

TENANT SELECTION PLAN

The Yakima Housing Authority and the buildings it manages are pledged to the letter and the spirit of the U.S. policy of achievement of equal housing opportunity throughout the nation. We encourage and support affirmative advertising and marketing programs in which there are no barriers to obtaining housing and all persons will be treated fairly and equally without regard to race, color, religion, sex, national origin, ancestry, age, familial status, handicap and disability. We also comply with section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from the U.S. Department of Housing & Urban Development and Title VI of the Civil Rights Act prohibiting discrimination on the basis of race, color or national origin in any program or activity receiving HUD Federal Financial Assistance.

Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity is intended to ensure that housing across HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

Applications are accepted online at www.yakimahousing.org:

Property Address:	Naches House 314 N. Naches Ave. Yakima, WA 98901 (509) 575-0037 711 - TDD <u>50 Units Total</u> <u>4 Units Non-Elderly Limit</u>
<u>Yakima Housing Authority Office:</u>	<u>810 N. 6TH Ave</u> <u>Yakima, WA 98902</u> <u>(509) 453-3106</u>

If you require assistance in reading, understanding or completion of this application, please call the above number to request a reasonable accommodation.

ELIGIBILITY REQUIREMENTS

- ***Project Specific Requirements:***
The applicant must be a head, spouse for co-head who is at least 62 years of age, OR a non-elderly disabled/handicapped person between the ages of 18-61. A household of two persons, one of whom is 62 years of age or older OR is a non-elderly disabled/handicapped person, between the ages of 18-61, who is head of household. We have established preferences at Naches House under Title VI, Subtitle D of the Housing and Community Development Act of 1992. (Title VI-D) authorizes owners

to establish a preference for elderly families in certain Section 8 assisted properties that were designed primarily for occupancy by elderly families if certain requirements are met. Title VI-D also permits owners of certain other federally assisted properties that were designed in whole or part for the elderly to continue to restrict occupancy to elderly families in accordance with the rules, standards, and agreements governing occupancy at the time of development of the project.

- ***Citizenship Requirements:***

At Naches House, HUD restricts assistance to non-citizens with eligible immigration status and requires applicants to complete citizenship declaration forms and submit evidence of citizenship or eligible immigration status at the time of application. A SAVE verification will be completed for all applicants who designate non-citizen status, regardless of age. A “mixed family” is defined as a family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status. A mixed family is eligible for prorated assistance. Under 24 CFR, §5.520, a family is considered to be eligible if at least one member of the family (e.g., adult or minor child) is determined to be a citizen or to have eligible immigration status. Persons without eligible immigration status are required to pay market rent such that no HUD dollars are used to subsidize them. Those not contending eligible immigration status are not required to disclose SSN.

- ***Social Security Number Requirements:***

All applicant and 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 are under the age of 6, who does not yet have a Social Security Number (SSN) assigned to him/her, and was added to the household 6 months or less from the move-in date. Household has 90 days from the effective date of their move-in certification to provide documentation of the SSN for the child. An additional 90-day period will be granted if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the household (H-2016-09).

If the family is unable to comply with the requirements by the specified deadline, the PHA must terminate the tenancy or assistance, or both of the entire family.

If it has been 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 a period of 90-days from the date they are first offered an available unit, during which the applicant is trying to obtain documentation of SSN. If SSN not provided after this time; the applicant will be removed from WL. Existing tenants who are 62 or older as of January 31, 2010, and currently receiving HUD assistance are not required to prove a SSN if one has not already been provided.

- ***Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937***

The final rule implemented a new law that restricts individuals who are enrolled at an institution of higher education (i.e., students), at move-in, annual recertification, initial certification, when in-place starts receiving assistance and due to household changes in enrollment-interim certification.

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

- a) Is enrolled part-time or full time at an institution of higher education to obtain a degree, certificate, or other program leading to a recognized educational credential
- b) Is under the age of 24
- c) Is not married
- d) Is not a veteran of the U.S. Military
- e) Does not have a dependent child
- f) Is not a person with disabilities (defined in 3 (b) (E) or 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.
- g) Is not living with his/her parents who are receiving Section 8 assistance and 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.

To establish Independence from Parents: Owners must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. 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 individuals State of legal residence;
- d) is a veteran of the Armed Forces of the United States or is currently service 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.

Owners must verify the student's independence from his or her parents to determine that the students' parents income is not relevant in determining the students eligibility for assistance by doing all of the following:

Owners must verify the student's independence from his or her parents to determine that the students' parents income is not relevant in determining the students eligibility for assistance by doing all of the following:

- a) Review and verify previous address information to determine evidence of a 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.

The rule does not apply to students residing with their parents in a section 8 assisted unit or who reside with parents who are applying to received section 8 assistance.

INCOME LIMIT REQUIREMENTS

- ***Income Limits:***

Subsidy	Type of Income Limit
Section 8 pre-1981 405 (a) contract with exceptions	Low, very low, and extremely low-income limit

A resident must meet income guidelines for the county in which the facility is located as set forth by HUD. This property may only admit an applicant to Section 8 program if the TTP is less than the gross rent. Income Limits will be posted on bulletin boards on site. A copy of Income Limits is available upon request.

PROCEDURES FOR ACCEPTING APPLICATION AND SELECTING FROM THE WAITING LIST

- ***PROCEDURES FOR ACCEPTING APPLICATIONS***
 An application must submit a completed Application for Residency. Each site maintains a waiting list for residency. Once received, an application will be evaluated; any application meeting the requirements as stated in the "Project Eligibility", "Income Limit" and "Applicant Screening Criteria" sections will be placed on the wait list. Any application not meeting these requirements will be rejected and not placed on the wait list. In the event that an applicant is rejected, the applicant will receive written notification. The applicant shall have fourteen (14) days from the date of the letter to respond in writing or to request a meeting to discuss the rejection.

- **WAITING LIST PROCEDURES**
Applications are accepted electronically thru our website yakimahousing.org and placed on our waiting list by date and time received. In order to be processed, applications submitted must be completed in their entirety. At the time the completed application is submitted, our software system records the date and time of completion. Depending upon the information disclosed, the application is then placed on the appropriate waiting list chronologically. Waiting lists are maintained by bedroom size, handicap. All waiting lists are maintained in our softwares system. The waiting lists are the responsibility of the site manager, who shall monitor and update as needed. An applicant may be removed from the waiting list for failure to respond to a written notice for an eligibility interview, or if mail sent to the applicant is undeliverable.
- **POLICY FOR OPENING AND CLOSING THE WAITING LIST**
It is not our policy to close the waiting list for this property.
- **PROCEDURES FOR APPLYING PERFERENCES**
At the time a unit or units are anticipated to become vacant, the approved in-house transfers are the first consideration and then persons on the waiting lists. We are required to make at least 40% of the assisted units that become available for leasing to families whose incomes do not exceed 30 percent of the area median income (Extremely low- income) at the time of admission.

Extremely low-income persons have incomes at or below 30% of median income

Very low-income persons have incomes between 31% and 50% of median income.
Low-income persons have incomes between 51% and 80% of median income.

Pre '81 Developments – 405 (a) contract with exceptions

40% of assisted unit turnover must be rented to extremely low-income people.
60% of assisted unit turnovers may be rented to very low-income people.
No more than 10% of assisted unit turnovers may be rented to low-income people.
Owner may not at any time during the term of this Contract lease more than 10 percent of the assisted units in the project to families which are ineligible...without prior approval of HUD

By renting one out of every two units to an extremely low-income applicant, we have established a basis for compliance with income targeting requirements. We are counting the number of assisted unit turnovers the development recorded during the most recent full fiscal year and using this number to calculate income targets specific to the development.

These targets will be adhered to on an annual basis beginning in October of each year regardless of the development fiscal year we will then recalculate the turnover number at the end of each fiscal year. To implement this preference the first extremely low-income applicant on the waiting list (which may mean “skipping over” some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list regardless of income level for the next available unit. As subsequent units become available, tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list. Higher-income tenants on the development waiting list will be skipped in order to reach the 40% extremely low-income target. Lower income tenants will not be skipped to reach higher income tenants. The Yakima Housing Authority will be confirming compliance on this issue.

- **ASSETS**

There is no dollar limitation on the amount of assets an applicant may have. However, federal and state funding sources require us to consider the value of an applicant's assets or income from assets when determining an applicant's eligibility.

- A. If the applicant has assets of less than \$5,000, the actual Income from these assets is counted as annual income.
- B. If the applicant has assets of \$5,000 or more, the GREATER OF the actual income from the assets OR .06% of the value of the assets is counted as annual income.
- C. If the applicant has disposed of any assets for less than fair market value within two years prior to the date of the application, the fair market value of that asset will be considered an (imputed) asset for two years from the date of disposal.

- ***POLICIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 AND FAIR HOUSING ACT AMENDMENTS OF 1988***

Section 504 prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance.

A Reasonable Accommodation as defined by the Fair Housing Act in any accommodation by management in rules, policies (including acceptance of assistance animals), and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. It is your responsibility to inform management of any situation where a Reasonable Accommodation is needed.

Reasonable Accommodation should be submitted in writing. If unable to provide the request in writing, please notify management. Reasonable structural modification to units and/ or common areas that are needed by applicants and tenants with disabilities may be approved and funded by the project, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens.

Fair Housing Act Amendment of 1988 prohibits discrimination on the basis of race, color, religion, gender, nation origin, disability or familial status. We do not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

TENANT SELECTION

Applicants under 18 years of age, who will be the head of household, will not be considered eligible for a waiting list or placement unless there is documentation to prove emancipation. Persons are selected without regard to race, color, religion, sex, national origin, familial status, handicap/disability, or sexual orientation, gender identity, marital status. Placement will be based on Income Targeting as explained in the Tenant Selection Plan under Procedure For Applying Preference, providing screening information is acceptable. All prospective residents, regardless of their income level will be screened by the following criteria:

1. Credit Bureau reports (No credit history is not grounds for denial. Refer to Resident Acceptance Policy)
2. Landlord references, present and previous (Not having a rental history is not grounds for denial.)
3. National Lifetime Sex Offender
4. Criminal and Civil background check
5. EIV: Existing Tenant Report

The Yakima Housing Authority upholds the HUD "ONE STRIKE YOU'RE OUT" Policy concerning drug use per Code of Federal Regulations (CFR) Volume 24

Section 880.607. Therefore, any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other Residents or any drug-related criminal activity on or near such premises, engaged in by Resident, any member of Resident's household, or any guest or other person under the Resident's control, shall be cause for termination of tenancy.

ELIGIBLE HOUSEHOLDS

All eligible households for assisted programs would be defined as those with head of households 18 years of age or older, who meet The Yakima Housing Authority's occupancy standard of one (1) person per bedroom minimum and two (2) persons per bedroom maximum + 1 person, in addition to the criteria established by the Department of Housing and Urban Development (HUD), which would include but not be limited to, income limits, family composition, etc. An eligible household may or may not qualify for housing through The Yakima Housing Authority depending upon information disclosed by The Yakima Housing Authority's screening policies.

HOUSING DENIAL

Denial notices will be made in writing and may be issued if negative information on any of the screening criteria is revealed, or if prospective resident refuses to give complete information, submits false information, or deliberately omits information in order for thorough screening to be accomplished. Denial notices will disclose the reason or reasons for denial and give the prospective resident fourteen (14) day's time to request an appealing hearing review. Upon review of additional information submitted, a decision for housing will be made within five (5) days of the appeal meeting. Should the denial decision be reversed, applicant will then be placed in the next available qualified unit on the property applied for. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

OCCUPANCY STANDARDS – Naches House has all one-bedroom units

	<u>Household</u>		<u>Members</u>
	<u>Minimum</u>	<u>Maximum</u>	
1 bedroom	1	2	+ 1

Household members include

- All full-time members of the household
- Children who are subject to a joint custody agreement but live in the unit at least 50% of the time
- An unborn child
- Foster children and adults

- Children temporarily in foster care who will return to the family

The rental amount for unit is based on 30% after adjusted income after allowable dependent, elderly, and medical allowances. All security deposit amounts must be paid at the time of initial Lease execution unless Pre-Approved arrangements were made with management. The security deposit amount will be equivalent to the total tenant payment of the first full month's rent or \$50.00, whichever is greater. We will charge households a minimum monthly rent no less than \$25. We will waive this minimum monthly rent requirement to any family unable to pay due to financial hardships. The **financial hardship exemption** constitutes the only statutory exemption. Applicants are required to sign an agreement consenting to provide the owner with information about their family's income as derived from IRS and/or Social Security Administration and sent to tenants by HUD. HUD will provide tenants with information received from IRS and/or Social Security Administration concerning verification of family income. Unit inspection will consist of move-in, move-out, and any other inspection as per the terms and conditions of the lease, subsidy program of property and at the owner's/agent's discretion.

Annual recertification of income and eligibility **will be required**. Additionally, any changes in family composition, income increase over \$200.00 per month etc., will be required to be disclosed as they occur. The resident will be required to notify management in writing within ten (10) calendar days of any change. Please be aware such information is **mandatory** to maintain tenancy.

House Rules are an attachment to the lease agreement. House rules are reviewed and updated periodically. When changes are required and occur, a copy of changes are distributed to residents and a thirty- (30) day comment period commences. Upon expiration of the thirty- (30) day comment period, a thirty- (30) day notice is given prior to changes being made effective.

Reasonable accommodations and modifications will be made to enable all persons to participate in, access, or benefit from any program, activity, policy, service and/or facility with regard to all properties.

UNIT TRANSFER POLICY

Unit Transfers will be permitted for documented VAWA Emergency Transfers, medical reasons or a reasonable accommodation to accommodate a tenant's disability, including but not limited to those that would prohibit a resident from physically achieving accessibility (Example: entering, leaving, or moving about the unit.) will be permitted. Requests for transfers must be received in writing, verbally, or signed to the site manager. In place tenants will be transferred before applicants. Inspections will be performed prior to transfer to determine move-out costs. All move-out expenses must be paid prior to transfer or a satisfactory repayment plan must be in place.

Verifying the Need for Accessible Units

When an applicant requests an accessible unit or a unit preference, such as a first floor unit, the owner may conduct inquiries to:

- Verify that the applicant is qualified for the unit, which is only available to persons

with a disability or to persons with a particular type of disability. For example, an applicant with a physical disability who uses a wheelchair may not be eligible for a unit that is specifically designed and intended for a person with a visual disability.

- Verify that the applicant needs the features of the unit as an accommodation to

his or her disability. For example, an individual with a psychiatric disability (assuming no physical disability) requests a unit with features designed to be accessible for individuals with mobility disabilities. In this situation, there is no relation between the individual's psychiatric disability and the need for an accessible unit. Although an alternate accommodation may be required to accommodate the applicant's psychiatric disability, the applicant would not be entitled to the accessible unit requested.

NOTE: Owners may not request information about an applicant's type of disability but may identify an applicant's need for the features of accessible units or for a reasonable accommodation.

- Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability. If the owner gives a priority to a class of persons, and an applicant indicates that he or she is qualified for the priority placement on the waiting list, the owner may screen to verify that the applicant qualifies for the priority placement.

SCREENING AND EVICTION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

We have adopted and implemented comprehensive policies for screening out applicants who engage in illegal drug use or other criminal activity, and for evicting or terminating tenancy of persons who engage in certain criminal activity.

Tenants of Federally-assisted housing sign leases that require them to accept responsibility for the actions of individual household members, their guests, or other persons under their control on the premises with their consent. At minimum, (1) any criminal drug activity or (2) other criminal activity or drug and alcohol abuse that

threatens the health and safety of the residents or staff or hinders the peaceful enjoyment of the housing premises, is intolerable.

The Controlled Substances Act (CSA), 21 U.S.C. Section 801 et.seq., categorizes marijuana as a Schedule 1 substance. CSA prohibits all forms of marijuana use, therefore the use of “medical marijuana” is illegal under federal law even if it is permitted under state law.

We will screen all applicants to determine whether applicants are eligible for admission to Federally-assisted housing. However, all policies and procedures established by Owners will be applied in a manner that is consistent with applicable fair housing and equal opportunity laws.

Violence Against Women and Justice Department Reauthorization Act of 2005

1. The Landlord may not consider incidents of domestic violence, dating violence, sexual assaulter stalking as serious or repeated violations of the Lease or other “good cause”
for termination of assistance, tenancy or occupancy right of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or any immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and the Certification of Domestic Violence, Dating Violence, sexual assault or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted with 14 business days, or agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.
4. All information provided to the YHA regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may either be entered into any shared database nor provided to any relate identity, except to the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

DENYING ADMISSIONS - MANDATORY PROVISIONS

We are required to deny admission to Federally-assisted housing if:

- Any household member has been evicted from Federally-assisted housing for drug-related criminal activity, for three years from the date of eviction.

We will deny admissions if:

- Any household member is currently engaging in illegal drug use.
- If there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
(Examples of evidence of illegal activities may include a conviction record, former landlord references, etc.)
- Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, we shall establish standards that prohibit admission to any Federally-assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admissions screening process, we will make the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.
- There is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

DENYING ADMISSIONS – DISCRETIONARY PROVISIONS

We have the discretion to prohibit the admission of a household with a household member who is currently engaging in, or has engaged in during the 10 years before the admission decision in:

- Drug-related criminal activity;
- Violent criminal activity;
- Other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
- Other criminal activity that would threaten the health or safety of the PHA or Owner or any employee, contractor, subcontractor or agent of the PHA or Owner who is involved in the housing operations.
- We have the right to reject an applicant if the applicant is ineligible for occupancy in this property.

TERMINATING TENANCY - LEASE PROVISIONS

The regulations at 24 CFR 5.858, 5.859 and 5.860 has been incorporated into our lease and provide for termination of tenancy. We have the discretion to terminate the tenancy and the lease must provide grounds for terminating the lease for the following:

- Drug-related criminal activity engaged in on or near the premises, by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant's control. (See the definitions of premises, guest and other person under the tenant's control.)

- Failure to meet the SSN disclosure, documentation and verification requirements in the specified timeframe results in termination of tenancy.

The definitions below are in accordance with the regulations at 24 CFR 5.100.

- 1) **Premises** – means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.
- 2) **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 of the tenant.
- 3) **Other person under the tenant's control** – means a person who, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. (Examples of other persons under the tenant's control include party attendees, regular visitors, and people who provide a commercial service to a household member on a regular and frequent basis, such as an in-home nursing care provider.) Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control -- for example, the pizza delivery man.

- A determination made by the Landlord that a household member is illegally using a drug.
- A determination made by the Landlord that a pattern of illegal use of a drug by a household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Criminal activity by a tenant, any member of the tenant's household, a guest or another person under the tenant's control:
 - a) that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents (including property management staff residing on the premises); or
 - b) that threatens the health, safety, or right to peaceful enjoyment of their residences of persons residing in the immediate vicinity of the premises.
- If the tenant is fleeing to avoid prosecution, custody or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees or that, in the case of the State of New Jersey, is a high misdemeanor.
- If the tenant is violating a condition of probation or parole imposed under Federal or state law.
- A determination made by the Landlord that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises of other residents.

In accordance with the regulation at 24 CFR 5.861, we will terminate tenancy and evict the tenant through judicial action for criminal activity by a covered person if the Landlord determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested, or convicted for such activity and without satisfying a criminal standard of proof of the activity. We are encouraged, but are not required to take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

INFORMATION REGARDING SEX OFFENDERS

In the screening of applicants, Owners must perform the necessary criminal history background checks to determine the applicants' suitability for Federally-assisted housing. Therefore, Owners should contact national and state sex offender registry agencies. Owners are required to prohibit admission of all sex offenders who are subject to a lifetime registration requirement under a state sex offender program. In accordance with Federal law, any individual who is a sex offender subject to a lifetime registration requirement under state law shall not be admitted to Federally-assisted housing. Owners have the discretion to "screen out" applicants who the Owner determines to be unsuitable under the Owner's established standards for admission (for example, sex offenders who are not subject to a registration requirement under state law).

Households already living in Federally-assisted housing units are not subject to the provisions in the regulations at 24 CFR 5.856. Neither the statutory nor regulatory requirements specifically address sex offenders currently living in Federally-assisted housing.

We use a contractor to perform background search of criminal records. We may not charge the applicant/tenant a fee for these background searches. We will make the determination, in accordance with our standards for admission, if the applicant/tenant meets the screening criteria.

If there is any information discovered, and the applicant or tenant has not revealed the information, the applicant or tenant may be subject to violation. Information withheld during the application process could be grounds for denying admission. Tenants who provide false information or withhold information may be in violation of the lease agreement. The Yakima Housing Authority contracts out our screening activities, but we are responsible for the action and decisions made by our contractors. The criminal records must be requested from the appropriate law enforcement agency, National

Crime Information Center (NCIC), police departments, or other law enforcement agencies that hold criminal conviction records.

Police officers and other security or management personnel that apply to rent subsidized units are subjected to the same screening criteria as other applicants.

EIV- (Enterprise Income Verification System)

Is an electronic sharing system between the Department of Housing and Urban Development and Health and Human Services. Information obtained will be kept confidential, and will be used only for the reasons allowed by law. Should the tenant request a copy of the EIV report a written statement, dated and signed will be required for the tenant file.

EIV has made available six reports. We will be accessing the following and reviewing them in a manner to determine income and subsidy benefits. They are as follows:

1.) Existing Tenant Search

State the Existing Tenant Report and supporting documentation will be retained in the tenant's file for term of tenancy plus 3 years

2.) Summary Report

State the Summary Report and supporting documentation will be retained in the tenant's file for term of tenancy plus 3 years

3.) Income Report

State the Income Report and supporting documentation will be retained in the tenant's file for term of tenancy plus 3 years

4.) Income Discrepancy Report

State the Income Discrepancy Report and any supporting documentation will be retained in the tenant's file for term of tenancy plus 3 years

5.) New Hire Report and New Hire Detail Report

New Hires Summary Report will be retained in the EIV master file for 3 years
New Hires Detail Report and any supporting documentation will be retained in tenant's file for term of tenancy plus 3 years

6.) Multiple Subsidy Report and Multiple Subsidy Detail Report

Multiple Subsidy Summary Report and supporting documentation will be retained in the EIV master file for 3 years

Multiple Subsidy Detail Report and any supporting documentation will be retained in the tenant's file for term of tenancy plus 3 years

7.) Deceased Tenant Report

State the Deceased Tenants Report will be retained in the EIV master file for 3 years

8.) Failed EIV Pre-Screening Report

Failed EIV Pre-screening report will be retained in the EIV master file for 3 years

9.) Failed Verification Report

Failed Verification Report will be retained in the EIV master file for 3 years

10.) Additional Required Items

Address documenting and reporting the occurrence of all improper disclosure of EIV data

Address reporting any occurrence of unauthorized EIV access or security breach to the HUD National Help Desk

Address destruction of EIV data

Any discrepancies between tenants reported income and EIV verified income will result in obtaining third party written verification to determine corrections, fraud or misreported information.

Submitting false information may result in eviction, loss of assistance, fines up to \$10,000 and imprisonment of up to 5 years.

In addition, HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to minor children where both parents share 50% custody. If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.

Owners must handle any information obtained from other records in accordance with applicable state and Federal privacy laws and with the provisions of the consent forms signed by the applicant.

*****We are working with outside agencies and requesting a temporary deferral of assistance language.**

The Yakima Housing Authority does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The person (agency) named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulation implementing Section 504 (24 CFR, part 8 dated June 2, 1988). Lowel Krueger, PO Box 1447, Yakima, WA 98907, (509) 453-3106 TTY 1 (800) 545-1833. We do business in accordance with the Federal Fair Housing Act and provide persons with disabilities reasonable accommodation upon request. Persons with language barriers may request or arrange interpretation alternatives or services.

