

Resident Selection Plan
Admission & Occupancy Requirements

Project Owner: United Church Residences of Ellicott, New York Inc
Project Name: Chautauqua Colony
Project Address: 2109 Southwestern Drive, Lakewood, NY 14750-2140

Project Office No: 716-664-2200
Fax No: 716-664-2205

Waiting List: It is the policy of this apartment community NOT to close their Waiting List.

Section 504: This apartment community does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in its federally assisted programs and activities. The person named below has been designated to coordinate compliance with nondiscrimination requirements in regulations implementing Section 504:

Bobbi England: 1-740-382-4885, TDD/TTY 1-800-750-0750

Title VI of the Civil Rights Act of 1964: This project is an Equal Opportunity Employer and Housing Provider. We do not discriminate based on race, color, creed, religion, sex, national origin, familial status, handicap or socio-economic status in the employment of staff, accepting and processing of applications, selection of tenants, assigning of units or the certifying and recertification of eligibility for assistance and all other aspects of continued residency.



Equal Housing
Opportunity

RESIDENT SELECTION PLAN
Section 8
PROJECT RENTAL ASSISTANCE CONTRACT (PRAC)

PREFACE

Ashbury Court, a 39+1 unit apartment community located in Lakewood, NY, is managed by United Church Homes, Inc, a Non-Profit Corporation. This community is designed to provide housing to persons 62 years of age or older, accessible units available.

This project was financed through the Department of Housing and Urban Development (HUD) under the Section 202/811 Capital Advance program and receives rental assistance through the Project Rental Assistance Contract (PRAC).

Ten percent (10%) of the units have been architecturally altered for accessibility (to various degrees), someone in the family must qualify as “needing” the architecturally altered features to apply for or live in these units. This need may be verified with a professional medical provider.

An Elderly Person means: An elderly person is a household composed of one or more persons at least one of whom is 62 years of age or more at the time of initial occupancy.

Application Process:

Application packets are provided upon request. The application packet includes an Application and a copy of the Resident Selection Plan. When the completed and signed application is received in the rental office, management staff will sign, date and time stamp the application. The applicant’s name is then placed on the waiting list in the order that it is received.

Income Limits: The Income Limit Schedule used for this apartment community is the very low-income limit of 50% of the median income. Income limits are established by HUD and change from year to year. They are different from housing project to housing project and from county to county. An applicant may obtain the current HUD income limits for this project from the on-site management staff.

All potentially eligible, qualified applicants will be considered in accordance with the HUD approved Affirmative Fair Housing Marketing Plan (HUD Form 935.2). We use, as guidance, the criteria specified by the United States Department of Housing and Urban Development (HUD) in the most current version of the HUD Handbook 4350.3 including all changes but recognize that it does not have the full force and effect of law. It is our policy to comply with the Fair Housing Regulations and all applicable legislation protecting the individual rights of applicants and tenants.

This apartment community is an Equal Opportunity Employer and Housing Provider. We do not discriminate based on race, color, creed, religion, sex, national origin, familial status, handicap or

socio-economic status in the employment of staff, accepting and processing of applications, selection of tenants, assigning of units or the certifying and recertification of eligibility for assistance and all other aspects of continued residency.

Resident Selection & Screening Criteria

Throughout the tenant selection procedures (detailed on the following pages), a handicapped applicant is entitled to reasonable accommodations in rules, policies, practices or services and/or reasonable modifications of existing premises to afford equal opportunity to use and enjoy a dwelling. This entitlement continues once a handicapped applicant becomes a resident.

Requested accommodations and modifications to premises are not reasonable if they would result in an undue administrative and financial burden or result in the fundamental alteration in the nature of a program.

If an application is submitted to management or an applicant is on a Waiting List in no way means that the applicant qualifies for housing, this can only be confirmed after the screening and verification process has been completed.

A. Occupancy at Initial Rent-Up

The availability of applications for residency will be announced in accordance with the facility's approved Affirmative Fair Housing Marketing Plan. At the initial release, each application packet will include instructions for completing and returning the application by a designated date. Applications will be accepted in chronological order according to the postmarked date. Faxed applications and applications without signatures will not be accepted.

Although applications will be accepted in chronological order, resident selection will be based on applicant's ability to satisfy federal eligibility requirements and the facility's legitimate requirements of tenancy.

If the response to the initial release of applications indicated that less than 100% occupancy would be achieved, additional applications will be made available. Completed and signed applications will be added to the chronological list in accordance with the time and date of receipt.

B. Filling Vacancies from a Waiting List

It is this apartment community's policy to move residents from the approved in-house transfer list before going to the outside waiting list.

Applicants will be selected for residency on a "first-come, first-serve" basis. Eligible applicants, for whom no appropriate type/size apartment is available, will be placed on a Waiting List. An applicant's position on the Waiting List will be determined by the date and time the completed application is returned to the housing community. When an apartment becomes available, management will notify the

next available person on the Waiting List and management will proceed with screening of the applicants. **Applicants are responsible for notifying management of a change of address and/or telephone number.**

C. Screening of Applicants

All applicants for tenancy who satisfy the federal statutory requirements for eligibility and who meet the facility's legitimate and uniformly applied requirements of tenancy are admissible into the housing community. The facility's legitimate requirements of tenancy include an ability to pay rent on time, meet HUD requirements and other legitimate terms and conditions of the facility's lease.

Disclosure of Social Security Numbers

Applicants must disclose social security numbers (SSNs) for all household members in order for management to make an eligibility determination.

Requirements: The head of household/spouse/co-head must disclose SSNs for all family members who declare themselves to be U.S. citizens, U.S. Nationals or eligible noncitizens and provide one of the documents listed below for each household member prior to move-in.

Required Documentation: Applicants must provide documentation of SSNs. Acceptable documentation includes:

- Original Social Security Card
- Driver's license with SSN
- Identification card issued by a Federal, State or local agency, a medical insurance provider, or an employer or trade union
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

Provisions for Accepting Applicants without documentation of Social Security Numbers:

- i. If an applicant has a Social Security Number (SSN) but does not have required documentation, the applicant may submit the SSN and certify that the number is accurate, but that acceptable documentation could not be provided. Individuals who have applied for legalization under the Immigration and Reform Control Act of 1986 can disclose the SSN but will be unable to supply the card for documentation. SSN's are assigned but the cards go to the DHS until they are granted temporary lawful resident status. A letter from the Department***

of Homeland Security (DHS) indicating the assigned SSN is acceptable. Applicant must provide SSN documentation within 60 days of date applicant certified that documentation was not available. Upon receipt of letter, owner will continue to process the application.

- ii. If the SSN is the only outstanding verification and an owner has determined applicant is otherwise eligible for admission, the applicant may retain place on waiting list for the 60-day period that applicant is trying to obtain documentation. If verification is not received after 60 days, the applicant will be determined ineligible and removed from the waiting list. However, the time period may be extended for an additional 60 days if the applicant is 62 and unable to submit the required documentation within the first 60 days.*

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household) are required to disclose their assigned SSN, with the exception of the following individuals:

- a. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
 1. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 2. A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The PHA may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
- b. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. PHAs may confirm HUD's validation of the participant's SSN by viewing the household's **Summary Report** or the **Identity Verification Report** in the EIV system.
- c. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC 552a, as amended). In accordance with 24 CFR 5.212, the collection, maintenance, use, and dissemination of SSNs, any information derived from SSNs and income information must be conducted, to the extent applicable, in compliance with that Act and all other provisions of Federal, State, and local law.

Note: There is no provision under HUD regulations which prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, some state laws prohibit an

individual with ineligible immigration status from executing a contract (i.e. lease or other legal binding documents). If this is the case in your state, the family must **not** be admitted into the program.

Please Note: If an applicant has not disclosed and/or provided verification of SSN's for all non-exempt household members when a unit becomes available, the unit will be offered to the next eligible applicant on the list. The applicant will then have 90 days from the date they are first offered an available unit to disclose and/or verify SSN's for all non-exempt household members. If they don't, they will be deemed ineligible and removed from the waiting list.

1. Eligibility Forms: All applicants for tenancy must satisfy federal requirements through the process of eligibility forms. The eligibility forms, referred to as the "paperwork", must be signed by the applicant. There will be several forms requiring the applicant's signature and completion by a third-party provider. Management will send the "paperwork" to the appropriate third parties for verification of the applicant's income, assets, allowable expenses, etc.

All eligibility forms must be returned in a reasonable time, which is usually considered to be a time period of two weeks or less. Special circumstances may exist which prevent the return of all necessary forms in the anticipated two-week time frame. When this happens, communication between applicant and management is of the utmost importance. If the required paperwork is not returned in a "reasonable time" and the applicant fails to communicate continued interest, management may offer the apartment to the next person on the waiting list.

2. Need for Accessible Unit: To certify an applicant's eligibility for an accessible unit, all applicants shall complete the form entitled "Verification of Need for Accessible Unit." No other criteria shall be used, or inquiry made to exclude an applicant(s) for an accessible unit based upon his or her handicap status. Applicants who meet the federal statutory eligibility criteria and the legitimate requirements for tenancy and who have other physical and/or mental handicaps or disabilities, cannot be excluded on the basis that they have these other handicaps or disabilities.

Should the applicant(s) request a unit with special features to accommodate their handicap, management may make inquiries to determine whether the applicant(s) is qualified for a dwelling unit that is available only to persons with handicaps or to persons with a particular type of handicap. Management will modify the application process as a reasonable accommodation to persons with handicaps. However, all screening factors apply to all applicants.

3. Supportive Services: The management and owner do not provide any kind of supportive living services or any services that require licensing. The resident and/or their family may make private arrangements to accomplish this need.

D. Rejection of an Application

Project management may reject an otherwise qualified applicant whose background indicates that he or she will not satisfy the legitimate and uniformly applied requirements of tenancy. A unit need not be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

In reviewing the information received and determining whether an applicant(s) is able to meet the legitimate requirements of tenancy, the facility management shall consider mitigating or extenuating circumstances of all applicants or tenants.

Rejection of an application may occur if the following background information is received:

- 1. Landlord Checks (where applicable):** Unacceptable information received from current and former landlords regarding an applicant's ability to meet legitimate requirements of tenancy, i.e.: nonpayment of rent, failure to cooperate with applicable recertification procedures, violations of house rules, violations of lease, history of disruptive behavior, housekeeping habits, terminations of assistance for fraud, evictions & judgements.
- 2. Criminal History Background/Sex Offender Checks:** Criminal background and sex offender checks are done for any household member listed on the application. Criminal history background and sex offender checks will be performed in the state where the housing is located and in other states where the household members are known to have resided. Applicants must not have criminal convictions in the past 10 years for any crime of violence, theft or fraud. This would also include convictions involving the illegal manufacture or distribution of a controlled substance, convictions for illegal use of a controlled substance. Any criminal activity that establishes that the household tenancy might constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.
- 3. Credit History:** When requesting criminal background checks from a third-party vendor, a credit report will be searched to verify any social security numbers as stolen or any judgments or money owed to current or former landlords. Applicants will not be rejected for poor credit except for money owed to current or former landlords. A lack of credit history shall not be sufficient justification to reject an applicant.
- 4. Misrepresentation:** An applicant's or household's intentional misrepresentation of information relevant to a determination of eligibility, including financial capacity or ability to satisfy the legitimate and uniformly applied requirements of tenancy.

Admission to the facility will be prohibited to applicants who fit into the following categories. The owner reserves the right 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 (3) years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised

drug rehabilitation program or circumstances leading to the eviction no longer exist, the owner may, but is not required to, admit the household.

- Any household member is currently engaging in illegal drug use.
- The owner determines that 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 record, former landlord references, etc.)
- Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.
- It is determined that 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.
- Unlawfully obtaining government assistance.
- Any household member is listed on the U.S. Treasury Department OFAC-SDN & Blocked Persons list.

Admission of a household will be prohibited if a member of the household is currently engaging in, or has engaged in during the past 10 years with:

- 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 HUD, Contract Administrator, PHA, or owner or any employee, contractor, subcontractor or any of their agents who are involved in the housing operations.
- Admission will be denied to any applicant who has been incarcerated for the commission of a violent felony, unless a minimum of 5 years has passed since the date he or she completed the sentence.

5. Project management may reject an applicant who fails to:

- Meet federal eligibility standards such as:
Income Requirements and Age Requirements (where applicable)
- Sign required HUD "Notice and Consent for the Release of Information" and Applicant's/Tenant's Consent to the Release of Information".
- Sign "Eligibility Forms" for verification of household income, assets, medical, and any other

required verification for eligibility

- Provide current address and/or telephone number
- Pay their Security Deposit at move-in. Management must collect a Security Deposit at the time of the initial Lease execution. The resident is expected to pay the Security Deposit from their own resources, and/or other public or private sources. An applicant may be rejected if they do not have sufficient funds to pay the Security Deposit.

6. Three Strikes, You're Out: Management will notify the applicant when a suitable apartment may become available. The applicant may refuse an available apartment two times without jeopardizing their position on the Waiting List. However, if an available apartment is offered and refused a third time or if management is unable to reach the applicant at the address/telephone number provided, the application will be canceled, and the person's name removed from the waiting list.

7. Notification of Rejection: An applicant who is denied admission will be notified in writing of the reasons(s) for the rejection. The applicant has fourteen (14) days to respond in writing or to request a meeting to discuss the rejection. If an applicant has disabilities, they may inform Management of this fact and request "reasonable accommodations" (changes in the site's nonessential policies and practices), which would give the applicant(s) an equal opportunity to pursue the application process.

Project

management will follow the guidelines, as directed in the HUD Handbook 4350.3 for the rejection appeal process.

E. General Information

1. Transfers: We will first assign units to in-place residents who have demonstrated a need for a change in housing before offering units to applicants on the Waiting List. This will be done in chronological order based on the date of the notification that was received by management from the resident.

2. Occupancy Standards: State and local laws regarding occupancy standards will prevail.

Studio Apartments and One-Bedroom Apartments:

Minimum Number of Occupants = 1 Maximum Number of Occupants = 2

Two Bedroom Apartments (where available):

Minimum Number of Occupants = 2 Maximum Number of Occupants = 4

3. Household Pets: Pets are permitted at our communities. Pets are defined as domesticated small animals, such as dogs and cats, traditionally kept in the home for pleasure. A Pet Deposit of \$300 is required and "Pet Ownership Rules" with required documentation apply. Therefore, should an applicant be moving a pet with them to the housing community, they should request, from management, a copy of the complete Pet Policy for their review prior to moving.

4. Assistive Animals: Applicants with handicaps may use an assistive animal, i.e., guide dogs for persons with vision impairments, hearing dogs for persons with hearing impairments, and emotional support animals for persons with chronic mental illness. Management may require the applicant(s) to provide justification that the animal may be needed for the individual to have equal opportunity to use and enjoy the housing. This information must be in writing and verified through a professional person and/or institution. Also, additional documentation relating to the assistive animal will be required. This information is listed on the Assist Animal Agreement and all applicants may request this form, from management, prior to move-in.

F. Enterprise Income Verification (EIV)

It is the policy of this apartment community to access the Existing Tenant Search in the Enterprise Income Verification (EIV) as part of the screening criteria for new Tenants. EIV is also used to verify income in the yearly recertification process. In addition, we are required to run a new income report within 90 days after each move-in, a summary report at each certification, and a new hire report at least quarterly.

The Existing Tenant Search is used to:

1. Determine if the applicant or any member of the applicant's household are currently being assisted at another Multifamily Housing or Public and Indian Housing location
2. If the report identifies that the applicant or a member of the applicant's household is residing at another location, the applicant will be given the opportunity to explain any circumstances relative to them being assisted at another location.
3. Management will follow up with the respective PHA or O/A to confirm the individual's program status before admission.
4. Management will retain the search results with the application, along with any documentation obtained as a result of contacts with applicant and PHA or O/A at other location.

EIV is a web-based computer system containing income information on individuals participating in HUD's rental assistance programs. This information assists HUD and the management of this community in making sure that the right benefits goes to the right person and that each resident obtains the correct subsidy.

At move-in and for every yearly recertification, management will obtain income information from EIV:

From the Social Security Administration:

- Social Security (SS) Benefits
- Supplemental Security Income (SSI) Benefits
- Dual Entitlement SS Benefits

From the Department of Health & Human Services (HHS) & National Directory of New Hires (NDNH):

- Wages
- Unemployment Compensation
- New Hire (W-4)

Please Note: All information obtained through the EIV system is kept in a confidential file. The only persons who can review this information are you and management staff. After the Rules of Behavior form is signed, others that may review this information might be: HUD, the Contract Administrator or Auditors.

Each adult household member is required to sign from HUD-9887, Notice and Consent for the Release of Information and form HUD-9887-A, Applicant's/Tenant's Consent to the Release of Information. When signing these required HUD forms, you are giving your consent for HUD and management to obtain information about you to verify your household's income to determine your eligibility for HUD rental assistance. Failure to sign the consent forms may result in the denial of assistance/termination of assisted housing benefits. If you live in a property that works under the Housing Assistance Payment (HAP) program, your rent could be increased to the full contract rent.

If you live in a property that works under the Project Rental Assistance Contract (PRAC) program or the 811 program, you may be asked to move. Please ask your housing manager the program type of the property where you live.

The EIV system provides us with your income information and employment history. This information is used to meet HUD's requirement to verify your employment and/or income when you recertify for continued rental assistance. Getting the information from the EIV system is more accurate and less time consuming. Note: There are times that the EIV system is not running; therefore, management will use other sources to obtain 3rd party verification of income.

Management is responsible to use the EIV system to determine if a resident correctly reported their income, used a false social security number, failed to report or under report the income of a spouse or other household member and receives rental assistance at another property. Therefore, it is very important that all household members living at this community provide accurate and honest information (this includes all sources of income) on the application for housing and all forms used to certify and recertify housing assistance. If changes occur in your household income or family composition, immediately contact the manager to determine if this will affect your rental assistance.

Note: Providing false information is fraud. Penalties for providing false information include: eviction, repayment of overpaid assistance received, fines up to \$10,000, imprisonment for up to 5 years, prohibition from receiving any future rental assistance and/or state and local government penalties.

If you do not agree with the income information in EIV, you must tell the manager. The manager will contact the income source directly to obtain verification of the income you disagree with. Once the manager receives the information from the income source, you will be notified in writing of the results.

If the EIV report discloses income from a prior period that you did not report, you have two options: 1) you can agree with the EIV report if it is correct; or 2) you can dispute the report if you believe it is incorrect. In this case, the manager will conduct a written 3rd party verification with the reporting source of income. In both options (1 & 2), should the income information obtained be accurate, you will be required to repay any overpaid rental assistance as far back as five (5) years and you may be subject

to penalties if it is determined that you deliberately tried to conceal your income.

EIV has the capability to uncover cases of potential identity theft; someone could be using your social security number. Therefore, if the information in EIV is not about you, you must notify the Social Security Administration by calling them toll free at 1-800-772-1213. Further information on identity theft is available on the Social Security Administration website at: <http://www.ssa.gov/pubs/10064.html>.

If you feel your income or rental assistance is not being calculated correctly, please contact the manager for an explanation. If you need further assistance in this matter, please follow the guidelines as addressed in the RSVP (grievance) policy. This policy is listed in the House Rules and is posted on your community's bulletin board. You also have the right to contact the local HUD office for assistance in this matter.

NOTE: At move-in and at yearly recertification, management will provide you with the "EIV & You" HUD brochure.

G. Violence Against Women and Justice Department Reauthorization Act of 2005 or known as VAWA

The VAWA protections apply to families applying for or receiving rental assistance payments under the project-based Section 8 program. The law protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, generally from being evicted or being denied housing assistance if an incident of violence that is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim. Criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim's tenancy. Management may bifurcate a lease in order to evict, remove or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit. *Note:* Bifurcate means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family member's lease and occupancy rights are allowed to remain intact.

Tenants' Rights and Responsibilities

Tenants and family members of tenants who are victims of domestic violence, dating violence or stalking are protected by the VAWA from being evicted or from housing assistance being terminated because of acts of violence against them. If requested, tenants are required to submit to the manager, a completed Certification of Domestic Violence, Dating Violence or Stalking, form HUD-91066 or in lieu of the certification form or in addition to it, management may accept a federal, state, tribal, territorial or local police record, court record or documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse.

The person who provides this information attests under penalty of perjury to their belief that the incident in question represents bona fide abuse and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

Management will not demand that an individual produce official documentation of physical proof of an individual's status as a victim of domestic violence, dating violence or stalking in order to receive the protection of the VAWA.

At management's discretion, they may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence. Management will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

Management will be mindful of the delivery of the certification form to the tenant keeping in mind that the abuser may monitor all notices and mail. Therefore, management will work with the tenant in making acceptable delivery arrangements.

The identity of the victim and all information provided to management relating to the incident(s) of domestic violence will be retained in confidence by management and will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is: a) requested or consented to by the individual in writing; b) required for use in an eviction proceeding or termination of assistance; or c) otherwise required by applicable law.

The HUD-approved certification (HUD-91066) form provides notice to the tenant of the confidentiality of the form and limits. Management will retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.

Should it be determined that physical abuse caused by a tenant is clear and present, the law provides management the authority to bifurcate a lease i.e., remove, evict or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. Management understands that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state and local law. In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence or stalking against another household member, an interim recertification will be processed reflecting the change in household composition and occupancy requirements, as listed in the HUD handbook 4350.3 REV-1 will be followed.

It is possible for someone lawfully occupying the unit, who is also a victim, to be evicted or removed from the home. If the victim commits a separate criminal activity, management may evict them for engaging in crime. Furthermore, if a victim poses "an actual and imminent threat to other tenants or those employed at or providing service to the property," they could be evicted, despite the VAWA. Management may not hold the victim to a more demanding standard than other tenants.

Tenants who are victims of domestic violence, dating violence, sexual assault, or stalking may make a

request for an internal emergency transfer under VAWA when a safe unit is immediately available.

H. Student Eligibility Ruling

The eligibility restrictions imposed on students and/or college students enrolled in institutions of higher education is as follows:

- a. The student must meet all of the following criteria to be eligible:
 - Be of legal contract age under state law;
 - Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or**
 - Meet the U. S. Department of Education's definition of an independent student
 - Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
- b. The full amount of financial assistance paid directly to the student or to the educational institution and amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs are excluded from annual income for this program.