

## **Pine Bluffs Senior Housing (Pine) Tenant Selection Plan**

### **ELIGIBILITY REQUIREMENTS**

#### **Population Served (Elderly/Disabled)**

To qualify, the household must meet HUDs definition of an Elderly and/or Disabled Family at move-in:

#### **Elderly Family**

1. Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
2. The surviving member or members of a family described in paragraph (1) living in a unit assisted under 24 CFR part 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death;
3. A single person who is 62 years of age or older; or
4. Two or more elderly persons living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be

#### **Disabled Family**

1. Families of two or more persons the head of which (or his or her spouse) is a person with disabilities;
2. The surviving member or members of any family described in paragraph (1) of this definition living in a unit assisted under 24 CFR 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death;
3. A single person with disabilities (handicapped person) over the age of 18; or
4. Two or more persons with disabilities (handicapped person) living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

#### **Citizenship**

All family members must declare their citizenship or immigration status regardless of age. Assistance in subsidized housing at Pine is restricted to:

- (1) U.S. Citizens or nationals; and
- (2) Noncitizens who have eligible immigration status;

Mixed households must comply with HUD Handbook 4350.3, Paragraph 3-12N-Q.

#### **Social Security Numbers**

All applicant and tenant household members must disclose and provide verification of the complete and accurate SSN assigned to them except for those individuals who do

not contend eligible immigration status or tenants who were age 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.

An applicant may not be admitted until SSNs for all household members have been disclosed and verification provided.

1. If all household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.
2. The applicant who has not disclosed and provided verification of SSNs for all household members must disclose and provide verification of SSNs for all household members to the owner within 90 days from the date they are first offered an available unit.
3. If the owner has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of disclosing and providing verification of the SSN, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation.
4. After 90 days, if the applicant has been unable to supply the required SSN and verification documentation, the applicant shall be determined ineligible and removed from the waiting list.

### **Income Limit**

The annual income of the household must not exceed 50% of the Median Income for Laramie County. Income Limits are updated annually by HUD. As an example, the 50% annual income limit in 2019 for a single-person household was \$27,900. Current income limits will be made available upon request and can be found online at [huduser.gov](http://huduser.gov) – data sets.

If needed, preference will be given to Extremely Low (30% AMI) income applicants in order to meet HUDs income targeting requirement 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.

### **Student Restrictions**

Section 8 assistance shall not be provided to any individual who:

- a) Is enrolled PT or FT at an institution of higher education to obtain a degree, certificate, or other program leading to a recognized educational credential; and
- b) Is under the age of 24; and
- c) Is not married; and
- d) Is not a veteran of the U.S. Military; and
- e) Does not have a dependent child; and
- f) Is not a person with disabilities (defined in 3 (b) (3) (E) of the U.S. Housing Act of 1937 (42 U.S.C 1437 a (b) (3) (E) and was not receiving Section 8 assistance as of November 30, 2005 Figure 3-6, definition E; and
- g) Is not living with his/her parents who are receiving Section 8 assistance; and
- h) Is not individually eligible to receive Section 8 assistance or has parents (individually or jointly) who are not income eligible to receive Section 8 assistance.

### Definition of an Independent Student

The student must meet the following criteria to be eligible for Section 8 assistance as an independent student. The student must:

- a) be 24 years of age or older by December 31 of the award year;
- b) is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court at any time when the individual was 13 years of age or older;
- c) is or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- d) is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes;
- e) is a graduate or professional student;
- f) is a married individual;
- g) has legal dependents other than a spouse;
- h) has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth or as unaccompanied, at risk of homelessness and self-supporting;
- i) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

To determine that the students' parents' income is not relevant in determining the student's eligibility for assistance by doing all of the following:

- a) Review and verify previous address information to determine evidence of separate household verifying the student meets the U.S. Department of Education's definition of independent student;
- b) Review a student's prior year income tax returns to verify the student is independent or verifying the student meets the Department of Education's definition of independent student;
- c) Verify income provided by parent by requiring written certification from an individual providing the support. Financial assistance that is provided by persons not living in the unit is part of the annual income.
- d) Certification is also required if the parent is providing NO support to the student.

## **APPLICATION AND WAITING LIST PROCESS**

### Taking Applications

Applications for housing can be completed on-line or by filling out a paper pre-application for housing assistance. You may call the Cheyenne Housing Authority (CHA) to confirm what waiting lists you are active on, the date of the application and confirmation of your mailing address. You must keep the CHA informed of your current address at all times. If any notice sent by the CHA is returned as undeliverable, your name will be removed from all waiting lists. The CHA will notify you by mail if any additional information is needed and when your name is approaching the top of the waiting list.

### Preferences

The CHA will select families based on the following preferences. A family qualifying for one of the preferences listed below is given the same priority as a family qualifying for

more than one preference. After preferences, CHA will determine priority based upon the date and time of application. The preferences are listed below in random order with no hierarchical system. A family may qualify for a preference at any time they are on the waiting list, but must qualify for the preference at the time of selection from the waiting list. All preferences must be documented by evidence, which must include verification by a reputable and professional third party.

Applicants not eligible for the preference will be placed on the regular waiting list as of the date and time of their pre-application. All preferences will receive the same weight and preference-qualified applicants will be offered housing assistance before other applicants. The preferences are listed below in random order with no hierarchical system.

1) The following preferences apply only to elderly households and disabled Households.

A. Person(s) who reside in the CHA jurisdictional service area or who are working or have been hired to work in the CHA jurisdictional service area.

### **Income-targeting**

If needed, preference will be given to Extremely Low (30% AMI) income applicants in order to meet HUDs income targeting requirement 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.

### **Screening & Suitability Criteria**

Applicant families will be evaluated to determine whether, their recent behavior could reasonably be expected to result in noncompliance with the lease. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the property, other tenants, CHA employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the following suitability criteria:

1. History of meeting financial obligations, especially rent and utilities;
2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
3. History of criminal activity by any household member involving crimes of physical violence against persons or property including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;
4. History of disturbing neighbors, destruction of property, or leaving a lease or federally assisted housing program under unfavorable conditions;
5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived therefrom; and
6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

The CHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The CHA will require third party verification of

the information provided. Such verification may include but may not be limited to the following:

1. A credit check for all adult household members;
2. A rental history check of all adult family members;
3. A criminal background check: The CHA will conduct criminal background checks on all adult household members, including live-in aides, through an FBI authorized channeler accessing the FBI's National Crime Information Center (NCIC) or similar method of accessing that database. If the background check report includes background information that suggests that the individual may be disqualified from admission but lacks sufficient information to make a qualified/disqualified determination, the CHA will request additional documentation from the applicant and other sources required to determine the individual's eligibility. Criminal background checks will be conducted and evaluated for eligibility prior to move-in. The CHA will deny assistance to an applicant family because of disqualifying criminal activity, as set forth by this plan or by law, on the part of any adult household member including a live-in aide.
4. Sex Offender Registry Checks: The CHA will perform sex offender registry checks on all adult household members, including live-in aides, through the Department of Justice (Dru Sjodin) National Sex Offender Public Website (NSOPW) or similarly comprehensive sex offender database. Sex offender registry checks will be conducted and reviewed for eligibility prior to move-in. The CHA will permanently ban from program participation any individual, including any live-in aide, subject to registration as a lifetime sex offender in any state. The CHA will deny assistance to an applicant family if any household member, including a live-in aide, is subject to registration as a lifetime sex offender in any state.

### **Grounds for Denial**

The CHA is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility requirements;
- B. Do not meet Suitability Criteria
- C. Do not supply information or documentation required by the application process;
- D. Have failed to respond to a written request for information or a request to declare their continued interest in the program (including mail that is returned as undelivered or undeliverable);
- E. Have any household member who has currently engaged in, or has engaged in during a reasonable time before the admission decision:
  1. Drug related criminal activity;
  2. Violent criminal activity;
  3. Other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
  4. Other criminal activity that would threaten the health or safety of the CHA or any of its employees, agents, contractors, or subcontractors.

In making the determination whether this section is applicable to conduct by a household member, the following guidelines shall be used:

1. A household member is “currently engaged in” criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.
2. The period of time that constitutes “a reasonable time” shall be determined on a case-by case basis, applying the following guidelines, but in no case shall be a period of time less than five years (as measured from the commission of the crime to the date of the admission decision):
  - a. Time spent in prison or jail shall be excluded from the calculation of reasonable time; b. The period of reasonable time may be extended beyond five years for a period of up to three additional years when the criminal activity at issue includes serious violent crimes (i.e. criminal activity resulting in death, disability, incapacitation or serious bodily injury) or sexual offenses (i.e. criminal activity resulting in rape attempted rape, sexual assault, indecent liberties with a child, child pornography, etc.).
  - b. The period of reasonable time may be extended beyond five years for a period of up to three additional years when the criminal activity at issue within the usual five year period involves a pattern of criminal activity to which this section applies.
  - c. In no case may the total extensions of time exceed three years, which means that the maximum length of “a reasonable time” is eight years.
3. Different criminal acts over a period of time may be considered individually and/or collectively in determining whether a member of the household has engaged in criminal activity covered by this section. In determining whether a series or pattern of different criminal acts constitutes criminal activity covered by this section, criminal acts which are beyond the determined “reasonable time” may be considered if they are part of that series/pattern, as long as there are criminal acts in the series/pattern which also fall within the period of “reasonable time.” In the event that a series or pattern of criminal acts is determined to be subject to this section, the date of the commission of the last act in the series/pattern shall be used to determine whether it falls into the period of “reasonable time” and for the determination of eligibility for reapplication.
4. Consideration shall be given to the following factors relevant to the decision to provide or deny assistance: the resulting effect on the community if a decision to assist (or deny assistance) is made; the demand for assisted housing by families who meet assistance eligibility requirements; and the effect of the decision on the integrity of the CHA’s housing programs.
5. Consideration may be given to other circumstances relevant to the decision to provide or deny assistance, including, but not limited to, such factors as: the seriousness of the criminal activity; the extent to which the household member has taken (or has not taken) responsibility for the criminal activity; the extent to which the household has taken all reasonable steps to prevent or mitigate the criminal activity; the effect of a potential decision to deny assistance on household members not involved in the criminal activity; and mitigating circumstances causing or relating to the criminal activity. If a determination is made that a household is ineligible for assistance under the terms of this section, that household shall remain ineligible and may not be eligible for assistance until the period of “reasonable time” since the offending criminal activity has expired.

- F. Have a history of disturbing neighbors or destruction of property;
- G. Currently owes rent or other amounts (including community service hours) to any other federally assisted housing programs;
- H. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- I. Have any household member who was evicted from federally-assisted housing within five years (measured from the date of eviction) for drug-related criminal activity. However, the CHA may admit the household if it determines:
  - 1. That the evicted household member who engaged in drug related criminal activity has successfully completed a supervised drug rehabilitation program approved by the CHA; or
  - 2. That the circumstances leading to the eviction no longer exist (for example, the criminal household member had died or is imprisoned).
- J. Were evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled 19 Substances Act, 21 U.S.C. 802;
- K. Have any household member who is currently engaging in the illegal use of a drug; or if any household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or if any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. In determining whether to deny assistance for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such abuse, or for abuse or a pattern of abuse by a household member who is no longer engaging in such abuse, the CHA may consider whether the household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated.
- L. Have engaged in or threatened abusive or violent behavior towards any CHA staff or residents;
- M. Have a household member who has ever been evicted from public housing or any other federally assisted housing program;
- N. Have a family household member who has been terminated under the voucher program;
- O. **Denied for Life:** Have any household member who has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- P. **Denied for Life:** Have any household member who is subject to a lifetime registration requirement under any state's sex offender registration program.

#### **Dual Subsidy & Use of EIV**

Within 120-days prior to move-in, CHA will use the EIV Existing Tenant Search to determine if the applicant or any member of the applicant's household are being assisted under a HUD rental assistance program at another location.

**Opening & Closing the Waiting List**

The waiting list will remain continually open.

**OCCUPANCY STANDARDS**

**Determining Unit Size**

The CHA will reference the following standards to determine the appropriate unit bedroom size for a family:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4

To ensure appropriate use of needed resources, CHA will use these occupancy standards and the following guidelines. This will serve to ensure that families have the appropriate amount of space and are neither over housed nor under housed. CHA will use the occupancy standards, as follows:

- Generally, there is a minimum of one person and a maximum of two persons per bedroom. CHA does not determine who shares a bedroom.
- The family is given the choice of which bedroom size is appropriate for their family, as long as the number of family members is within the range listed in the chart above.
- Once the family has selected an eligible bedroom size they will be placed on the waiting list for that bedroom size. Changes to the bedroom size cannot be made unless a qualifying event occurs. Qualifying events include:
  - Changes in the family composition (removing or adding household members) which result in the family no longer being eligible for the chosen bedroom size.
  - Changes in the ages of children, resulting in two children of the opposite sex with one at least child being seven (7) years of age. These children will not be required to share a bedroom.
  - Addition of persons of different generations (grandparent or grandchild, parent and child). These family members will not be required to share a bedroom.
  - Need for a different bedroom size as a reasonable accommodation for a disability.
- Authorized live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide’s family.



- Single person families will be allocated either a zero (efficiency) or one-bedroom unit.
- Foster children will be included in determining unit size only if they will be in the unit for at least six (6) consecutive months.

A household that contains a family member (not the head of household or spouse) enrolled as a full-time student at an institution of higher learning and on the lease will be counted for the purposes of establishing occupancy standards for unit size if:

- The family member is enrolled and actively attending a two-year or four-year college or university; and
- The family member resides in the unit during school breaks and holidays.

A household in which the parent shares joint custody of a dependent child shall include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:

- The head of household is legally entitled to physical possession of the child more than 50% of the time; and
- The child actually physically resides in the unit with the head of household more than 50% of the time; and
- If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

In cases where there are no appropriately sized households on the waiting list for a particular unit size, CHA may offer that unit to household on the waiting list for a different sized unit (example: If there is a vacant 2 bedroom apartment and no applicants on the 2 bedroom waiting list, CHA will begin offering the unit to applicants on the 1 bedroom waiting list).

## **UNIT TRANSFERS**

### **Objectives of the Transfer Policy**

The objectives of the Transfer Policy include the following:

- A. To address emergency situations, including victims of domestic violence.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies an appropriately sized unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To facilitate a transfer to best meet the needs of families in need of accessible or adaptable features.
- F. To provide an incentive for families to assist in meeting the CHA's de-concentration goal.
- G. To eliminate vacancy loss and other expense due to unnecessary transfers.

## **Categories of Transfer**

### **Category 1**

#### **Emergency medical transfers:**

These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood. Medical transfers are available only to elderly/disabled tenants. Verification will be required, in accordance with CHA's reasonable accommodation policies.

### **Category 2**

#### **Administrative transfers:**

These transfers are made to offer incentives to families willing to help meet certain CHA occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the CHA when a transfer is the only or best way of solving a serious problem.

If a tenant resides in a CHA dwelling unit with accessible or adaptable features, and that tenant does not require those accessible or adaptable features, then that tenant must transfer to another CHA unit if another tenant has need of those accessible or adaptable features.

Units will be chosen based on the accessibility need of the person with a disability. If all units have the same accessibility, then the tenant who lived there the longest will be asked to transfer into a non-accessible unit so that the person with a disability who has a need for an accessible or adaptable unit can move into the accessible unit.

### **Exceptions**

The CHA will grant exceptions to the transfer policy for persons with disabilities requesting a transfer as a reasonable accommodation. In these instances, the Reasonable Accommodation policy will take precedence. The CHA will grant exceptions to the transfer policy for victims of domestic violence in accordance with the VAWA procedures.

## **Documentation**

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer. For medical transfers, verifications required to accompany the request before the request will be considered.

## **Processing Transfers**

Upon offer and acceptance of a unit by virtue of transfer, the family will be allowed thirty (30) days to complete a transfer and execute all lease up documents. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owed) must be paid at the time of lease execution. Any tenant-caused damages or other amounts owed must be paid prior to the transfer being approved. The security deposit on the old unit will be refunded and/or applied towards damages/other amounts owed and a security deposit for the new unit will be required.

The following is the policy for the rejection of an offer to transfer:

- A. If the transfer is being made at the request of the CHA and the family rejects two offers without good cause, the CHA will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the CHA's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- B. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.
- C. For medical transfers requested by the tenant, the tenant must accept the next available unit that is offered, regardless of location, so long as the unit offered meets the needs of the tenant, or they will be removed from the transfer waiting list.

### **Good Standing Requirement**

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the CHA. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection.

### **Transfer Requests**

A tenant may request a transfer (Non-Administrative Transfer) at any time by completing a transfer request form. In considering the request, the CHA may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The CHA will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting. Generally only medical transfers qualify to be requested by the tenant.

The CHA will grant or deny the transfer request in writing within ten (10) business days after receipt of all information required to be considered relative to the transfer request. The Security Deposit will not be transferred. The CHA will treat the leasing of the new unit as a new lease-up, and the tenant will be required to pay pro-rated rent and security deposit for the new unit prior to issuance of keys and execution of the lease, in addition to all other standard lease-up requirements.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the Grievance Policy.

## **VIOLENCE AGAINST WOMEN ACT (VAWA)**

The Violence Against Women and Justice Department Reauthorization Act of 2005 provides important protection for victims of domestic violence, dating violence, sexual assault or stalking as those terms are defined in Section 3 of the of the United States Housing Act of 1937, as amended by VAWA (U.S.C. 13925), cannot be a reason for being denied Federal Public Housing, a Section 8 voucher or, privately owned Project-Based Section 8 Housing for Multifamily Housing.

This same law also prohibits the eviction of, and removal of assistance from certain persons living in Public or Section 8 assisted housing, if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA (U.S.C. 13925). The U.S. Department of Housing and Urban Development (HUD) has provided to Public Housing Agencies (PHA's) and Agents and Owners of Public Housing and Section 8 housing a HUD form labeled HUD-91066 for the purpose of victims of domestic violence, dating violence, sexual assault or stalking to certify that he or she is the victim of domestic violence, dating violence, sexual assault or stalking. The purpose of this certification is to verify that the victim falls under the protection of the Violence Against Women Act. The CHA will accept other forms of certification, in lieu of Form HUD-91006 if necessary.

Any information provided to a service provider, an Owner or Housing Agency that an individual is a victim of domestic violence, dating violence sexual assault or stalking must be kept confidential.

To insure that these requirements are met, the CHA will put into place proper verification procedures in accordance with the current guidance in the HUD 4350.3 Handbook and other applicable Federal, State and Local laws.

### **Pine policies comply with**

Section 504 of the Rehabilitation Act of 1973

- prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance

The Fair Housing Act Amendments of 1988

- prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status

Title VI of the Civil Rights Act of 1964

- prohibits discrimination on the basis of race, color or national origin in any program or activity receiving (HUD) federal financial assistance

HUD's Equal Access Rule

- housing across HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

