapter 7 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.

Resident Responsibility: If an assisted resident experiences certain changes in their income or household composition at a time other than their scheduled annual recertification, HUD requires them to immediately report these changes to Bingham Terrace Apartments, so that an interim recertification can be processed, as listed in Paragraph 16 of the Model Lease.

Unit Transfer Policy

When a resident reports a change in the number of household members, or a change in the household composition, Bingham Terrace Apartments will determine if the current unit is still appropriate for the new household. To make this determination Bingham Terrace Apartments will rely on the occupancy standards implemented for Bingham Terrace Apartments on Page 16 of this Tenant Selection Plan.

Bingham Terrace Apartments will determine if there is an appropriately sized unit in Bingham Terrace Apartments, and if there is a market for the size of unit the resident would be vacating. For more information on Unit Transfers, go to Page 17 of this Tenant Selection Plan.

Emergency Transfers - The VAWA Final Rule required Bingham Terrace Apartments to establish policies for internal and external emergency transfers. Bingham Terrace Apartments has adopted the HUD Form-5381 Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Bingham Terrace Apartments has also adopted the forms listed below, as these forms are easily accessible from the HUD web site by persons who may be Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

- HUD-5382 – Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation
- HUD -5383 – Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

Bingham Terrace Apartments has also adopted a VAWA preference.





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Implementation of House Rules

The house rules in effect at this property are in place to ensure the safety, care, and cleanliness of the building, and the safety and comfort of the residents. They are in compliance with HUD, state, and local requirements, and do not discriminate against individuals based upon membership in a protected class. Bingham Terrace Apartments will give residents a written 30-day notice prior to implementing any new house rules.

Termination

Termination of Assistance

Bingham Terrace Apartments will terminate a resident's assistance if:

- The resident fails to provide required information at the time of recertification, including changes in family composition, or changes in income or Social Security numbers for new family members;
- The resident fails to sign/submit required consent and verification forms (HUD-9887 and HUD-9887a);
- An annual or interim recertification determines that the resident has an increased ability to pay the full contract rent;
- The resident fails to move to a different-sized unit within 30 days after Bingham Terrace Apartments notifies him/her that a transfer is required, and that the unit of the required size is available;
- The resident has begun receiving assistance, Bingham Terrace Apartments is unable to establish citizenship or eligible immigration status for any family members from the information provided by the resident, and determines that the resident does not meet the citizenship requirement;
- Actions to terminate assistance will be based only on a change in the resident's eligibility for assistance or a resident's failure to fulfill specific responsibilities under program requirements.
- A student enrolled at an institution of higher education does not meet the eligibility requirements for Section 8 assistance
- The resident does not sign the required HUD-50059 or HUD-50059a form.

Termination of Tenancy by Owner

Grounds for Termination of Tenancy: Owners are expected to enforce program requirements under the terms of the lease. Similarly, HUD expects tenants to comply with the program requirements as established in the lease. Bingham Terrace Apartments will enforce the lease and house rules, and if lease obligations are not fulfilled, Bingham Terrace Apartments will initiate termination proceedings to guarantee the other residents' health, safety, and peaceful enjoyment of the property.

Termination of tenancy is the first step in the eviction process and is often used interchangeable with the term eviction. When terminating tenancy, the owner gives the resident notice to vacate the unit because of a lease violation(s). A resident who fails to vacate the unit after receiving notice from the owner may face judicial action initiated by the owner to evict the resident. The owner may only terminate tenancy for Material Non-compliance, Criminal Activity, Failure to Carry Out Obligations under Texas Landlord Tenant Law and Other Good Cause.





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Material Non-Compliance: Owners may terminate tenancy when a resident is in material non-compliance with the lease. Material Non-Compliance includes:

- Failure of the resident to submit, in time, all required information on household income and composition (example: evidence of citizenship, or eligible immigration status; disclosing and verifying social security numbers; or signing and submitting consent forms allowing verification of information regarding the resident's income and eligibility)
- The Resident knowingly providing incomplete or inaccurate information
- Extended absence or abandonment of the unit as defined in the house rules for the property, or in state or local law
- Fraud, which is when a resident knowingly provides inaccurate or incomplete information, either at the time or move in or after the residency has been established
- Repeated minor violations that: Disrupt the livability of the property; adversely affect the health or safety of any person, or the right of any resident to the peaceful enjoyment of the property; Interfere with the management of the property, or have an adverse financial effect on the property
- Nonpayment of rent due under the lease, or repayment agreement, including any portion thereof.

Criminal Activity: Owners may terminate residency and evict residents for criminal activity by a covered person (a resident, household member, guest, or other person un the resident's control) if they determine that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying a criminal conviction standard or proof of the activity. Bingham Terrace Apartments may terminate tenancy for any of the following types of criminal activity by a covered person:

- Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff resident on the premises; or
- Illegal drug use. Bingham Terrace Apartments may evict a family if it is determined that a household member is illegally using a drug or when owners determine that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Alcohol abuse. Bingham Terrace Apartments may terminate tenancy if it is determined that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Fleeing to avoid prosecution, or custody or confinement after conviction for a crime, or attempting to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
- Violating a condition of probation or parole imposed under federal or state law

Failure to Carry Out Obligations Under Ohio Landlord Tenant Law: Bingham Terrace Apartments may terminate tenancy if the resident fails to comply with State and Local laws regulating the tenancy.





Tenant Selection Plan

Other Good Cause: Other Good Cause includes:

- Resident refusal to accept an approved modification of the lease

Termination Notice: When an owner terminates tenancy, written notice must be provided to the resident. The notice must reflect the following:

1. State the reason for the action with enough detail to enable the resident to prepare a defense.
2. Advise the resident that remaining in the unit on the termination date specified in the notice may result in the owner seeking to enforce the termination in court, at which time the resident may present a defense.
3. Advise the resident that s/he has 10 days within which to discuss termination of tenancy with the Owner
4. When the terminating tenancy for material noncompliance, criminal activity, and failure to comply with state and local landlord tenant laws, the length of the notice period is determined by Ohio Law, which provides for a minimum of three (3) days notice. Notices based upon Other Good Cause must be a minimum of thirty (30) days.

Termination of Tenancy by Resident

To terminate tenancy, the resident must provide Bingham Terrace Apartments with a written 30-day notice to vacate the unit, as required in the lease.

Income Limits

Harrison County FY 2023 Income Limits

<u>Income Category</u>	<u>Persons In Family</u>							
	1	2	3	4	5	6	7	8
Very Low (50%)	\$27,450	\$31,400	\$35,300	\$39,200	\$42,350	\$45,500	\$48,650	\$51,750
Extremely Low								
Low	\$16,450	\$19,720	\$24,860	\$30,000	\$35,140	\$40,280	\$45,420	\$50,560
Low (80%)	\$43,900	\$50,200	\$56,450	\$62,700	\$67,750	\$72,750	\$77,750	\$82,800

