



**TENANT SELECTION PLAN FOR THE  
FOLLOWING SECTION 8 PROJECT BASED  
PROPERTIES:**

**AKRON 14**

**AKRON 73**

**HILLTOP HOUSE**

**THORNTON TERRACE**

**~~WILBETH ARLINGTON HOMES~~**

**EASTLAND WOODS**

OWNED AND MANAGED BY THE  
AKRON METROPOLITAN HOUSING AUTHORITY

This document is also available in accessible format from the Americans with  
Disabilities Act (ADA) Coordinator upon seven (7) days of advance notice.

In compliance with 4350.3 Rev 1 Change 4  
**March-January 1, 20202022**

**Tenant Selection Policy for the Section 8 Project Based  
Properties Owned and Managed By  
The Akron Metropolitan Housing Authority**

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# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **PURPOSE OF THE POLICY**

The purpose of this Tenant Selection Plan is to describe all facets of the application, placement and occupancy process related to administration of Section 8 New Construction and Substantial Rehabilitation housing in accordance with the Section 8 HUD Handbook 4350.3, REV-1 Change 2 and various Federal Regulations of a permanent and/or interim nature, as set forth in the Federal Register and/or Housing and Urban Development transmittal notices. This policy also establishes guidelines for Akron Metropolitan Housing Authority (AMHA) staff to follow in determining eligibility for admission and continued occupancy.

The AMHA Board of Trustees must approve the original policy and any changes. Required portions of the Plan will be sent to HUD for approval.

Due to the changing nature of federal guidelines and regulations, the policies and procedures prescribed in this document are subject to revision at any time. Every effort to reasonably inform applicants and residents at the time of those changes will be made if they materially impact the rights and responsibilities of the applicants and residents or the services provided.

## **HOUSING AUTHORITY MISSION STATEMENT**

The Akron Metropolitan Housing Authority provides quality, affordable housing as a platform to develop people, property and community.

## **PROGRAM DEFINITIONS**

### **New Construction/Substantial Rehabilitation**

The program was designed to create new housing and substantially rehabilitate existing housing in the privately owned rental market for qualified families.

Eligible owners obtain financing from private lenders, (construction loan, mortgages, and bond issues) to pay for the new construction or substantial rehabilitation when the development is complete, then Akron Metropolitan Housing Authority and the owners enter into a Housing Agreement Contract with HUD to subsidize the difference between the required resident rent and the agreed contract rent. The rental income is high enough to repay the construction or rehab costs, as well as estimated operating expenses.

Rental assistance is provided to lower income families. Residents are not permitted to move and retain their rental assistance, as this is a project based program.

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## **Low Income Housing Tax Credit (LIHTC) Program**

The Internal Revenue Service (IRS) regulations for the Housing Credit Program can be found under Section 42 of the Internal Revenue Code (IRC). Applicants should be familiar with Section 42 of the IRC, regulations and administrative documents (revenue rulings, revenue notices) and all relevant material published by the IRS.

The housing credit was created by Congress in 1986. The housing credit replaces earlier federal tax incentives for the development of low-income rental housing.

Housing credits are used to offset an individual's or corporation's federal income tax liability. The amount of housing credit received can be subtracted on a dollar-for-dollar basis from the federal income tax liability.

The housing credit is received each year for ten years – the period the taxpayer claims the housing credit on their federal income tax return. The owner must maintain the low-income use continuously for 15 years – this is the compliance period. Additionally, the owner must enter into an extended use period of an additional 15 years by filing a restrictive covenant on the project with the county recorder.

The taxpayer may claim the housing credit beginning with the taxable year in which the building is placed in service or, at the owner's election, the following year. The allocated housing credit amount taken by the taxpayer is based on the portion of the building occupied by low-income tenants at the end of the first year of the housing credit period.

## **DESCRIPTION OF THE DEVELOPMENTS**

Akron 14 and Akron 73 are Section 8 Project Based New Construction developments. Thornton Terrace is a Section 8 Project Based Substantial Rehabilitation Development. The client group for these properties is Family and the Client Group Name HUD has assigned Akron 14, Akron 73 and Thornton Terrace is Individual families – not elderly/handicap.

Akron 14 consists of 14 houses as follows:

14 – 4 bedroom houses

Akron 73 consists of 73 units as follows:

48 – 2 bedroom units

6 – 3 bedroom row units

13 – 3 bedroom detached units

6 – 4 bedroom units

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Thornton Terrace consists of 36 units as follows:

- 6 – 2 bedroom units
- 26 – 3 bedroom units
- 4 – 4 bedroom units

Hilltop House is a Section 8 Project Based Substantial Rehabilitation development. The Client Group and Client Name HUD has assigned to Hilltop House are both elderly/disabled.

Hilltop House consists of 76 units as follows:

- 27 – Efficiencies
- 39 – 1 bedroom units
- 10 – 2 bedroom units

~~Wilbeth Arlington Homes is a Section 8 Project Based Substantial Rehabilitation Development, Low Income Tax Credit Property requiring income eligibility that may differ from the projects listed above.~~

~~Wilbeth Arlington Homes consists of 328 units as follows:~~

- ~~— 8 — 1 bedroom~~
- ~~102 — 2 bedroom units~~
- ~~166 — 3 bedroom units~~
- ~~— 50 — 4 bedroom units~~

Eastland Woods is a Section 8 Project Based Substantial Rehabilitation Development, Low Income Tax Credit Property requiring income eligibility that may differ from the projects listed above.

Eastland Woods consists of 100 single family home units as follows:

- 40 – 3 bedroom units
- 60 – 4 bedroom units

AMHA has entered into a Housing Agreement Payment (HAP) Contract with HUD to subsidize the difference between the required resident rent and the agreed contract rent.

**Section 8 Project Based means that the subsidy stays with the project, not the tenant.**

## **FAIR HOUSING POLICY**

It is the policy of AMHA to comply fully with all Federal, State, and local non-discrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. AMHA will comply with all laws relating to Civil Rights, including:

- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)



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- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Any applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicant or staff that may subsequently be enacted

AMHA shall not discriminate because of race, color, sex, religion, familial status, disability, national origin, sexual orientation, gender identity or marital status, in the leasing, rental, or other disposition of housing or related facilities. Posters and housing information are displayed in the office and common areas in such a manner as to be easily readable from a wheelchair.

AMHA's application office for these properties is located at 100 W. Cedar Street, Akron, OH and is accessible to persons with disabilities.

If AMHA determines that an adequate number of applications are not being maintained for Hilltop House, AMHA reserves the right to take applications at the Hilltop House Office located at 303 E. Tuscarawas Avenue, Barberton, Ohio 44203.

Accessibility for the hearing impaired is provided by Ohio Relay: 1 (800) 750-0750.

AMHA shall not, on account of race, color, sex, religion, familial status, disability, national origin, sexual orientation, gender identity, or marital status:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its need;
- Provide housing that is different from that provided to others;
- Subject a person to segregation or disparate treatment; even if by floor or wing;
- 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; in the use of the housing amenities, facilities or programs, or in the terms and conditions of the lease;
- Deny a person access to the same level of services;

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- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program;
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons;
- Discriminate in the provision of brokerage services or in residential real estate transactions;
- Discriminate against someone because of that person's relation to or association with another individual: or;
- Retaliate against, threaten, or act in any manner to intimidate someone because he or she has exercised rights under the Fair Housing Act.

## **FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990**

With respect to an individual, the term "disability" by the 1990 Act means:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

- A record of such impairment; or
- Being regarded as having such impairment.

## **REQUESTS FOR REASONABLE ACCOMODATION**

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and administrative burden" for AMHA, meaning an action requiring "significant difficulty or expense."

In determining whether the accommodation would create an undue hardship, the following guidelines will apply:

The nature and cost of the accommodation needed;

The overall current financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and

The number of persons currently employed at such facility, the number of families likely currently to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.

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## **Verification of a Request for Accommodation**

All requests for accommodation or modification of a unit will be verified with a reliable, knowledgeable professional.

Requests for reasonable accommodations from persons with disabilities will be granted upon verification that the accommodation will meet the need presented by the disability.

## **Other Accommodations**

The Housing Authority utilizes organizations which provide assistance for hearing and sight impaired persons when needed.

AMHA will refer families who have persons with disabilities, upon their request, to agencies in the community that offer services to persons with disabilities.

## **Language Assistance**

The Owner and Management will take every step necessary to ensure meaningful access to the housing and services available at the Development by people of limited English-speaking proficiency, in compliance with Title VI of the 1964 Civil Rights Act, HUD Guidance, and other applicable laws.

The Owner and Management will provide interpreter services for all Limited English Proficient (LEP) individuals who need access to language assistance to apply or communicate with AMHA employees. These interpreters may be in person or by telephone. Where possible, Owner and Management will utilize translated documents to assist LEP individuals with applying for services and to communicate appointments and other items regarding a LEP individual's application for housing or LEP tenant's housing. These interpreter or translation services will be provided at no cost to the applicant or tenant.

## **Posting of Information**

The Management office for ~~Wilbeth Arlington Homes~~, Eastland Woods, Akron 14, Akron 73, Thornton Terrace and Hilltop House will maintain a bulletin board in a conspicuous place which will contain:

- Tenant Selection Plan
- Information on taking applications
- Income limits for admission
- Current schedule of maintenance charges
- Copy of the Lease

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- AMHA’S grievance procedures
- Fair Housing Poster
- Equal Opportunity in Employment Poster
- Current approved Affirmative Fair Housing Marketing Plan
- Current Residents Notices
- Office Hours
- After Hours Emergency Telephone Numbers

## **TERMINOLOGY**

**ACCESSIBLE** — When used with respect to the design, construction, or alteration of a facility other than an individual dwelling unit, means that the facility or portion of the facility when designed, constructed or altered, can be approached, entered and used by most individuals who have a physical disability those individuals who utilize wheelchairs or scooters for mobility. The phrase “accessible to and used by” is synonymous with accessible.

When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered or adapted can be approached, entered and used by individuals who are physically disabled.

Accessible Route means a continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the spacing and sloping requirements of applicable standards.

**CO-HEAD** — An individual in the household who is equally responsible for the lease with the Head of Household. A household may have either a spouse or co-head, but not both. A co-head never qualifies as a dependent.

**DEPENDENT** — A member of the Family household (excluding foster children) other than the head, co-head or spouse, who is under 18 years of age or is a person with a disability or handicapped person or is a full-time student.

**DISABLED PERSON** — This definition applies only to standards for admission to assisted housing based on disability. (See handicapped definition.)

An individual who is under a disability as defined in Section 223 of the Social Security Act or in Section 102 (b)(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970.

Section 223 of the Social Security Act defined disability as:

Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last or a continuous period of not less than twelve (12) months, or in the case

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of an individual who has attained the age of fifty-five (55) and is blind (within the meaning of blindness as defined in Section 416 (1)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Section 102 (b), (5) of the Development Disabilities Services and Facilities Construction Amendments defines a disability as:

A disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary of Health and Human Services to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely and which constitutes a substantial handicap to such individual.

**ELDERLY FAMILY** — A family whose head, co-head or spouse (or sole member) is an Elderly, Disabled, or Handicapped person. It may include two or more Elderly, Disabled, or Handicapped persons living together.

**ELDERLY PERSON** — A person who is at least 62 years of age.

**FULL-TIME STUDENT** — A person who is attending school or vocational training on a full-time basis. (24CFR 5.603)

**HANDICAPPED PERSON** — A person shall be considered handicapped if such person is determined to have a physical or mental impairment which is expected to be of long-continued and indefinite duration, substantially impedes the person's ability to live independently or is of such nature that such ability could be improved by more suitable housing conditions.

**HEAD OF HOUSEHOLD** — The family member who is held responsible and accountable for the family and has the legal capacity to enter into a lease under state/local law.

**HOUSEHOLD** — Household will consist of eligible individuals that qualify under the Section 8 Project Based Program.

**LIVE-IN AIDE** — A person who resides with an individual(s) who is/are elderly, disabled or handicapped and who is determined to be essential to the care and well being of the person(s), is not obligated for the support of the person(s), and would not be living in the unit, except to provide the necessary supportive services.

**MILITARY SERVICES** — United States Army, Navy, Air Force, Marine Corps, Coast Guard, and since July 29, 1945, the Commissioned Corps of the United States Health Service. Such

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service does not include Merchant Marine, Red Cross, or any other organization not actually a part of the military or naval services of the United States.

**MINOR** — A person less than eighteen (18) years of age.

**NET FAMILY ASSETS** — Net cash value after deducting reasonable costs that would be incurred in dispensing of real property, savings, stocks, bonds, and other forms of capital investments, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.)

In determining Net Family Assets, AMHA shall include the value of any business or family assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value, if the applicant or resident received important consideration not measurable in dollar terms.

**PUBLIC ASSISTANCE** — Welfare or other payments to families or individuals based on need, that are under programs funded, separately or jointly, by federal, state or local governments.

**RESIDENT RENT** — The amount payable monthly by the family as rent to the Akron Metropolitan Housing Authority. Where some or all utilities (except telephone) and other essential housing services are not supplied and the cost, thereof, is not included in the amount paid as rent, resident rent equals total tenant payment, less the utility allowance.

**SERVICE PERSONNEL** — A person actively serving in the United States Military.

**SINGLE PERSON** — A person living alone or intending to live alone and who does not qualify as an elderly family, displaced person or as the remaining member of a resident family.

**SMOKING** – The term smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other tobacco products or plants in any manner, in any form. Tobacco products are defined as cigarettes, cigars, pipes, and waterpipes (hookahs).

**SPOUSE** — Spouse means husband or wife of the head.

For proper application of the Noncitizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, and would have to be divorced. It includes the partner

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in a common law marriage. The term “spouse” does not apply to boyfriends, girlfriends, significant others, or co-heads. A spouse never qualifies as a dependent.

## STANDARD, PERMANENT REPLACEMENT HOUSING

- (1) is decent, safe and sanitary
- (2) is adequate for the family size, and
- (3) the family is occupying pursuant to a lease or occupancy agreement

Such housing does not include transient facilities, such as motels, hotels, or temporary shelters for victims of domestic violence or homeless families, and in the case of domestic violence, does not include the housing unit in which the applicant and the applicant’s spouse or other member of the household who engages in such violence live.

**TOTAL TENANT PAYMENT** — The monthly amount calculated under Federal Regulation (Section 8 New Construction/Substantial Rehabilitation HUD Handbook 4350.3 REV-1 CHG 3). Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges.

**UTILITIES** — Water, electricity and gas, other heating, refrigerator and cooking fuel, trash collection and sewage.

**UTILITY ALLOWANCE** — The total of all allowances for resident purchased utilities. Each allowance represents the approved “reasonable” consumption standard for the applicable utility. The resident pays the actual utility charges directly to the utility supplier.

**UTILITY REIMBURSEMENT** — The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

**VETERAN** — A Veteran is a person who has served in the Active Military Service of the United States and who was discharged or released, therefore, under conditions other than dishonorable.

## THE WAITING LIST

**Occupancy Standard** – The following standard will determine the number of bedrooms required to accommodate a family of a given size.

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

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If children are in the custody of The Children Services Board, a reference letter is required before the children can be added to the application. This letter must state that housing is the only requirement left for the replacement of the children to the home.

## **A. Method of Selection and Assignment**

As vacancies occur, AMHA shall offer the units to active applicants in accordance with HUD Regulations (Section 8 New Construction/Substantial Rehabilitation Handbook 4350.3 REV 1, CHG 3) as outlined below.

If an applicant refuses an offer of a unit and states that the reason for refusal is lack of interest in the area or development, the applicant will be removed from the waiting list for the development. The PHA will send a letter to the applicant confirming withdrawal from the waiting list.

**One-Offer Plan** – The applicant is offered a suitable unit based on family composition criteria. If the applicant refuses it, the applicant's name goes to the bottom of the waiting list. **NOTE:** Putting an applicant's name at the bottom of the waiting list will be accomplished by changing the application date to the date the applicant rejected the last offer of housing.

Should an applicant be willing to accept an offer but is unable to move and presents, to the satisfaction of AMHA clear evidence that acceptance of the offer would result in undue hardship, not related to consideration of race, color, national origin, or language, such as, Inaccessibility to employment or children's day care, refusal of the offer shall not require the applicant's name to be put at the bottom of the waiting list.

**Refer to the Applicants Unable To Take Occupancy Section on Page 17.**

## **B. Introduction**

AMHA will maintain a separate wait lists for all properties by bedroom size.

Each applicant shall be assigned an appropriate place on the waiting list. Applicants will be listed in sequence based upon the date and time the application is received, the size and type of unit they require, and factors of preference or priority. In filling an actual or expected vacancy, AMHA will offer the dwelling unit to an applicant in the appropriate sequence and will offer the unit until it is accepted.

## **C. Management of the Waiting List**

AMHA will administer its waiting list as required by the HUD 4350.3, Rev-1 Change 3 Handbook. The waiting list will be maintained with the following guidelines:

The application will be a permanent file.



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All applicants will be maintained in order of preference.

Applications equal in preference will be maintained by date and sequence.

All applicants must meet the applicable income eligibility requirements as established by HUD.

The electronic waiting list will be backed up to AMHA'S network daily.

The waiting list will be updated at least on an annual basis.

## **D. Opening and Closing the Waiting List**

AMHA may restrict application intake, suspend application intake, and close the waiting lists in whole or in part. AMHA may open or close the list by local preference category.

The decision to close the waiting list will be based on the number of applications available for a particular size or unit, the number of applicants who qualify for a local preference and the ability of AMHA to house an applicant in an appropriate unit within a reasonable period of time.

When AMHA opens the waiting list, AMHA will advertise through public notice in at least one of the following newspapers, minority publications and media entities, location and programs for which applications are being accepted in the local paper of record, "minority" newspapers and other media such as:

The Akron Beacon Journal, The Akron Reporter, The Barberton Herald, community newspapers, other AMHA sites, Department of Human Services, Urban League, International Institute.

To reach persons with disabilities AMHA will provide separate notice to local organizations representing the interests and needs of the disabled. These notices will be made in an accessible format if requested. They will provide potential applicants with information that includes AMHA'S address and telephone number, how to submit an application, information on eligibility requirements and availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline.

## **E. When Application Taking is Suspended**

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil laws.

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During the period when the waiting list is closed, AMHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

Suspension of application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover for the next 12 (twelve) months. AMHA will give at least 15 (fifteen) days' notice prior to closing the list. When the period for accepting applications is over, AMHA will add the new applicants to the list by:

Unit size, local preference priority and/or date and time of application receipt.

AMHA will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify or cannot be reached by mail, ~~or~~ telephone or electronically. At the time of initial intake, AMHA will advise families of their responsibility to notify AMHA when their mailing address, ~~or~~ telephone number, or email changes.

## F. Reopening the List

If the waiting list is closed and AMHA decides to open it, AMHA will publicly announce the opening.

Any reopening of this list will be done in accordance with HUD requirements.

## G. Income Targeting

Under the provisions of 24 CFR 5.653, Admissions and Occupancy Provisions of the Quality Housing and Work Responsibility Act (QHWRA) of 1998 for Multifamily Housing Programs and applicable properties must make at least 40 percent of the assisted units that become available in each fiscal year available for leasing to families whose annual income does not exceed 30 percent of the area median income (extremely low-income) at the time of admission.

If the waiting list does not include eligible applicants with annual incomes at or below 30 percent of the area median, AMHA will market and outreach to achieve the desired mix. If after marketing for at least 30 days, AMHA is unable to fill the vacant units with extremely low income tenants, management will document the marketing efforts and lease to other eligible families.

If an extremely low-income applicant is needed to achieve targeting requirements, and the next applicant has income above the extremely low-income limit, that applicant will remain on the waiting list until the property is ready to house an applicant with income above the extremely low-income limit.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **H. Revolving Wait List**

In the event of full occupancy, a revolving list of interested parties will be established. Applicants with higher incomes may be skipped on the waiting list if it is determined that at least 40 percent of the assisted units are not occupied by extremely low-income tenants. Lower-income tenants may not be skipped in favor of others who have higher incomes. If an applicant is not interested at that time but wishes to remain on the list, they will be revolved to the bottom of the list. The date of revolving to the bottom of the list will replace the original date of application.

## **I. Applicants Unable to Take Occupancy**

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for “*good cause*,” the applicant will not be placed at the bottom of the waiting list.

Examples of “*good cause*” reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]

Inaccessibility to source of employment or children’s day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;

The family demonstrates to AMHA’s satisfaction that accepting the offer will result in a situation where a family member’s life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.

A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.

The unit is inappropriate for the applicant’s disabilities.

## **J. Removal of Housed Applicants from Remaining Wait Lists**

The application process for an eligible household is completed when an applicant household has been housed in an assisted unit at ~~Wilbeth Arlington Homes~~, Eastland

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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Woods, Akron 14, Akron 73, Thornton Terrace or Hilltop House. If the housed applicant has applied for more than one Waiting List on the same application, the applicant household will be removed from all remaining Waiting Lists at the time they are successfully housed.

## **ELIGIBILITY FOR ADMISSION**

The AMHA staff is required to determine whether applicants are eligible to reside at the subsidized properties and receive housing assistance. Eligibility is determined by federal statute and HUD regulations.

## **ELIGIBILITY REQUIREMENTS**

- Applicants must meet the following requirements to be eligible for occupancy and housing assistance:
- Applicant must disclose the characteristics of each family member: name, sex, age, disability status, etc.
- Applicant must disclose the need for an accessible unit.
- Applicant must disclose race and ethnicity of each family member.
- The family's annual income must not exceed the program income limits.
- Applicant must disclose social security numbers for all family members and provide proof of the numbers reported.
- All adults in each applicant family must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter.
- Applicants must disclose all income, assets and medical, if applicable.
- The unit for which the family is applying must be the family's only residence.
- Applicant must agree to pay the rent required by the program under which the applicant will receive assistance.
- Applicant must fill out Citizenship or Immigration forms. (Only U.S. citizens or eligible non-citizens may receive assistance under Section 8.)
- All information reported by the family is subject to verification.
- Applicant must meet the age requirements for the property.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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- Applicant must satisfactorily complete the AMHA Client Orientation Program.
- Applicant must meet or exceed AMHA's pre-placement review criteria as set forth in this policy.
- Applicant cannot have an outstanding balance from previous subsidized housing.

## **INFORMATION REQUIRED FOR ADMISSION**

In order to determine eligibility, the following information must be provided for ALL family members:

- Birth Certificates
- Social Security Cards
- Statement of Income (Wages, Public Assistance, SS, Pension, ETC.)
- Value of Assets (Savings, Checking, CD's, Property, ETC.)
- Medical Expense for Qualifying Households
- All Required Citizenship or Immigration Status Forms
- Verification of Student Status

## **MANDATORY SOCIAL SECURITY NUMBERS** [24 CFR 5.216]

Families are required to provide verification of Social Security Numbers for **all** family members prior to admission. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial of admission or termination on tenancy.

### **EXEMPTIONS TO DISCLOSE:**

- Individuals who do not contend eligible immigration status.
- Individuals age 62 or older as of January 31, 2010 whose initial determination of eligibility was begun before January 31, 2010.
- Existing tenants as of January 31, 2010 who have previously disclosed their SSN and HUD has determined their SSN to be valid.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## Applicants:

1. An applicant may not become a participant in the program unless the applicant submits the required SSN documentation to AMHA. The applicant must provide SSN documentation to AMHA within ninety (90) days from the date on which the household is first offered a unit.
2. If AMHA has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of the SSN, the applicant may retain his or her place on the waiting list for the ninety (90) day period during which the applicant is trying to obtain documentation.
3. After ninety (90) days, if the applicant has been unable to supply the required SSN documentation, the applicant should be determined ineligible and removed from the waiting list(s).

## Current Tenants:

1. All tenants, except those that meet one or more of the exemptions, must disclose and provide verification of their SSN at the time of their next interim or annual recertification if:
  - They have not previously disclosed
  - Previously disclosed a SSN that HUD or the SSA has determined to be invalid; or
  - They have been issued a new SSN

If the tenant fails to provide a valid and verified SSN, the household will be subject to termination of tenancy.

2. Additions to the household age six (6) and older:
  - Documentation of the SSN must be provided at the time of the request or at the time of the recertification that includes the new household member.
3. Additions to the household under age six (6):
  - If the child does not have the SSN, the household will be given ninety (90) days to provide the documentation. An additional ninety (90) days will be provided if failure to provide is due to circumstances outside of the household's control.
  - The child is to be included as part of the household during this timeframe and can be added to the 50059 with a temporary ID.

## **APPLICATION PROCESS**

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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AMHA will process applications for ~~Wilbeth Arlington Homes,~~ Eastland Woods, Akron 14, Akron 73, Thornton Terrace and Hilltop House in accordance with the following procedure:

- Individuals or Families interested in assisted housing may complete an application online at [www.akronhousing.org](http://www.akronhousing.org), OR
- Individuals or Families interested in assisted housing that require assistance completing an online application may come to the Office located at 100 W. Cedar St, Akron, Ohio 44307 to sign up for housing.
- Reasonable accommodation will be made for persons with a disability who require an advocate. A designee will be allowed to provide some information, but only with permission of the person with the disability.

## **NOTIFICATION OF APPLICANT**

At the conclusion of the preliminary screening process, the applicant will be informed of their status; eligible or not eligible. This determination shall be based solely on statements made on the application regarding preferences and income eligibility.

The verification process of income, assets, deductions, and preference points for an applicant who passes the preliminary screening will begin once their name nears the top of the applicable wait list(s).

**ELIGIBLE** — Applicants who have been determined eligible shall be informed of their eligibility and, if possible, how long a wait they may reasonably expect on the wait list before getting to the top of the list.

**INELIGIBLE** — Applicants who have been determined ineligible shall be informed of the basis for such determination in writing. The notice shall advise the applicants of their right to meet with a member of AMHA'S management staff. Applicants have ten (10) days to respond in writing. Persons with disabilities have the right to request reasonable accommodations in order to meet with management

If the applicant chooses to meet with management, they will be informed of the final decision in writing within five (5) business days.

The basis for ineligibility may include but is not limited to:

- **Over Income** – The applicant's total family income is in excess of the admissions limits.
- **Age** – The applicant family's head of household, co-head or spouse does not meet the age requirements.
- **Citizenship** – The applicant failed to submit evidence of citizenship.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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- The applicant is ineligible for occupancy in a particular unit or property
- **9887/9887/A** – does not sign and submit verification consent form or the Authorization for Release of Information.
- **False Information** – The applicant family gave false or misleading information on the application for housing.
- **Other** – The applicant does not meet other State or Federal Regulation or future AMHA policy set forth at the time of application.
- **Screening** – The applicant or family member did not meet the screening criteria.
- **Student Status** — Refer to Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937 explained on Pages 27 & 28.

If the applicant file has been withdrawn for misrepresentation on any of the applicant information, the applicant must wait a minimum of six (6) months (from the date the application was withdrawn) to reapply for housing.

## **RESIDENT PREFERENCES, SELECTION AND PLACEMENT**

The **Wait Lists** shall be maintained in accordance with the number of bedrooms required (1 BR, 2 BR, 3 BR, 4 BR, etc.) and the type of unit required.

- A. PREFERENCES** – AMHA has established and will use a combination of owner-adopted and state and local preferences to select among qualified applicants. A preference does not guarantee admission. Every applicant must still meet the resident selection standards before being accepted as a resident.

An applicant qualifies for a preference if the applicant is:

1. **A Veteran (ORC 3734.42)**: to families of veterans and persons serving in the active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death.

As used in this section:

- a. “Veteran” has the same meaning as assigned by the Ohio Revised Code 5901.01, which means either of the following:
  - i. A former member of the armed forces of the United States who served on active military duty and received an honorable discharge or honorable separation, a member of the armed forces of the United States who died on active military duty, or a member of the armed forces of the United States missing in action more than ninety days; or
  - ii. A member of the United States merchant marine to whom either of the following applies:



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- (a) The member has an honorable report of separation from active duty military service, form DD214 or DD215.
  - (b) The member served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.
    - b. “United States merchant marine” includes the United States army transport service and the United States naval transport service.
    - c. Eligibility for Veteran Preference Points will be verified by receipt of a copy of the veteran’s DD214 or DD215, or proof of receipt of a pension from the Veteran’s Administration.
2. **A Resident** – An applicant is considered a resident of Summit County if the applicant lives or works in the county or has been notified that he or she has been hired to work in Summit County.

Eligibility for Resident Preference Points will be documented by receipt of a copy of a current lease or utility bill indicating an address within Summit County, or by a current paystub indicating employment within Summit County.

3. **Homeless** (HUD Notice H2013-21) – An applicant Family will be considered homeless if the household meets the criteria below:
- a. Resides in substandard housing, or lacks a fixed, regular and adequate nighttime residence, or
  - b. Resides either at a public or private shelter, with friends or relatives on a temporary basis, or
  - c. Will lose their primary night-time residence within 60 days of the application,
  - d. Is fleeing a domestic violence, dating violence, stalking, or other life-threatening situation, or
  - e. Is paying more than 30% of their gross household income for rent and basic utilities, or
  - f. Contains a Head or Co-Head, ages 18 to 25 years, who is aging out of the Foster Care system.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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Eligibility for Homeless Preference Points will be verified by receipt of one or more of the following: Shelter Letter, Situation Letter (AMHA form letter), Eviction Notice, Notice of Sherriff’s Sale, Letter from the Health Department, Police Reports (Domestic Violence), Court-issued Protection Order, Rent Receipts and Utility Bills that equal more than 30% of income, Case plan from Children’s Services indicating transition from Foster Care

- 4. Working Family** – Status applies to Applicant Families that can demonstrate part time or full time employment, or contain an adult household member who is unable to work due to a verified disability, or contain a household member who is 62 years of age or older.

Eligibility for Working Family Preference Points will be documented by receipt of one of the following: Current Paystubs, Verification of Disability Status, Birth Certificate indicating Elderly Status

- B. ORDER OF SELECTION FOR GENERAL OCCUPANCY** – AMHA has established the following local admission preferences for general occupancy:

Date and time of receipt of a completed application.

Local preferences will be aggregated using the following system:

Each preference is assigned points as listed below. The more preference points an applicant has, the higher the applicant’s place on the waiting list.

- Veteran Preference                      2 points
- Residency Preference                  1 point
- Homeless                                      7 points
- Working Family                            3 points

- C. SELECTION PREFERENCES** – As vacancies occur, eligible applicants will be selected from the waiting list, in sequence, according to date and time.

Applicants who have one or more of the above listed local preferences will be given priority, based on points assigned.

NOTE: In selection of a family for a unit that has special accessibility features, AMHA must give preference to families that include persons with disabilities who can benefit from these features.

- D. VERIFICATION OF PREFERENCES** – Before admitting an applicant on the basis of a local preference, AMHA will require the applicant to provide information needed to verify that the applicant qualifies for the preference.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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If AMHA determines that an applicant family does not meet the criteria for receiving a local preference, AMHA shall promptly provide the applicant with written notice of the determination. The notice will contain a brief statement of the reason for the determination, and state that the applicant has the right to meet with an AMHA designee to discuss the matter. The designee may be an officer or employee of AMHA.

## **ELIGIBILITY OF STUDENTS FOR ASSISTED HOUSING UNDER SECTION 8 OF THE U.S. HOUSING ACT OF 1937 24 CFR Part 5, 880**

*Effective Date: June 30, 2007*

Owners must determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification and at the time of an interim recertification.

\* Additional restrictions may apply for LIHTC properties....see LIHTC Guidelines

**A.** No assistance shall be provided to any individual who:

1. 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 education credential
2. Is under 24 years of age;
3. Is not a veteran of the United States Military;
4. Is unmarried;
5. Does not have a dependent child;
6. Is not individually eligible to receive Section 8 assistance and has parents, individually or jointly, who are not income eligible to receive assistance under Section 8.
7. Is not living with his or her parents who are receiving Section 8 assistance
8. 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).

**B.** Any financial assistance a student receives:

1. under the Higher Education Act of 1965,

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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2. from private sources, or
3. from an institution of higher education that is in excess of amount 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 parents who are receiving Section 8 assistance.

C. If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in paragraph 8-6A of the HUD Handbook 4350.3.

## **DENIAL OF ASSISTANCE TO NONCITIZENS**

This paragraph describes the conditions under which AMHA must deny assistance to noncitizens and the DHS appeals process that may be initiated by a family to challenge a denial. AMHA must follow the HUD requirements provided within this paragraph to ensure that only U.S. citizens and eligible noncitizens receive federal housing.

### **A. EVENTS TRIGGERING DENIAL OF ASSISTANCE**

AMHA must deny assistance to an applicant upon the occurrence of any of the following:

1. The applicant fails to submit evidence of citizenship (i.e., the declaration) and eligible immigration status by the date specified by AMHA.
2. The applicant submits evidence of citizenship and eligible immigration status on a timely basis, but DHS primary and secondary documentation does not verify eligible immigration status of a family member; and
  - a. The family does not pursue a DHS appeal or meeting rights as provided in this section, or
  - b. The family pursues a DHS appeal and meeting, but the final decision is against the family member.

### **B. REQUIRED NOTICE**

The notice of denial or termination of assistance must advise the applicant family that:

1. AMHA will deny or terminate rental assistance and give reasons for this action;

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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2. The family has a right to request an appeal to the DHS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal;
3. The family has a right to request a meeting with AMHA either upon completion of the DHS appeal or in lieu of the DHS appeal (the family can take advantage of two types of appeal\*); and
4. For applicants, the notice of denial must advise that if they have failed the primary and secondary verification and submitted an appeal to the DHS, but the DHS process has not been concluded, the applicant will receive assistance in a timely manner. (If the DHS decision is negative, the family's assistance may then be terminated.) However, once the DHS appeal process is complete, and the family receives a negative decision on the DHS appeal, AMHA may delay assistance while providing the family with an opportunity for an informal meeting to appeal the decision.\*

\*Persons with disabilities have the right to request reasonable accommodations to participate in the appeal process.

## **C. DHS APPEAL PROCESS**

1. Submission of appeal request. When AMHA receives notification from the DHS that secondary verification has failed to confirm eligible immigration status, AMHA must notify the family of this result. The family has 30 days from the date AMHA's notification to request an appeal of the DHS results. The family must make the request in writing directly to the DHS and must provide AMHA with a copy of the written request for appeal and proof of mailing.
2. Documentation to be submitted as part of appeal to DHS. If the family has additional documentation or written explanation to support this appeal, the family must submit it directly to the DHS office. This material must include a copy of the DHS document verification request, Form DHS G-845S (used by the Owner to process the secondary verification request), or any other form specified by the DHS, and cover letter stating that the family is requesting an appeal of the DHS immigration status verification results.
3. When decision will be issued by DHS. The DHS will issue a decision within 30 days of its receipt of documentation concerning the family's appeal of the verification of immigration status. The notice will be sent to the family, and a copy will be sent to AMHA. If, for any reason, the DHS is unable to issue a decision within 30 days, the DHS will inform the family and AMHA of the reason for the delay.

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4. Notification of DHS decision and of meeting procedures. When AMHA receives a copy of the DHS decision, AMHA must notify the family of its right to request a meeting on AMHA's ineligibility determination.
5. When request for meeting is to be made. If the DHS Decision will cause the applicant to be denied, or if the family chooses not to appeal to DHS, the family may request that AMHA provide a meeting. The request for a hearing must be made either within 30 days of receiving the notice from AMHA denying assistance, or within 30 days of receiving the DHS appeal decision
6. Retention of documents. AMHA must retain for a minimum of 5 years the following documents that may have been submitted by the family, or provide to AMHA as part of the DHS appeal or the meeting process:
  - a. The applicant for financial assistance;
  - b. Photocopies of any original documents (front and back), including original DHS documents;
  - c. The signed verification consent form;
  - d. The DHS verification results;
  - e. The request for a DHS appeal;

## **FRAUD STATEMENT**

Section 1091 of Title 18 U.S. Code makes it a criminal offense to make a willful false statement or misrepresentation to any Department or Agency of the U.S. as to any matter within its jurisdiction. The Ohio Revised Code makes it a crime of theft by deception to make a willful false statement to obtain housing.

## **VERIFICATION OF INFORMATION**

Prior to admitting an applicant into assisted housing, AMHA will verify **ALL** applicant information. The verification shall be obtained through a third party via the mail, EIV, direct contact, etc. Documentation which is acceptable may include but is not limited to: driver's license, birth certificates, social security cards, valid welfare ID cards, bank statements, all income sources, marriage certificates, social security records, divorce records.

***Disability or Handicapped*** status shall be verified by documentation furnished by the Social Security Administration, social service agency, or health care provider.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **CLASSIFYING APPLICATIONS**

Applications shall be assigned one of the following classifications:

- A. PRELIMINARY** – Applicants deemed preliminary will have passed the criminal screening as well having a satisfactory previous AMHA reference(s).
- B. ACTIVE** – Applications deemed eligible, with all data verified by a third-party, shall be classified as Active for a period of three (3) months from the date of the Application Interview or from the date of the most recent update of the application.
- C. WITHDRAWN** – Applications will be withdrawn after AMHA has made reasonable efforts to contact the applicant to obtain information necessary to process the application and the applicant has failed to respond.

When the applicant fails to respond to AMHA concerning information that is necessary to process the application, AMHA will notify the applicant, in writing, or other accessible format, that he/she has ten (10) working days within which to provide the needed information. If the applicant fails to respond within that period, the application will be withdrawn from the waiting list. The applicant has a right to meet with a member of AMHA management staff.

## **UPDATING APPLICATIONS**

Applicants are required to inform AMHA’s Housing Placement Department, in writing, of all changes in family composition, income and address, as well as any changes in their preference status. Applicants are also required to respond to all requests from Management to update information on their application, or to determine their continued interest in assistance. Failure to do so will result in the applicant family being withdrawn from applicable Wait Lists.

## **PRE-PLACEMENT REVIEW – DETERMINATION OF SUITABILITY FOR ADMISSION**

All applicants for the Section 8 New Construction/Substantial Rehabilitation properties shall be subject to a review prior to admission. Such review may include police records, landlord references and previous AMHA background checks. Families shall be denied housing if such admission would reasonably be expected to be detrimental to the development, residents, themselves, or AMHA staff.

### **FBI and Law Enforcement Records**

The AMHA will check criminal history for all adults in the household to determine whether any member of the family has engaged in violent or drug-related criminal activity.

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The AMHA will check criminal history **for all adult members of** the household to determine whether any member of the family is subject to a lifetime sex offender registration requirement, **using the Dru Sjodin National Sex Offender Website.**

Verification of any past activity will be done prior to final eligibility and will include a check of conviction record. The AMHA has contracted with the State of Ohio, Highway Patrol, Bureau of Criminal Investigation, an FBI approved channeling agent, to process and funnel requests in order to obtain National Crime Information Center (NCIC) data for the purpose of accessing FBI criminal records.

If the channeling agency indicates to the AMHA that there is a criminal history record indexed in the Interstate Identification Index, which might belong to the applicant, the AMHA must submit an applicant fingerprint card to the FBI through the appropriate channel in order to verify whether the criminal record is in fact the applicant's. Should the applicant instead elect to withdraw their application, no further action will be necessary.

Families will be evaluated on the criteria set forth in this section. This evaluation may not necessarily result in the entire family being denied placement. Each review will be considered on a case-by-case basis.

Relevant information as to habits and practices of the family and/or individual members of the family to be considered may include but is not limited to:

- A. DRUG ABUSE** – Evidence of illegal drug activity by any member of the family such as a record of conviction for possession and sale or use of any controlled substance, or reports from a probation officer, social service agency, or from the family itself to the effect that any family member is engaged in any illegal drug activity.
  
- B. DISRUPTIVE OR DANGEROUS BEHAVIOR, DESTRUCTION OF PROPERTY** Behaviors or verbal threats which endanger or threaten the life, safety, property, morals, or welfare of others by physical violence, negligence or irresponsibility. This includes but is not limited to: judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, frequent loud parties which have resulted in serious disturbances to neighbors, criminal behavior or activity, (NOTE: repeated complaints which have not resulted in conviction may also be considered) reports of fires where the Fire Department records indicate that the applicant or applicant's family was responsible.
  
- C. ABANDONMENT OF AN AMHA UNIT** – A record that the head of household vacated an AMHA unit without providing notice to AMHA management staff so that the unit could be properly secured from vandalism.
  
- D. PREVIOUS EVICTION/TERMINATION FROM HOUSING PROGRAM-** Families that have been evicted from housing or terminated from an assisted housing program for any serious lease violation will be deemed unsuitable for AMHA housing for a period of three (3) years.



# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **CRITERIA HOUSING APPLICANTS AND HOUSEHOLD MEMBERS WITH CRIMINAL CONVICTIONS**

### **A. DRUG CONVICTION:**

Not eligible for housing for three (3) years after completion of sentence.

### **B. VIOLENT CRIMINAL ACTIVITY CONVICTION:**

Not eligible for housing for three (3) years after completion of sentence.

**However, the household may be admitted if, after considering the individual circumstances of the household, AMHA determines that:**

The convicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by AMHA.

### **C. PERMANENT DENIAL OF ADMISSION:**

AMHA will permanently deny admission to persons convicted of manufacturing or producing methamphetamine on the premises of a federally assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds. AMHA will not waive this requirement.

### **D. PROHIBITION ON PERSONS SUBJECT TO LIFETIME SEX OFFENDER REGISTRATION REQUIREMENT:**

1. AMHA will deny admission to any family in which a family member is subject to a lifetime sex offender registration requirement. This provision will not be waived.
2. Persons who have been found to be a sexual offender or a habitual sex offender are not eligible for housing until the time period for registration expires.

AMHA shall perform necessary criminal history background checks in the State where the housing is located and in any other States where household members are known to have resided.

### **E. HUD DEFINITIONS:**

"Drug related criminal activity" is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S. C. 802)).

Drug related criminal activity means *on or off the* premises, *not just on or near the* premises.

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“Covered person” means a tenant, any member of the tenant’s household, a guest, or another person under the tenant’s control.

“Criminal activity” includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident’s public housing premises by other residents or employees of AMHA.

“Drug” means a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S. C. 802).

“Guest” means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf on the tenant.

“Household” means the family and AMHA approved live-in aide.

“Other person under the tenant’s control,” for the purposes of the definition of “covered person”, means that the person, although not staying as a guest (as defined above) in the unit is, or was at the time of the activity in question, on the premises (as defined in this section) because of an invitation from the tenant or other member of the household who has expressed or implied authority to so consent on behalf of the tenant.

“Premises” means the building or complex or development in which the dwelling unit is located, including common area and grounds.

“Violent criminal activity” means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

## **F. NOTE FOR ALL OF THE ABOVE CATEGORIES**

In the event of the receipt of favorable information with respect to an applicant, consideration shall be given to the time, nature and extent of the applicant’s conduct and to factors which might indicate a reasonable probability of favorable future conduct. Evidence of effort to become an active member of the community will be mitigating circumstance in determining admission.

## **NOTIFICATION OF UNSUITABILITY**

If an applicant is deemed unsuitable for as a result of the pre-placement review, the applicant will be informed of this, in writing. The notification will advise the applicant of the reason for the determination and of the right to meet with AMHA management staff. Applicant has fourteen (14) business-working days to respond in writing.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **FAMILY COMPOSITION CRITERIA**

The age, sex and relationship of family members and the type of unit (i.e., accessible) will be taken into consideration when assigning units to applicant families. At initial placement, dwelling units shall be offered so that:

The parent(s) has a separate bedroom,

- a. Minors of the opposite sex shall not be required to share the same bedroom. Once housed, this is governed by the Transfer Section.
- b. Persons of different generations shall not be required to share the same bedroom, (example: grandparent and grandchild),
- c. The living room is not used for sleeping purposes,
- d. Live-in attendants will generally be provided a separate bedroom,
- e. Space may be provided for a child who is away at school but who lives with the family during school recesses,
- f. Space will not be provided for a family member who will be absent most of the time, such as a member who is away in the military,
- g. For verified reasons of health, physical disability, etc., a separate bedroom may be provided for an individual family member,

AMHA intends to assign units as outlined in A – H above, if however, a family wishes to take a unit with a fewer number of bedrooms, they would have to sign a waiver that they agree they would not be eligible for a transfer to a larger unit unless their family size had increased.

Units designated for the elderly and the disabled will be occupied by those applicants for whom such developments were designed, however, if there are no applicants that qualify, non-disabled applicants will be offered these units for one year and be required to sign a lease agreement stating that after one year they will voluntarily move to another unit.

## **VERIFICATION OF APPLICANT/RESIDENT INCOME**

AMHA shall verify all income, assets and deductions (if applicable) at the time of admission and at annual recertifications, as specified by HUD regulations. The applicant or resident must sign release of information forms to allow the verification. The release forms will include a statement of the purpose of the inquiry. The accurate calculation of annual income and adjusted income will ensure that families are not paying more or less money for rent than their obligation.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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AMHA will obtain EIV and/or written verification as follows:

## **A. WAGES AND PAYMENTS IN LIEU OF EARNINGS**

Verification of source of wages from employer or public agency (Paystubs, W-2, Earnings Print-out from Payroll System, etc.). Per 24-CFR, Parts 5, 891, 960 and 982, AMHA will verify all fixed sources (ex: SS, SSI, SSD, VA, etc.) of income at admission, and every three years after admission.

## **B. UNEARNED INCOME**

- a. Copy of payment records furnished by Bureau of Support Enforcement, showing the amount and period received.
- b. Copy of court decree showing the amount of support. Non-receipt of court-decreed child support may only be verified through Bureau of Support Enforcement records.
- c. Welfare payment records, Social Security Administration records.

## **C. ZERO INCOME**

Families that report zero income will be required to complete a zero income questionnaire and provide information regarding their means of basic subsistence such as food, utilities, transportation, etc.

AMHA must use the EIV Income Report at least quarterly to determine if the tenant or any family members have income reported by HHS or SSA.

AMHA may request credit checks for all adult members of families that report zero income and if the credit reports show credit accounts open and payments current, AMHA will take action to investigate the possibility of fraud or program abuse.

## **D. ASSETS**

- a. Per 24-CFR, Parts 5, 891, 960 and 982, AMHA will verify all assets (see below examples) at admission, and every three years after admission.
- b. Checking and Savings Accounts: Copies of bank statements.
- c. Certificates of Deposit, Interest Income, and Whole Life Insurance Policies: Statement from issuing agency.
- d. Real Estate Statement of Value.
- e. A Statement signed by applicant specifying assets disposed of Below Fair Market Value in the past two (2) years.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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- f. Copies of closing documents which indicate the profits realized from the sale of real property.

## **E. INTEREST AND DIVIDENDS**

- a. Bank documents showing all IRS Income interest received in a recent period.
- b. Tax returns
- c. Dividend statement from bond holder or stock company.

## **F. INCOME FROM RENTAL PROPERTY**

Verification of income and expenses to determine net rental income.

## **G. ALLOWABLE DEDUCTIONS**

HUD has 5 (five) allowable deduction from Annual Income:

- a. Dependent allowance: \$480 each for family members other than head, co-head or spouse who are minors, or family members who are 18 or older who are full time students, disabled or handicapped.
- b. Elderly allowance: \$400 per household for families whose head, co-head or spouse is 62 or older, or disabled, or handicapped
- c. Allowable medical expenses for all family members whose head, co-head or spouse is elderly and/or disabled.
- d. Child care expenses for children under 13 are deducted when child care is necessary to allow an adult member to work, or actively search for work, or attend school.
- e. Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **EIV – ENTERPRISE INCOME VERIFICATION**

EIV is a data matching system supplied by HUD. Verification of certain types of income will be completed through the EIV system. Once an applicant/resident completes a current HUD-9887/9887A form AMHA will use the EIV system, for current tenants, as the primary verification system for employment, wages, unemployment, SSA income (SS, SSI, etc...); EIV will also be used to check for double subsidy when processing applicants who are ready to move into a unit.

Please note: If EIV information does not match that supplied by the resident for wages and/or unemployment benefits, or the resident disagrees with the EIV supplied information, the AMHA must obtain a third party verification to determine the income amount.

Information that is obtained through the use of the EIV reports includes the following:

- **Income:** New employment, quarterly wage, unemployment, social security.
- **Social Security Benefits:** Income, Medicare premiums paid.
- **Income Discrepancy Report:** Identification of unreported or underreporting of an income.
- **Multiple Subsidy Report:** Identify individuals who may be receiving multiple subsidies.
- **Deceased Tenant:** Persons participating in rental assistance programs who are reported by SSA as being deceased.
- **Failed Verification:** Identifies household members who failed the SSA identity match due to invalid personal identifiers – social security number, date of birth or last name, as well as deceased household members.
- **No Income:** Persons having reported no employment or income information matched against SSA or NDNH. (National Directory of New Hires)
- **Existing Tenant Search:** Determines if any applicants or any applicant household members are currently residing at another Multifamily Housing or Public and Indian Housing (PIH) location at the time of application processing whereby they could be receiving rental assistance.

Discuss with the applicant if the report identifies that the applicant member of the applicant's household is residing at another location giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location. This may be a case where the applicant wants to move from his/her present location or where two assisted families share custody of a minor child.

Follow up with the respective PHA or O/A to confirm the individual program participation status before admission, if necessary, depending on the outcome of the discussion with the applicant. The report gives the O/A the ability to coordinate move-out and move-in dates with the PHA or O/A of the property at the other location.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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AMHA may review any or all of the criteria listed above as often as necessary to ensure the accuracy of information reported and correct rental assistance calculations.

## **ADMISSION OF POLICE OFFICERS OR SECURITY PERSONNEL IN AMHA SECTION 8 PROJECT BASED PROPERTIES**

For the purpose of deterring crime in and around the property, AMHA may lease a Section 8 unit to a police officer or security personnel who is over the income limits. Security personnel are defined as a qualified security professional with adequate training and experience to provide security services for project residents.

To be eligible, the police officer or security personnel must be employed full-time (at least 35 hours per week) by a governmental unit or private employer and be compensated by their employer for providing policing or security services.

AMHA must submit a written plan to their HUD Field Office or Contract Administrator for authorization to lease to over-income police or security personnel. The plan must include:

1. A description of the existing social and physical conditions of the property and its surrounding area, and the benefits police or security would bring to the community and property;
2. The number of units in the property.
3. A detailed assessment of the criminal activities and how the safety of the tenants and security of the project is affected;
4. The qualifications of the police or security personnel and length of residency;
5. A description of how AMHA proposes to check the background and qualifications of any security personnel who will reside in the project;
6. Disclosure of any family relationship between the police officer or security personnel and AMHA. AMHA includes all principals or other interested parties;
7. A description of the proposed rent, the current contract rent to the unit, AMHA's annual maintenance cost for the unit and the amount of any other compensation by AMHA to the resident police or security personnel;
8. AMHA or authorized agent signature.

Police officers and other security personnel that reside in subsidized units are subject to the same screening criteria as other applicants.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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AMHA may use the applicable model lease with an added provision that states that the right of occupancy is dependent on continued employment as a police officer or security personnel.

HUD or the Contract Administrator should notify AMHA of approval or rejection within 30 days of submission. Unless there are extenuating circumstances, the local HUD Office should approve no more than 1% (or one unit if the property is less than 100 units) of the assisted units on the property for leasing or security personnel.

## **LIVE-IN AIDES**

A person who resides with one or more elderly person, near-elderly persons, or persons with disabilities, and who:

Is determined to be essential to the care and well-being of the person(s);

Is not obligated for the support of the person(s); and

Would not be living in the unit except to provide the necessary supportive services.

While a relative may be considered to be a live-in aide/attendant, they must meet the above requirements, especially the last. The live-in aide qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a tenant, and may not qualify for continued occupancy as a remaining family member.

AMHA requires live-in aides to sign a lease agreement that denies them occupancy of the unit after the tenant, for whatever reason, is no longer living in the unit. The lease agreement also gives AMHA the right to evict a live-in aide who violates any of the house rules.

Live-in aides will also be screened for drug abuse and criminal activity.

## **MINIMUM RENT**

~~Wilbeth Arlington Homes~~, Eastland Woods, Akron 14, Akron 73, Thornton Terrace, and Hilltop House are project based Section 8 New Construction/Substantial Rehabilitation properties; therefore AMHA must charge families a minimum rent of \$25.00.

**A. Hardship Exceptions:** AMHA must waive this minimum monthly rent requirement to any family unable to pay due to financial hardships. The financial hardship exception constitutes the only statutory exception and includes these hardship situations:

1. The family has lost Federal, State or local government assistance or is waiting for eligibility determination (including legal immigrants);
2. The family would be evicted if the minimum rent requirement was imposed;



# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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3. The family, whose income has decreased due to a change in circumstance, including, but not limited to, loss of employment;
4. death in the family has occurred;
5. AMHA or HUD may determine other situations as applicable.

**B. Tenant Request for Hardship Exception:** Upon a tenant's request for a hardship exception, AMHA must waive the minimum rent charge beginning the month that immediately follows the date that the tenant made the request. AMHA may request reasonable documentation of hardship in order to determine whether there is a hardship and whether it is of a temporary or long term nature. This determination must be done in a prompt and timely manner. It is expected that this determination should be done in one week.

1. If AMHA determines that there is no hardship covered by the statute, AMHA shall immediately reinstate the minimum rent requirements. The tenant is responsible for any minimum rent that was not paid from the date the minimum rent was suspended. AMHA may not evict the tenant for nonpayment of rent during the time in which it takes AMHA to make the hardship determination. The tenant must offer a reasonable repayment agreement for any minimum rent back-payment.
2. If it is determined that the hardship is of a temporary nature, the minimum rent shall not be imposed for a 90-day period from the date of the suspension. At the end of the 90-day period, the tenant shall be responsible for the minimum rent, which shall be imposed retroactively to the initial date of the suspension. The tenant cannot be evicted for nonpayment of rent during the time in which it takes to make the hardship determination nor during the 90-day grace period. The tenant must offer a reasonable repayment agreement for any minimum rent back-payment.

**C.** If the nature of the hardship is determined to be long-term, AMHA shall exempt the tenant from the minimum rent requirement from the date the suspension was granted until such a time that the hardship no longer exists.

**D.** AMHA will maintain documentation of all determinations regarding requests for hardship exceptions. HUD offices shall monitor this process during routine visits.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **TOTAL TENANT PAYMENT**

The monthly Total Tenant Payment amount for a family shall be an amount based on the Section 8 Project Based Program, as verified by AMHA that does not exceed the greatest of the following amounts:

30 percent of the family's monthly adjusted income;

10 percent of the family's monthly income; or

Minimum TTP or \$25.00;

## **INCOME LIMITS**

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families. This paragraph defines income limits and describes how AMHA must use them to determine applicant eligibility for HUD subsidized multi-family properties.

\*additional restrictions may apply for LIHTC Properties, see LIHTC Guidelines

### **A. Income Eligibility Limits**

Except under limited circumstances, in order for an applicant to be eligible for occupancy, the applicant family's income must not exceed the applicable income limit. This limit depends upon the type of subsidy and family size.

### **B. Establishing Income Limits**

1. HUD establishes and publishes income limits for each county or Metropolitan Statistical Area (MSA) in the country. The income limits are based on the median income of the geographic area for which the limit is established. AMHA follows income limits for Akron, Ohio.
2. Income limits are published annually and are available from the local HUD office or on-line at [www.huduser.org](http://www.huduser.org). (Also see Section "G. Income Limits, Effective xx/xx/xxxx".)
3. Income limits are based on family size and the annual income the family receives.

### **C. Timing of Income Eligibility Determinations**

1. AMHA determines income eligibility prior to approving applicants for tenancy.

# Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority

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2. AMHA compares the family’s annual income to the appropriate income limit prior to placing an applicant on the waiting list. However, AMHA may wait until a unit is available to verify the applicant’s income eligibility.
3. AMHA is required to report the income status of each assisted tenant to HUD at least annually. Tenants whose incomes increase above the income limit continue to receive assistance so long as they qualify for assistance in paying rent under the applicable program rules.

## D. Program Income Limits

The income limits used to determine eligibility at ~~Wilbeth Arlington Homes~~, Eastland Woods, Akron 14, Akron 73, Thornton Terrace and Hilltop House are as follows: The low-income limit, and the very low-income limit. A family’s eligibility for assistance is based on the income limit applicable to the type of housing assistance the family is to receive. A family may be income-eligible for one program but have too high an income for another program.

In addition to the two (2) income limits used to determine eligibility for these properties, there is a third – the extremely low-income limit – used for income-targeting in Section 8 projects but not for eligibility. These three (3) income limits are presented as follows:

<b>All of these income limits are based on the median income for a metropolitan statistical area (MSA). This table shows the three (3) income limits as a percentage of median income in an MSA.</b>	
<b>Income Limit</b>	<b>Median Income for the Area</b>
<b>Low-income limit</b>	<b>80% of median income</b>
<b>Very low-income limit</b>	<b>50% of median income</b>
<b>Extremely low-income limit</b>	<b>30% of median income</b>

Section 8 properties, depending upon the effective date of the initial Housing Assistance Payments (HAP) contract for the property, use either the low or very low-income limit.

1. Section 8 property Owners must use the extremely low-income limit when selecting applicants to fulfill the income targeting.
2. If the HAP Contracts were effective prior to October 1, 1981; AMHA may admit families up to the low-income limit.
3. Income Limits by Program:

<b>Subsidy</b>	<b>Type of Income Limit</b>
Section 8 (pre-1981)	Low, very low and extremely low-income limit

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **E. Income Limits and Family Size**

1. Income limits vary by family size. Income limits are published based on the number of persons in the household (for example, 1 person, 2 persons, 3 persons) with increasingly high income limits for families with more members.
2. Once AMHA determines the applicable income limits based on the type of subsidy in the property, AMHA must determine the appropriate limits to apply to a family based on family size. In determining the appropriate income limits, AMHA must include some individuals as part of the family but exclude others.
3. When determining family size for establishing income eligibility, AMHA must include all persons living in the unit except the following:
  - a. Live-In Aides (see Page 12 for definition).
  - b. Foster children or foster adults.
  - c. Guests.
4. When determining family size for income limits, AMHA must include the following individuals who are not living in the unit:
  - a. Children temporarily absent due to placement in a foster home;
  - b. Children in joint custody arrangements who are present in the household 50% or more of the time;
  - c. Children who are away at school but who live with the family during school recesses;
  - d. Unborn children of pregnant women.
  - e. Children who are in the process of being adopted.

Temporarily absent family members who are still considered family members. For example, AMHA may consider a family member who is working in another state on assignment to be temporarily absent;

Family members in the hospital or rehabilitation facility for periods of limited or fixed duration. These persons are temporarily absent as defined in subparagraph 4 above; and

Persons permanently confined to a hospital or nursing home. The family decides if such persons are included when determining family size for income limits. If such persons are included, they must not be listed as the head, co-head, or spouse on the lease or in the data submitted to TRACS but may be listed as other adult family member. This is true even when the confined person is the spouse of the person who is or will become the

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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head. If the family chooses to include the permanently confined person as a member of the household, AMHA must include income received by these persons in calculating family income.

Please also refer to page 54, Section C for further information regarding Temporarily /Permanently Absent household members.

5. When determining income eligibility, AMHA must count the income of family members only.

## **F. Determining the Applicable Income Limit and Eligibility for Assistance**

1. After determining family size, AMHA must calculate the family's annual income.
2. After determining family income, AMHA must compare the family's annual income to the appropriate income limit for the program and family size.
3. Income-eligible families must have annual income that is less than or equal to the income limit for the family size.
4. Income-eligible families must also need the assistance. The amount the family would be required to pay using the applicable HUD rent formula must be less than the gross rent for the unit.
5. **IMPORTANT:** A household does not need to have income to be eligible for assisted housing programs for these properties.
  - a. **Pre-1980 Universe In** this universe of properties, the law restricts occupancy by families that are other than very low-income to 25% of overall occupancy. Since these properties have Section 8 contracts effective prior to October 1, 1981, AMHA may admit applicants with incomes up to the low-income limit. HUD Headquarters is tracking the 25% restriction on a nationwide basis. AMHA does not need to request an exception to admit low-income families to these properties.
  - b. **Eligible In-Place Tenants (Exceptions to the income limits that do not require HUD approval)** In Section 8 properties where fewer than 100% of the units have Section 8 subsidy, some in-place, low-income tenants not receiving Section 8 may be eligible for assistance without HUD approval for an exception to the very low-income limit. This policy is permitted so that families will not be displaced when the circumstances are not the fault of the tenant. Owners may allocate Section 8 assistance to in-place, low-income families only under any of these conditions:
    - i. The tenant is being converted from RAP or Rent Supplement to Section 8.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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- ii. The tenant is eligible to receive Section 8 in conjunction with the sale of a HUD-owned project,
- iii. The tenant is paying more than 30% of income toward rent, and is at or below the low-income limit (80% of median income).

## **c. Exceptions to Section 8 Income Targeting Requirements**

- i. AMHA is to ensure that during a fiscal year at least 40% of the units that become available, together with initial certifications of in-place tenants, serve extremely low-income families. If AMHA has actively marketed available units to extremely low-income families and has been unable to achieve the 40% target for admissions and initial certifications, AMHA is permitted to rent to other eligible families after a reasonable marketing period has expired.
- ii. AMHA must maintain complete records of the marketing efforts targeted to extremely low-income families, and must demonstrate that reasonable
- iii. efforts were made to fill available units with extremely low-income families. AMHA must also demonstrate that an ongoing effort to meet the 40% requirement is being made.
- iv. HUD and/or the Contract Administrator will monitor compliance with this requirement.

## **d. Admitting Over-Income Applicants**

~~Since Wilbeth Arlington Homes,~~ Eastland Woods, Akron 14, Akron 73, Thornton Terrace, and Hilltop House are all Section 8 project based properties, if AMHA is temporarily unable to lease all units to income eligible families, AMHA may admit applicants with incomes that exceed the applicable program income limits with prior written HUD approval.

**Income Limits, Effective 04/01/~~2019~~2021:**

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
AKRON, OH MSA FY 2019 2021 MFI:	EXTREMELY LOW INCOME	\$15,20016,850	\$17,40019,250	\$21,33021,960	\$25,75026,500	\$30,17031,040	\$34,59035,580	\$39,01040,120	\$43,43044,660
\$72,300	VERY LOW INCOME	\$25,35028,050	\$28,95032,050	\$32,55036,050	\$36,15040,050	\$39,05043,300	\$41,95046,500	\$44,85049,700	\$47,75052,900
	LOW- INCOME	\$40,50044,900	\$46,30051,300	\$52,10057,700	\$57,85064,100	\$62,50069,250	\$67,15074,400	\$71,75079,500	\$76,40084,650

**NOTE:**

***THESE LIMITS WILL BE REPLACED IN THIS PLAN ANNUALLY, UPON HUD'S RELEASE OF NEW LIMITS FOR THIS PROGRAM.***

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **LEASING**

### **INTRODUCTION**

It is AMHA's policy that all units must be occupied pursuant to the HUD Model Lease, per HUD Handbook 4350.3. This section describes pre-leasing activities and AMHA's policies pertaining to lease execution, security deposits, other charges, and additions to the lease.

#### **A. LEASE-UP APPOINTMENT**

Upon execution of the lease, an AMHA representative will conduct a lease-up appointment with the family head and all adult household members. The orientation may be conducted with more than one family.

The family must attend a Lease-up Appointment before taking occupancy of the unit.

##### **Lease-up Appointment**

When families attend the lease-up appointment, they will be provided with:

- A copy of the Lease
- A copy of the House Rules
- A copy of any applicable Lease Addenda
- A copy of the HUD Move-In Certification
- A copy of the Move-in Inspection Report

Topics to be discussed will include, but are not limited to:

- Applicable deposits and other charges
- Provisions of the Lease
- Orientation to the community
- Unit maintenance and work orders
- Explanation of occupancy forms
- Terms of occupancy
- Pet Policy

#### **B. EXECUTION OF LEASE**

The lease shall be executed by all adult household members, and by an authorized representative of AMHA, prior to admission.

The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.



# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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An appointment will be scheduled for the parties to execute the lease. One executed copy of the lease will be given to the tenant, and AMHA will retain one in the tenant's file. The lease is incorporated into this policy by reference. The lease document will reflect current HUD policies.

The following provisions govern lease execution:

- A lease is executed at the time of admission for all new tenants.
- A new lease is executed at the time of the transfer of a tenant from one AMHA unit to another (with no change in reexamination date).
- Lease signers must be persons legally eligible to execute contracts.
- The names and dates of birth of all household members are listed on the HUD certification at initial occupancy and on the Personal Declaration form each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.
- Changes to tenant rents are made upon the preparation and execution of a "Notice of Rent Adjustment" by AMHA, which becomes an attachment to the lease. Documentation will be included in the tenant file to support proper notice.
- Households that include a live-in aide are required to execute a lease agreement authorizing the arrangement and describing the status of the attendant.
- Households that include a live-in aide will contain file documentation that the live-in aide is not a party to the lease and is not entitled to HUD assistance, with the exception of occupancy while serving as the attendant for the participant family member.

HUD may modify its form of lease from time to time, giving tenants an opportunity to comment on proposed changes and advance notice of the implementation of any changes. A tenant's refusal to accept permissible and reasonable lease modifications, or those modifications required by HUD, is grounds for termination of tenancy.

## **C. ADDITIONS TO THE LEASE**

Requests for the addition of a new member of the household must be approved by AMHA, prior to the actual move-in by the proposed new member.

Following receipt of a family's request for approval, AMHA will conduct a pre-admission screening, including the Criminal History Report, for additions of adults. Only new members approved by AMHA will be added to the household.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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1. Factors determining household additions:
  - a. Household additions subject to screening;
  - b. Resident plans to marry/add a domestic partner;
  - c. Resident is awarded custody of a child over the age for which juvenile justice records are available;
  - d. Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren).
  - e. A unit is occupied by a remaining family member(s) under age 18 and an adult who was not a member of the original household requests permission to take over as the head of household.
2. Factors determining household additions which are not subject to screening:
  - a. Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process.
3. Factors determining household additions which may be subject to screening, depending on the AMHA's discretion.
  - a. Children below the age under which juvenile justice records are made available, who are added through a kinship care arrangement are exempt from the pre-screening process.

In such cases where the addition of a new member who has not been born, married, ~~legally~~, legally adopted or received court awarded custody into the family, and the addition will affect the bedroom size required by the family, according to this policy's occupancy standards, AMHA will not approve the addition.

Residents who fail to notify the AMHA of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons are considered to be unauthorized occupants by AMHA, and the entire household will be subject to eviction.

Family members age 18 and over who move from the dwelling unit to establish new households shall be removed from the lease. The tenant must notify AMHA of the move-out within 10 (ten) days of its occurrence.

These individuals may not be readmitted to the unit and must apply as a new applicant for placement on the waiting list.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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AMHA will not add any other adult member of the family to the lease. They must apply as a new applicant.

AMHA, in making determinations under this paragraph will consider medical hardship or other extenuating circumstances.

## **D. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES**

Accessible units will be offered and accepted by non-mobility impaired applicants only with the understanding that such applicants must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible.

Before offering vacant accessible unit to a non-disabled applicant, AMHA will offer such units:

First, to a current occupant of another unit of the same development, who has a disability that requires the special features of the vacant unit

Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

AMHA will require a non-disabled person to agree to move to an available non-accessible unit within 30 (thirty) days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

## **E. UTILITY SERVICES**

Utility services must be in the name of an adult (age 18 or older) member of the household.

Tenants responsible for direct payment of utilities must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits.

Failure to maintain utility services during tenancy is a lease violation and grounds for eviction.

Non-payment of excess utility charge payments to AMHA is a violation of the lease and is grounds for eviction.

## **F. SECURITY DEPOSITS**

New tenants must pay a security deposit to AMHA at the time of admission.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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For ~~Wilbeth Arlington Homes~~, Eastland Woods, Akron 14, Akron 73 and Hilltop House, the amount of the Security Deposit is the equivalent of the family's calculated total tenant payment, or \$25.00, whichever is higher. For Thornton Terrace, the amount of the Security Deposit is the family's calculated total tenant payment, or \$50.00, whichever is higher.

AMHA may permit installment payments of security deposits when a new tenant demonstrates a financial hardship to the satisfaction of AMHA.

The remainder of the deposit must be paid according to the Security Deposit Repayment Agreement executed at the time of Lease Up.

AMHA will hold the security deposit for the period the tenant occupies the unit.

AMHA will refund to the Tenant the amount of the security deposit, less any amount needed to pay the cost of:

- Unpaid rent;
- Damages listed on the Move-Out Inspections Report that exceed normal wear and tear;
- Other charges under the Lease.

AMHA will refund the Security Deposit less any amounts owed, within 30 (thirty) days after move out.

AMHA will provide the tenant or the person designated by the former tenant in the event of the former tenant's incapacitation or death with a written list of any charges against the security deposit. If the tenant disagrees with the amount charged to the security deposit, AMHA will address these charges in writing upon written dispute.

The resident must leave the dwelling unit in a clean and undamaged (beyond normal wear and tear) condition and must furnish a forwarding address to AMHA. All keys to the unit must be returned to the Management upon vacating the unit.

AMHA will not use the security deposit for payment of rent or other charges while the tenant is living in the unit.

If the tenant transfers to another unit, AMHA will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges.

## **G. RENT PAYMENTS**

The tenant rent is due on the first of every month, and payable by the fifth (5th) day of every month, at an AMHA-designated location. If the fifth (5th) of the month falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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If AMHA does not receive payment by the agreed-upon date, a delinquent rent notice will be sent.

If the payment of rent and other charges due under the lease will be delayed beyond the fifth (5th) day of the month, the tenant must request a rent extension, from the Management no later than the third day of the month.

The notification must include an explanation of the circumstances which will delay the tenant's payment. The Management may elect to extend the payment date no later than the fifteenth (15th) day of the month. Management approval, in writing, will not be unreasonably withheld.

## **H. FEES AND NONPAYMENT PENALTIES**

If the tenant fails to make payment by the fifth (5th) day of the month, AMHA will charge a late fee of \$5.00 on the sixth day of the month. This charge will increase by \$1.00 each day until payment is received.

AMHA will always consider the rent unpaid when a check is returned as NSF or a check is written on a closed account.

## **I. SCHEDULES OF SPECIAL CHARGES**

Schedules of special charges for services and repairs are incorporated into the House Rules, which are an attachment to the Lease.

## **J. MODIFICATIONS TO THE HOUSE RULES**

Schedules of special charges and rules and regulation are subject to modification or revision. Residents will be provided at least 30 (thirty) days written notice of the reason(s) for any proposed modifications or revisions.

A copy of such notice shall be mailed by first class mail to tenant.

After the proposed changes have been incorporated into the House Rules, each family will be notified of the effective date of the new House Rules.

Any modifications of the House Rules must be signed by all adult household members and an authorized representative of AMHA.

## **K. CANCELLATION OF THE LEASE**

Cancellation of the tenant's lease is to be in accordance with the provisions contained in the lease agreement and as stated in this policy.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **L. INSPECTIONS OF HOUSING UNITS**

### **Initial Inspections**

AMHA and the family will inspect the premises prior to occupancy of the unit in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by AMHA and the tenant, will be kept in the tenant file.

### **Move-out Inspections**

AMHA Management will perform a move-out inspection when the family vacates the unit, and will encourage the family to participate in the move-out inspection.

The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The HA will determine if there are tenant caused damages to the unit. Tenant caused damages may affect part or all of the family's security deposit refund.

The move-out inspection also assists the HA in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant.

### **Annual Housekeeping Inspections**

AMHA will inspect all units at least annually.

The unit will be considered to have failed inspection if there are any *life-threatening* Health and Safety deficiencies.

The unit will be considered to fail inspection if there are more than three (3) minor housekeeping violations.

Residents will be issued a copy of the inspection report with required corrections.

All inspections will include a check of all smoke alarms to ensure proper working order.

Residents who repeatedly "fail" the inspection or cause excessive damage to the unit may be in violation of their lease.

### **Maintenance / Safety Inspections**

The housing management staff will conduct maintenance / safety inspections at least annually to determine the condition of the unit and to identify problems.

### **Special Inspections**

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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Housing management staff may request the inspector to conduct a special inspection for housekeeping, unit condition, or suspected lease violation.

HUD representatives or local / state government officials may review AMHA operations periodically and as a part of their monitoring may inspect a sampling of AMHA's inventory.

## **Other Inspections**

Building exterior and grounds inspections are conducted at all AMHA properties to determine hazardous conditions as well as to assist in budget preparation.

## **External Audit Physical Inspection**

Outside agencies that have a financial interest or compliance oversight responsibility for specific AMHA properties may periodically conduct inspections of the property. These inspections may include a sampling of occupied units.

## **Emergency Inspections**

Housing management staff, including AMHA inspectors may initiate an emergency inspections report to generate a work order if they believe that an emergency exists in the unit or on a Public Housing site. In addition, the inspector may conduct an emergency inspection without a work order and generate a work order after the inspections has been. If emergency conditions are identified, repairs are to be completed within 24 hours from the time the work order is issued.

## **Entry of Premises Notices**

AMHA will give prior written notice for non-emergency inspections. Non-emergency entries to the unit will be made during reasonable hours of the day.

AMHA will provide the family with 48 hour notice prior to entering the unit for non-emergency reasons other than the annual inspections.

If no person is at home, the inspector and another staff member will enter the unit and conduct the inspections.

If no one is in the unit, the person(s) who enters the unit will leave a written notice and copy of the inspection to the resident explaining the reason the unit was entered and the date and time.

## **Non-Inspection Emergency Entry**

AMHA staff will allow access to the unit to proper authorities when the issues of health or safety of the tenant are concerned.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **Family Responsibility to Allow Inspections**

AMHA must be allowed to inspect the unit at reasonable times with reasonable notice. Forty eight (48) hour written notice will be considered reasonable in all cases.

If the resident refuses to allow the inspection, the resident will be in violation of the lease and AMHA will notify the family of its intended action.

## **Housekeeping**

Residents who need an inspection due to housekeeping concerns will have a repeat inspection by housing management. If necessary, a re-inspection will be conducted within 2 (two) weeks.

If the family fails to comply with the re-inspection it can result in lease termination.

Warnings will be issued to residents who purposely and for convenience disengage the unit's smoke detector.

Repeated warnings will be considered a violation of the lease.

## **Tenant Damages**

Repeated failed inspections or damages to the unit beyond wear and tear may constitute serious or repeated lease violations.

"Beyond normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.

## **Regularly Scheduled Recertifications**

Every year around 120 days prior to the effective date of the next annual reexamination, AMHA will request the tenant to report the income and composition of the Tenant's household and to supply any other information required by HUD for the purposes of determining the Tenant's rent and assistance payment, if any. The Tenant agrees to provide accurate statements of this information and to do so by the date specified in the AMHA's request. The AMHA will verify the information supplied by the Tenant and use the verified information to re-compute the amount of the Tenant's rent and assistance payment, if any.

- A. If the Tenant does not submit the required recertification information by the date specified in the AMHA's request, the AMHA may impose the following penalties: The AMHA may implement these penalties only in accordance with the administrative procedures and time frames specified in HUD's regulations,



## **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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handbooks, and instructions related to the administration of multifamily subsidy programs.

1. Require the Tenant to pay the higher, HUD-approved market rent for the unit.
  2. Implement any increase in rent resulting from the recertification processing without providing the 30-day notice otherwise required by Paragraph 4 of the lease agreement.
- B. The Tenant may request to meet with the AMHA to discuss any change in rent or assistance payment resulting from the recertification processing. If the Tenant requests such a meeting, the AMHA agrees to meet with the Tenant and discuss how the Tenant's rent and assistance program payment, if any, were computed. Persons with disabilities have the right to request reasonable accommodations to participate in the meeting.

### **Reporting Changes Between Regularly Scheduled Recertifications**

- A. If any of the following changes occur, the Tenant agrees to advise the AMHA in writing, within ten (10) business days from the date of the change:
1. any household member moves out of the unit;
  2. an adult member of the household who was reported as unemployed on the most recent certification or recertification obtains employment; or
  3. the household's income cumulatively increases by \$200.00 or more a month.
- B. The Tenant may report any decrease in income or any change in other factors considered in calculating the Tenant's rent. Unless the AMHA has confirmation that the decrease in income or change in other factors will last less than one month, the AMHA will verify the information and make the appropriate rent reduction. However, if the Tenant's income will be partially or fully restored within two months, the AMHA may delay the certification process until the new income is known, but the rent reduction will be retroactive and the AMHA may not evict the Tenant for nonpayment of rent due during the period of the reported decrease and the completion of the certification process. The Tenant has thirty days after receiving written notice of any rent due for the above described time period to pay or the AMHA can evict for nonpayment or rent.
- C. If the Tenant does not advise the AMHA of these interim changes, the AMHA may increase the Tenant's rent to the HUD-approved market rent. The AMHA may do so only in accordance with the time frames and administrative procedures set forth

## **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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in HUD's regulations, handbooks, and instructions on the administration of multifamily subsidy programs.

- D. The Tenant may request to meet with the AMHA to discuss how any change in income or other factors affected his/her rent or assistance payment, if any. If the Tenant requests such a meeting, the AMHA agrees to meet with the Tenant and explain how the Tenant's rent or assistance payment, if any, was computed. Persons with disabilities have the right to request reasonable accommodations to participate in the meeting.

### **Removal of Subsidy**

- A. The Tenant understands that assistance made available on his/her behalf may be terminated if events in either items 1 or 2 below occur. Termination of assistance means that the AMHA may make the assistance available to another Tenant and the Tenant's rent will be recomputed. In addition, if the Tenant's assistance is terminated because of criterion (1) below, the Tenant will be required to pay the HUD-approved market rent for the unit.
1. the Tenant does not provide the AMHA with the information or reports required Paragraph 15 or 16 within 10 business days after receipt of the AMHA's notice of intent to terminate the Tenant's assistance payment; and
  2. the amount the Tenant would be required to pay towards rent and utilities under HUD rules and regulations equal the Family Gross Rent shown on Attachment 1.
- B. The AMHA agrees to give the Tenant written notice of the proposed termination. The notice will advise the Tenant that, during the ten business days following the date of the notice, he/she may request to meet with the AMHA to discuss the proposed termination of assistance. If the Tenant requests a discussion of the proposed termination, the AMHA agrees to meet with the Tenant. Persons with disabilities have the right to request reasonable accommodations to participate in the meeting.
- C. Termination of assistance shall not affect the Tenant's other rights under this Agreement, including the right to occupy the unit. Assistance may subsequently be reinstated if the Tenant submits the income or other data required by HUD procedures, the AMHA determines the Tenant is eligible for assistance, and assistance is available.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **Tenant Obligation to Repay**

If the Tenant submits false information on any application, certification or request for interim adjustment or does not report interim changes in family income or other factors as required by Paragraph 16 of the Lease Agreement, and as a result, is charged rent less than the amount required by HUD's rent formulas, the Tenant agrees to reimburse the AMHA for the difference between the rent he/she should have paid and the rent he/she was charged. The Tenant is not required to reimburse the AMHA for undercharges caused solely by the AMHA's failure to follow HUD's procedures for computing rent or assistance payments.

## **Size of Dwelling**

The Tenant understands that HUD requires the AMHA to assign units in accordance with the AMHA's written occupancy standards. These standards include consideration of unit size, relationship of family members, age and sex of family members and family preference. If the Tenant is or becomes eligible for a different size unit, and the required size unit becomes available, the Tenant agrees to:

- A. move within 30 days after the AMHA notifies him/her that a unit of the required size is available within the project; or
- B. remains in the same unit and pay the HUD-approved market rent.
- C. Definition of Temporarily/Permanently Absent:

The AMHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

Income of persons permanently absent will not be counted. If the spouse or co-head is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

Please also refer to page 41, Section E for further information regarding Temporarily/Permanently Absent household members.

It is the responsibility of the head of household to report changes in family composition. The AMHA will evaluate absences from the unit in accordance with this policy.

### **Absence of Entire Family**

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These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the AMHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

Families are required to notify the AMHA before they move out of a unit in accordance with the lease and to give the AMHA information about any family absence from the unit.

Families must notify the AMHA if they are going to be absent from the unit for more than seven (7) consecutive days. Residents must provide a means for Management to contact the resident in an emergency. Failure to advise Management of an extended absence is grounds for termination of the lease. A person with a disability may request an extension of time as an accommodation.

“Absence” means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the AMHA may:

- Conduct home visit
- Write letters to the family at the unit
- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Check with Post Office for forwarding address
- Contact emergency contact
- If the entire family is absent from the unit, without AMHA permission, for more than 60 (sixty) consecutive days, the unit will be considered to be vacant and abandoned the AMHA will terminate tenancy.

As a reasonable accommodation for a person with a disability, the AMHA may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension.) During the period of absence, the rent and other charges must remain current.

If the absence, which resulted in termination of tenancy, was due to a person's disability, and the AMHA can verify that the person was unable to notify the AMHA in accordance with the lease provisions regarding absences, and if a suitable unit is available, the AMHA may reinstate the family as an accommodation if requested by the family.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## Absence of Any Member

If any member of the household will be considered permanently absent if s/he is away from the unit for 3 (three) consecutive months 90 (ninety) days in a 12 month period except as otherwise provided in this Plan.

## Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the AMHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 (one hundred eighty) consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the AMHA's "Absence of Entire Family" policy.

## Absence due to Incarceration

If the sole member is incarcerated for more than 60 (sixty) consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 60 (sixty) consecutive days. The rent and other charges must remain current during this period.

The AMHA will determine if the reason for incarceration is for drug-related or criminal activity which would threaten the health, safety and right to peaceful enjoyment of the dwelling unit by other residents.

## Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, the AMHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 6 (six) months from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the household will be placed on the over-housed transfer list and the unit size will be reduced in accordance with the AMHA's occupancy guidelines.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## Absence of Adult

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the AMHA will treat that adult as a visitor for the first 60 (sixty) days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the lease will be transferred to the caretaker.

If the court has not awarded custody or legal guardianship, but the action is in process, the AMHA will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

The AMHA will transfer the lease to the caretaker, in the absence of a court order, if the caretaker qualifies under the Tenant Screening criteria and has been in the unit for more than 90 (ninety) days and it is reasonable to expect that custody will be granted.

When the AMHA approves a person to reside in the unit as caretaker for the child(ren), the income of the caretaker should be counted pending a final disposition. The AMHA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 60 (sixty) days, the person will be considered permanently absent.

If an adult, other than the head, co-head or spouse, goes into the military and leaves the household, they will be considered permanently absent (with the exception of a reserve unit).

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of unit size.

# **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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## **Visitors**

Any adult not included on the HUD 50059 who has been in the unit more than fifteen (15) consecutive days, or a total of sixty (60) days in a year will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

### **The AMHA will consider:**

1. Statements from neighbors and/or management staff
2. Vehicle license plate verification
3. Post Office records
4. Driver's license verification
5. Law enforcement reports
6. Credit reports

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and the AMHA will terminate the family's lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 120 (one hundred twenty) days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 180 (one hundred eighty) days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents reside in Public Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

## **REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT**

- A. To be considered the remaining member of the tenant family, the person must have been previously approved by the HA to be living in the unit.
- B. A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.
- C. In order for a minor child to continue to receive assistance as a remaining family member:

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The AMHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.

- D. A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

## **UNIT TRANSFERS**

Residents applying for a transfer will have to complete a transfer request form. AMHA management will determine if a transfer is justified.

AMHA may transfer tenants to a different unit as a reasonable accommodation due to a household member's disability.

A tenant will become eligible for a unit transfer for the following reasons (Listed in order of priority):

- Emergency/VAWA Transfers (see definition on page 57).
- As a reasonable accommodation for a disability that has been certified by a doctor;
- Special Circumstance Transfer (see definition on page 58).
- A change in family composition creating an over or under-housed status.
- A deeper subsidy (Rent Supplement, RAP, or Section 8 assistance); or
- A change in family composition that does NOT create an over or under-housed status.

It is AMHA'S policy to place existing tenants eligible for a transfer on a transfer waiting list, in order of the priorities defined above. When a unit becomes ready for occupancy, AMHA alternates between placing an applicant and existing tenants in that unit, provided the property occupancy rate is at, or above 98%. Eligible existing tenants will be offered the next available, suitable unit, based on the household's composition.

AMHA management will determine whether an approved transfer will be deemed **mandatory** or **non-mandatory** according to Occupancy and Safety Standards.

If an existing tenant's name comes up on the **mandatory** transfer waiting list and they refuse to move, AMHA will inform them that they may remain in the current unit and pay the market rent for that unit. This is also stated in the tenant's lease.

A unit transfer may only occur within the same development. Once the tenant has been approved for a transfer, provided the appropriate notices, and has accepted the unit, the tenant will:



## **Tenant Selection Policy for the Section 8 Project Based Properties Owned and Managed By The Akron Metropolitan Housing Authority**

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- Be given three (3) business days to sign the new lease
- Be given three (3) business days to move and return the keys from the previous unit. If the keys are not returned within above stated time frame, (unless there are extenuating circumstances and the manager grants permission) the unit will be deemed abandoned, a notice will be posted and the locks changed. The tenant will be notified by mail to remove any remaining items within seven (7) business days or they will be discarded. On day eight (8), with permission from the manager, the items will be discarded.
- The tenant is obligated to pay all costs associated with the move except when required.

A move-out inspection will be performed at the tenant's previous unit and any applicable charges will be applied to the tenant's old account. The tenant has the option of attending the move-out inspection, if he or she wishes. AMHA will send the tenant a disposition of security deposit letter within thirty (30) days of the tenant's move-out date. This letter will state any rent due, or rent credited, along with the damages, if applicable. This amount is then subtracted from, or added to, the security deposit the tenant originally paid and the result is either the amount AMHA owes the tenant or the amount the tenant owes AMHA. If AMHA owes the tenant any monies, a credit will be made to the tenant's old account and then transferred to their new account. If the tenant owes AMHA a balance, it must be paid in full within thirty (30) days of receipt of the letter.

A move-in inspection of the new unit will be performed at the time of move-in with the tenant and any needed repairs will be made within thirty (30) days from the date the tenant signed the new lease. The tenant will also be required to sign a new lease and pay a new security deposit for the new unit.

Note: There can be no time lapse between the move-in and move-out dates. HUD will not pay subsidy for a person residing in two subsidized units.

### **NECESSARY TRANSFERS**

#### **A. Emergency / VAWA Transfers**

AMHA will authorize an emergency transfer for a participant family to address emergency conditions. Emergency conditions are defined as conditions that pose imminent danger to a resident's life, health or safety. These conditions include damage to the unit by fire, flood or other causes to such a degree that the unit is not habitable. These conditions also include violence, threats of violence, sexual assault, or stalking, as defined in the Violence Against Women Act.

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## **B. As a Reasonable Accommodation for a Disability (certified by a doctor)**

Should circumstances arise that may require a resident the need of specific housing features due to a medical condition. With written verification by a certified doctor, medical hardship transfers may be approved.

## **C. Special Circumstance Transfer**

AMHA will authorize a transfer under special circumstances for a participant family if one of the following occurs:

1. The resident's unit is being modernized or significantly remodeled.
2. In such cases, the family may only be offered temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit once rehabilitation is complete.
3. There is a reasonable fear of direct violence against the resident. Such transfer requests may include a fear of retaliation for witnessing an incident, or providing testimony or evidence in an eviction or criminal proceeding, or fear of being the victim of a hate crime.
4. AMHA will seek input from local law enforcement regarding all requests for transfers due to threat of violence.

## **D. Under/Over-housed Transfers**

Under/Over-housed Transfers will be approved if the household meets any of the following criteria:

Addition of an approved Live-In attendant, or,

Increase in family size which creates an under-housed situation as defined by HUD Occupancy Guidelines (more than two people per bedroom, regardless of sex).  
Addition due to birth, adoption or court awarded custody.

*Consideration* of a unit transfer will be made for the addition of a minor who is a member of the family who had been living elsewhere, if the addition results in an under-housed situation as defined by HUD Occupancy Guidelines, or,

Reduction in family size which creates an over-housed situation as defined by HUD Occupancy Guidelines (fewer than one person per bedroom).

## **E. Deeper Subsidy**

Should funding become available for Rent Supplement, RAP, or Section 8 Assistance

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## **F. Voluntary Transfers'**

### **Change in Family Composition – NOT Over or Under- Housed**

Voluntary Transfers MAY be approved at the resident's request if the household meets the following criteria:

Increase in family size which DOES NOT create an under-housed situation as defined by HUD Occupancy Guidelines (fewer than two people per bedroom). Addition due to birth, adoption or court awarded custody.

Consideration of a unit transfer will be made for the addition of a minor who is a member of the family who had been living elsewhere, if the addition DOES NOT result in an under-housed situation as defined by HUD Occupancy Guidelines.

Reduction in family size which DOES NOT create an over-housed situation as defined by HUD Occupancy Guidelines (more than one person per bedroom).

Approval is solely at the discretion of Management.

## **Violence Against Women Act (VAWA)**

Criminal activity directly relating to domestic violence, dating violence, sexual assault, 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 termination of assistance, tenancy or occupancy rights, if the tenant or an immediate family member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, sexual assault, or stalking.

AMHA may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

AMHA may honor court orders regarding the rights of access or control of the property, including Emergency Protection Orders (EPO), Domestic Violence Orders (DVO), and other orders issued to protect the victim and issued to address the distribution or possession or property among household members where the family "breaks up."

There is no limitation on the ability of AMHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault, or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

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There is no prohibition on AMHA terminating assistance if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) assistance is not terminated.”

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

Domestic violence incidents will be evaluated on a case by case basis. AMHA may require certification by the individual of their victim status. When appropriate, AMHA may accept medical and/or police records in lieu of certification. When required, certification shall be submitted on AMHA and/or HUD approved forms. The individual shall provide such certification within 14 business days after AMHA requests such certification.

If the certification is not received within the 14-day deadline, assistance may be terminated. The 14-day deadline may be extended at the discretion of AMHA. If an emergency transfer is requested, the name of perpetrator will be requested and he/she will be added to the AMHA Ban List

## **NON-SMOKING POLICY**

### **INTRODUCTION**

Due to the increased risk of fire, increased maintenance costs and the known health effects of secondhand smoke, smoking is prohibited in any areas of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, tenants, guests and service persons.

#### **A. SMOKE-FREE DEVELOPMENTS**

**Effective August 1, 2018 all phases will be smoke free in compliance with the mandatory federal regulation set forth in HUD-Notice 2017-3.**

Prohibited tobacco products are defined as items that involve the ignition and burning of tobacco leaves, such as: cigarettes, cigars, pipes and water pipes (also known as hookahs).

While electronic cigarettes are permitted in the Resident’s private dwelling, they are prohibited, just as those items listed above, in all common areas.

Interior common areas include but are not limited to: hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures.

#### **B. NON-SMOKING REQUIREMENTS**

Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident’s household have been designated as a smoke-free living

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environment. Resident and members of Resident's household shall not smoke anywhere in the unit rented by Resident, or the building where the Resident's dwellings located or in any of the common areas or adjoining grounds of such buildings that are within 25 feet from public housing and administrative office buildings or other parts of the rental community, nor shall Resident permit any guests or visitors under the control of Resident to do so.

Resident shall inform Resident's guests of the non-smoking policy. Further, Resident shall promptly give AMHA a written statement of any incident where tobacco smoke is migrating into the Resident's unit from sources outside of the Resident's apartment unit.

Resident acknowledge that AMHA's adoption of a smoke-free living environment, and the efforts to designate the rental development as smoke-free does not make the AMHA or any of its managing agents the guarantor of Resident's health or of the smoking-free condition of the Resident's unit and the common areas. However, AMHA shall take reasonable steps to enforce the smoke-free terms of its leases and to make the development smoke-free. AMHA is not required to take steps in response to smoking unless AMHA knows of said smoking or has been given written notice of said smoking.

Resident agrees that the other residents at the development are the third-party beneficiaries of Resident's smoke-free agreement with AMHA. A Resident may sue another Resident for an injunction to prohibit smoking or for damages, but does not have the right to evict another Resident. Any suit between Residents herein shall not create a presumption that the AMHA breached this agreement.

Resident acknowledges that AMHA's adoption of a smoke-free living environment, and the efforts to designate the rental development as smoke-free, does not in any way change the standard of care that the AMHA or managing agent would have to the Resident household to render buildings and premises designated as smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. AMHA specifically disclaims any implied or expressed warranties that the building, common areas, or Resident's premises will be free from secondhand smoke. Resident acknowledges that AMHA's ability to police, monitor, or enforce the agreements of this agreement is dependent in significant part on voluntary compliance by Resident and Resident's guest. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that AMHA does not assume any higher duty of care to enforce this agreement than any other AMHA Lease obligation.