



# FRONTIER ESTATES RESIDENT SELECTION PLAN

**Property Name:** Frontier Estates  
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**INTRODUCTION:** The procedures used for selection of residents shall be implemented in compliance with the Department of Housing and Urban Development (HUD) Handbook 4350.3, as amended, and all other applicable federal statutes and regulations.

**NON-DISCRIMINATION:** The management agent shall comply with all federal, state and local fair housing and civil rights laws and with all equal opportunity requirements as required by law, including without limitation HUD administrative procedures. Federal laws forbid discrimination based on race, color, creed, religion, sex, age, handicap, familial status, or national origin. Discrimination against a particular social or economic class is also prohibited (for example: welfare recipients; single parent households, etc.). Equal Housing Rules prohibit discrimination based on actual or perceived sexual orientation, gender identity, or marital status. These requirements apply to all aspects of tenant relations including without limitation: accepting and processing applications, selecting residents from among eligible Applicants on the waiting list, assigning units, certifying and re-certifying eligibility for assistance and terminating tenancies.

**1. PROJECT ELIGIBILITY / AND ELIGIBILITY FOR RENTAL ASSISTANCE:**

Applicants seeking rental assistance in subsidized rental developments must meet the following eligibility factors:

1. Household must meet eligibility criteria for the Frontier Estates community:
  - i) Elderly Households of one or two persons with at least one person who is **62 years of age or older**;
  - ii) A Single Person who is **62 years of age or older**;
  - iii) A household whose head, spouse or sole member is **62 years or older** (Disabled or Handicapped).
2. The household's annual income may not exceed the applicable Income Limit. (The limits that apply vary by county.)
3. The Applicant agrees to pay the portion of rent required by the subsidy program under which the Applicant will be admitted.
4. The unit must be the Family's only residence.
5. At the time of admission, the Applicant may not be receiving Section 8 assistance on another housing unit.  
The assistance at the former property must be verified and must end before it begins at Frontier Estates.

\*\*\*\* Management will search through the **E.I.V. System (Enterprise Income Verification System)** to determine whether or not the applicant is receiving assistance on any other property.

6. Household must meet citizenship or immigration status requirements as follows:
  - a. A Family shall not be eligible for assistance unless every member of the Family residing in the unit is determined to have eligible status, with the exception noted herein. Despite

eligibility of one or more Family member, a mixed Family may be eligible for pro-rata assistance.

7. Each member of the household who is 6 years or older must provide a valid social security card or evidence application for the card. Households will have 90 days to provide verification of a Social Security number for household members under the age of (6) six who have been added to the household within 6 months of the move-in date, and for whom no SSN has been assigned.
8. Each household member must provide consents for verification of all sources of income or other information relative to occupancy in the community.
9. The family must have demonstrated that their present living conditions meet with the expectations of the standard of living of Frontier Estates. This may be determined by a personal visit from the Manager.

### **Student Status (24 CFR 5.612)**

No assistance shall be provided under section 8 of the 1937 Act to any individual who:

- (a) Is enrolled as a student at an institution of higher education as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);
- (b) Is under 24 years of age;
- (c) Is not a veteran of the United States military;
- (d) Is unmarried;
- (e) Does not have a dependent child;
- (f) Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;
- (g) Is not living with his or her parents who are receiving Section 8 assistance; and
- (h) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

An individual meeting ED's new definition of independent student, may now be considered for qualifying for HUD housing assistance, if meeting the following criteria:

- (a) Individual is 24 years of age or older by December 31 of the award year
- (b) Is an orphan or a ward of the court through the age of 18
- (c) Is a veteran of the United States Armed Forces
- (d) Has legal dependents other than a spouse
- (e) Is a graduate or professional student
- (f) Is married
- (g) Is of legal contract age under state law
- (h) Has established a household separate from parents or legal guardians pursuant to IRS regulations
- (i) Is not a dependent of another person
- (j) Is living independently, according to tax returns and certifications from parents

### **Occupancy Standards**

At Frontier Estates, since all units are one-bedroom units, the total number of residents allowed to occupy the unit is two (2). The head of the household must be 62 years of age or older. There is no restriction of age for the other resident, whether this person is a spouse, son, daughter, grandchild, or other person. If the head of the household moves out or passes away, the second person (if they are of legal contract age – 18 years of age or older) may stay even if that person is not 62 years of age.

### **Citizenship requirements**

To be eligible for admission, an applicant must meet the following citizenship requirements:

1. Assistance in subsidized housing is restricted to the following:
  - a. U.S. Citizens or nationals; and
  - b. Non-citizens who have eligible immigration status.

2. All applicants for assistance must be given notice of the requirements to submit evidence of citizenship or eligible immigration status at the time of application. Applicants will be supplied with a Family Summary Sheet to list all family members who will reside in the assisted unit. If you have any questions about completing the forms, please contact the management office.
  
3. All family members listed on the Family Summary Sheet, regardless of age, must declare their citizenship or immigration status on the Declaration form (including the person completing the Summary Sheet). A Declaration form will be provided for each household member listed on the Family Summary Sheet. If you have any questions about completing the forms, please contact the management office.
  
4. Required Documentation of Citizenship/Immigration Status. The owner must obtain the following documentation for each family member regardless of age:
  - a. U.S. citizens, a signed declaration of citizenship.
  - b. Non-citizens 62 years and older, a signed declaration of eligible non-citizen status and proof of age;
  - c. Non-citizens under the age of 62 claiming eligible status: A signed declaration of eligible immigration status; a signed consent form; and one of the DHS-approved documents.
  - d. Non-citizens not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance.

Timeframes for Submitting Evidence of Citizenship/Immigration Status to the owner/agent:

- a. Applicants must submit required documentation of citizenship/immigration status no later than the date the owner initiates verification of other eligibility factors.
- b. If the applicant cannot supply the documentation within the owner's specified timeframe, the owner may grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. (Although the extension period may not exceed 30 days, the owner may establish a shorter extension period based on the circumstances of the individual case.)
- c. The owner must inform the applicant in writing if an extension request is granted or denied. If the request is granted, the owner must include the new deadline for submitting the documentation. If the request is denied, the owner must state the reasons for the denial in the written response. When granting or rejecting extensions, owners must treat applicants consistently.

Reviewing and Verification of a Household's Citizenship/Immigration Status:

- a. Owners must conduct primary verification through the (Systematic Alien Verification for Entitlements) SAVE ASVI database, the Department of Homeland Security (DHS) automated system.
- b. After accessing the ASIV database, the owner enters the required data fields. The personal computer system will display one of the following messages for immigration status confirmation on the screen; Lawful Permanent Resident, Temporary Resident, Conditional Resident, , Refugee, Cuban\Haitian Entrant, Conditional Entrant.
- c. If the message "institute secondary verification" is displayed on the screen, the manual verification process must be used. Within 10 days of receiving an "Institute Secondary Verification" response, the owner must prepare DHS Form G-845S, *Document Verification Request*. The owner must send DHS Form G-845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the property's jurisdiction. The DHS will return to the owner a copy of DHS Form G-845A indicating the results of the automated and manual search.

Appealing Determinations of Ineligibility:

- a. The owner must notify the family in writing as soon as possible if the secondary verification process returns a negative result. The family has 30 days from receipt of the notice to choose which option to follow.
  - b. The family may appeal the owner's decision directly to DHS. The family must send a copy of the appeal directly to the owner. The DHS should respond to the appeal within 30 days. If the DHS decision results in a positive determination of eligibility, the owner can provide the family with housing assistance. If the DHS decision results in a negative determination of eligibility, the family has 30 days to request a hearing with the owner.
5. A mixed family – a family with one or more ineligible family members and one or more eligible family members – may receive either: prorated assistance, continued assistance, or a temporary deferral of termination of assistance.

Continued Assistance:

- a. A mixed family who was receiving assistance on June 19, 1995, is entitled to continue receiving the same level of assistance if the following apply: The family head, spouse, or co-head was a citizen or had eligible immigration status; and The family did not include any members who did not have eligible immigration status, except for the head, spouse, parents of the head of household, parents of the spouse, or children of the head or spouse.
- b. Eligibility for continued assistance must have been established prior to November 29, 1996.
- c. If, after November 29, 1996, anyone is added to a family, including a head of household, spouse, parents of the household or spouse, or children of the head of household or spouse, the family is not eligible for continued assistance at the full level, but may receive prorated assistance.

Prorated Assistance:

- a. If a family is eligible for prorated assistance and is not receiving continued assistance, and if the termination of the family's assistance is not temporarily deferred, the amount of assistance the family receives is adjusted based on the number of family members who are eligible compared with the total number of family members. The prorated assistance is calculated by multiplying a family's full assistance by a fraction.
- b. Section 8. For Section 8 assistance programs, the number of eligible people in the family divided by the total number of persons in the family determines the fraction. Then, this fraction is multiplied by the full assistance payment. The reduced assistance payment results in a revised tenant rent for the family.

Temporary Deferral of Termination of Assistance:

- a. Families that were receiving assistance on June 19, 1995 under one of the programs covered by the non-citizen rules are eligible for temporary deferral of termination of assistance. If the following applies: Family has no eligible members; or mixed family qualifies for prorated assistance (and does not qualify for continued assistance) and chooses not to accept the partial assistance.
- b. The deferral allows the family time to find other suitable housing before HUD terminates assistance. During the deferral period, the family continues to receive its current level of assistance.
- c. The initial deferral period is for six months and may be extended to for an additional six-month period, not to exceed 18 months.
  - (1) At the beginning of each deferral period, the owner must inform the family of its ineligibility for financial assistance and offer the family information concerning, and referral to assist in finding, other affordable housing.
  - (2) Before the end of each deferral period, the owner must determine whether affordable housing is available to the family and whether to extend the deferral of termination of assistance.
    - a.) To extend a deferral period, an owner must determine that no affordable housing is available. The owner must inform the family of the owner's determination at least 60 days before the current

deferral period expires. The owner's determination should be based on the following: A vacancy rate of less than 5% for affordable housing of the appropriate unit size in the housing market for the area in which the housing is located; The local jurisdiction's Consolidated Plan, if applicable; Availability of affordable housing in the market area; and Evidence of the family's efforts to obtain affordable housing in the area.

- b.) To terminate assistance, the owner must determine that affordable housing is available, or that the maximum deferral period has been reached.
- c.) If eligible for prorated assistance, the family may request to begin to receive prorated assistance at the end of the deferral period.
- d.) Affordable housing for the purpose of temporary deferral of assistance is housing that: Is not substandard; is the appropriate size for the family; and can be rented by the family for an amount less than or equal to 125% of the family's total tenant payment (TTP), including utilities.

6. Applicants who hold a non-citizen student visa are ineligible for assistance as are any non-citizen family members living with the student.

**Social Security Number Requirements (CFR 5.216 and 5.218; Housing Notice H10-08)**

Requirement to disclose SSN for all household members. Acceptable documentation by a Social Security card or original documentation issued by a federal or state government agency which contains the name, SSN, and other identifying information of the individual. Other acceptable documentation showing the SSN includes a Driver's License with SSN, identification card issued by a medical insurance provider, or by 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. If the individual is not able to provide documentation of SSN, the O/A may accept a self-certification of SSN along with a third-party document displaying the name of the individual.

- 2. Exemption of providing verification of a Social Security number for those household members who do not contend eligible immigration status.
- 3. Exemption for those who were age 62 and older as of January 31, 2010, and whose initial determination of eligibility was on or before January 31, 2010.
- 4. Provision for "skipping" households that have not provided SSNs to admit households that have.
- 5. Provision for removing applicants from the waiting list for failure to disclose and / or provide verification of SSN's.

**Income Limits**

To be eligible for admission, an applicant must meet the following Income Limit requirements:

Except under limited circumstances, in order for an applicant to be eligible for occupancy, the applicant family's annual income must not exceed the applicable income limit established by HUD. Section 8 properties, depending upon the effective date of the initial Housing Assistance Payments (HAP) contract for the property. The income limits that will be allowed at the property are:

**INCOME LIMITS AT FRONTIER ESTATES:**

The maximum income amount cannot exceed the following:

|                            |                                |                                  |
|----------------------------|--------------------------------|----------------------------------|
| <b>Extremely Low (30%)</b> | <b>One Person.....\$17,500</b> | <b>Two Persons..... \$20,440</b> |
| <b>Very Low (50%)</b>      | <b>One Person.....\$29,150</b> | <b>Two Persons..... \$33,300</b> |
| <b>Low (80%)</b>           | <b>One Person.....\$46,600</b> | <b>Two Persons..... \$53,250</b> |

**The above limits are based on the Median Income of Dickinson County (effective 4.1.2024 and updated accordingly) which is \$83,200 per year. Income from all sources are counted, including employment, pensions, Social Security, interest and dividends from investments, IRAs, Annuities, farm income, rental income, business income and any other income generating entities.**

- d. These income limits are revised annually to ensure that federal rental assistance is only provided to low-income families. This limit depends upon the type of subsidy and family size.
- e. HUD establishes and publishes income limits for each county or Metropolitan Statistical Area (MSA) in the country. The income limits are based upon the medial income of the geographic area for which the limit is established.
- f. Income limits are published annually in the Federal Register and are available from the local HUD office, or on-line at [www.huduser.org](http://www.huduser.org).

**APPLICATION REQUIREMENTS:** Anyone who wishes to secure housing must fully complete the application form provided by management. The information provided must contain enough information for management to make an initial determination of the income eligibility of the household and sufficient information to screen Applicant's prior landlord history. Applicants must consent to management's requirement to secure a credit and criminal background history and must provide sufficient information to enable management to secure such reports.

**CHANGES IN INCOME FOR WAITING LIST APPLICANTS:** If an Applicant's income changes to an amount which is no longer eligible under the limitations of the assistance program by the time the application reaches the top of the waiting list, written notice will be given advising the Applicant that: (1) they are not presently eligible for assistance under the Section 8 program; (2) the Applicant could become eligible if the household income decreases, the number of household members changes, the Income Limit changes, or HUD grants an exception to the Income Limits, and (3) asks whether or not the Applicant wishes to remain on the waiting list.

**PREFERENCES:** Management will observe preferences listed below, prioritized in the order of the list:

#### **Income Targeting**

In accordance with the Qualified Housing and Work Responsibility Act of 1998, at least forty (40%) percent of households admitted in any fiscal year will be those whose incomes are 30% or less of the medial income for households of a similar size in the area. The income limits required to qualify in this category of "extremely low income" are listed on the income limits chart submitted by HUD.

The method to be used to obtain the required income targeting for applicants on the waiting list is described as:

In chronological order, Frontier Estates will select eligible applicants from the waiting list whose incomes are **at or below the extremely low-income limit to fill the first 40% of expected vacancies** in the property. Once this target has been reached, we will admit applicants in waiting list order.

**Accommodation for Existing Residents:** Requests for accommodation from existing residents requiring unit transfers will take priority over all waiting list Applicants. Accommodation results when a handicap or disability requires a change or repairs which make it easier for the existing resident to reside in the community.

**Transfers for Existing Tenants:** No waiting list preference shall be granted to households seeking transfers (for reasons other than accommodation) between units. Households seeking such transfers shall receive only chronological status on the waiting list.

**A. Tenant Initiated Transfer – Medical:** Due to changes in the health of residents, it may become necessary for a tenant to move from a higher floor to the first floor. The tenant may not be able to take the stairs in case of an emergency, therefore necessitating a move. A tenant may request such a move in writing. Additionally, a third-party medical verification from an appropriate source of information such as a physician, psychologist, clinical social worker, or other licensed health care provider or the VA should accompany the tenant's written request. This request would be classified as a "reasonable accommodation" and therefore the cost of the move will be paid for by Frontier Estates. The tenant must move within 30 days after the owner notifies the tenant that a 1<sup>st</sup> Floor Unit is available. If the tenant specifically needs a Handicapped-enabled apartment, and not just a 1<sup>st</sup> Floor apartment, then they can remain in their present apartment until such time that a handicap apartment vacates.

**B. Tenant Initiated Transfer:** If a tenant wants to move to another unit for reasons other than medical, the following requirements would apply – Written requests must be submitted to management. The date of the request will be used to determine priority in chronological order along with the requests submitted by other residents. The request for a handicapped unit will not be granted unless a medical reason is given by the tenant's doctor. The cost of the move, and the clean-up cost of the tenant's present apartment will be the responsibility of the tenant. When the tenant is notified that there is a vacant apartment, the move must occur within 30 days of notification.

**Units Specifically Designed for Disabled or Handicapped Persons:** Preference will be granted to Disabled or Handicapped Persons (who otherwise qualify) in units designed for Handicapped or Disabled Persons. Existing residents will be given priority over move-ins. The management agent shall give first preference for a unit specifically designed for Disabled or Handicapped Persons to otherwise qualified Families who have a household member who is Handicapped or Disabled. This preference will be granted upon proper notification by Applicant and verification of need by management.

**Extremely Low Income Households:** Extremely Low Income Households, defined as households with income not exceeding 30% of the area median income (AMI) established by HUD and periodically updated, shall receive preference over households on the waiting list with incomes exceeding 30% AMI. Extremely Low Income Households will be selected from the waiting list in chronological order, according to the **INCOME TARGETING rules** listed above. Frontier Estates will continue to market units with efforts to reach the Extremely Low Income population. If there are no Extremely Low Income Households on the waiting list, other households will be housed in the order in which they have applied.

#### **Procedures for accepting applications**

1. Application forms – Anyone who wishes to be admitted to Frontier Estates or placed on the property's waiting list must complete an application. Application forms will be distributed and accepted at: **Front Office - Frontier Estates, Monday thru Friday 9am – Noon and 1:00 to 4pm.**
2. In addition to the application form, the Owner/Agent (OA) shall also request an applicant sign the Consent for Release of Information (9887 and 9887A). All applicants/members of the family/household over the age of 18 are asked to sign the 9887 and 9887A. Any new household member or current member, once they reach the age of 18, is also asked to sign the form, as well as any others required by HUD in administrative instructions. If subsidy is terminated then reinstated for an existing tenant, then a new 9887/9887A will need to be signed. This form is necessary to allow the Owner/Agent to obtain third-party verifications or references. All information relative to previous housing, family income, assets, and medical expenses (if applicable) will be verified and all verified findings will be documented and recorded in the applicant file. Failure to sign this form will result in denials of admission or termination of assistance. Families have the right to revoke consent by notice to the OA; however, revoking consent will result in termination of assistance or denial of admission. Current families/tenants who revoke consent will continue to receive subsidy assistance until the next interim or annual reexamination, whichever is sooner. OA's must notify their local HUD office when an applicant or participant family member revokes their consent.

3. Failure to respond within 14 days to the Owner/Agent's requests for documentation or information to process the application may result in withdrawal of an application from further processing. The Agent may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, including medical problems or extreme weather conditions.
4. **The OA will offer aid to the applicant in completing the application, explain the tenant selection process, define preferences, and explain the verification process with respect to preferences.**
5. Every application must be completed and signed by the head of the household. Household members 18 years or older, including any personal care attendant (PCA), must sign a release to conduct criminal, credit, and landlord history references, provided that credit information for personal care attendant is not necessary because their income is not included in the household income calculation. Personal care attendants are defined as a person who resides with a household member with a disability and who (a) provides necessary assistance in activities of daily living to such household member insofar as he or she requires such assistance on account of his or her disability; (b) is not obligated for support of the household member; (c) is paid for the fair value of such assistance; and (d) would not be residing in the unit except to provide such necessary assistance to the household member. All members of the household must be listed on the application form.
6. It is the policy of the Agent to guard the privacy of individuals in accordance with the Federal Privacy Act of 1974, and to ensure the protection of records maintained by the property concerning the applicants or tenants.
7. The Agent shall not disclose any personal information contained in its records to any persons or agencies other than authorized government agency unless the individual about whom information is requested has given written consent to such disclosure, or unless disclosure is otherwise in accordance with provisions in the state or federal privacy acts.
8. This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy or to gather information to process reasonable accommodations requests under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Fair Housing Act.

**PROCESSING STEPS:** Frontier Estates apartments shall be rented and occupancy maintained on a first-come, first-served basis with preferences taken into consideration. All persons wishing to be admitted to the development or placed on the waiting list must complete an application. Prospective tenants submitting incomplete applications will not be considered for occupancy. The initial application shall be timed and dated when received, and the resident manager shall maintain at the rental office a chronological list of all Applicants. Preference households and existing residents requiring unit transfers because of accommodation will move ahead of chronological status Applicants. Applicants shall be offered housing (after meeting all selection criteria requirements including the verification process), placed on the waiting list, or declined. **The Applicant must contact the development's resident manager every 120 days to remain on the waiting list.** Applicants who fail to provide acceptable landlord references, or who have a criminal background will be notified that they have been removed from the waiting list.

When an apartment becomes available:

The resident manager will first determine if the INCOME TARGETING GOAL OF 40% has been met. If the goal of 40% has not been met, the resident manager will pick the next Extremely Low Income applicant and offer the available apartment to that person. If that person cannot, for whatever reason, accept the offer, than the resident manager will proceed down the list of ELI's until he finds one that will accept the offer. If there are no ELI's left on the list, then advertising in a newspaper or on the property's website and social media page will commence until one is found.

When an appropriate unit is available, the waiting list shall be reviewed to identify the Applicant who meets preference criteria or whose name is chronologically at the top of the list.

The resident manager shall interview the Applicant; confirm and update all information provided on the application; obtain current information of income, assets, expense and Family composition as applicable and



necessary to certify eligibility and compute the resident's share of the rent. Each Applicant will be required to evidence citizenship and comply with the Social Security Disclosure Regulations which means each Family member, must supply his/her Social Security number and verification of the same, or qualify for the exemption. The applicant shall be informed that a final decision on eligibility cannot be made until all verifications are complete and current income has been verified. Applicants, whose position on the waiting list enables application processing, will receive one notice of housing availability. If the Applicant is unable or decides not to complete the application process, the Applicant shall be removed from the waiting list and must reapply for eligibility. The waiting list shall be updated every three months and may be closed when the average wait for admission is more than two years.

**SCREENING CRITERIA:** The following factors shall be considered in screening Applicant for occupancy:

1. Demonstrated ability to meet financial obligations and to pay rent on time.
2. History as a good resident.
3. History of disturbing neighbors or destroying property.
4. Applicant's credit history, i.e. no current non-medical Collections accounts.
5. Ability to maintain (or with assistance would have the ability to maintain) the housing in a decent and safe and sanitary condition based on living or housekeeping habits and whether such habits adversely affect the health, safety or welfare of the household and other residents in the community. The present premises, within a 25 mile radius of Frontier Estates, MAY be inspected, at the discretion of and by Frontier Estates Manager, or appointed assignee, to determine housekeeping habits. Evidence of infestation of bedbugs or other pests may be checked as well.
6. Ability to meet all obligations of tenancy.
7. History of using illegal drugs or history of abusing alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of others.
8. History of felony or misdemeanor convictions by any household member involving crimes of physical violence against persons or property and any other criminal activity including Drug-Related Criminal Activity.
9. Any household member has been evicted from assisted housing within three years as a result of Drug-Related Criminal Activity.
10. Registered sex offender status.
11. Income Limit qualification.
12. Existing Tenant Search screening in the EIV program (Housing Notice H10-10)
13. Consideration of extenuating circumstances in evaluating information obtained during the screening process to assist in determining the acceptability of an applicant for tenancy. If the applicant is a person with disabilities, the owner must consider extenuating circumstances where this would be required as a matter of reasonable accommodation.

**REFERENCES; CRIMINAL HISTORY:** Management will require consent of all adult household members for verification of references and permission to seek criminal background history.

**Landlord References:** Landlord references will be required for up to five (5) years, including the present landlord. Applicants who have been previous homeowners, must be able to demonstrate that they have made mortgage payments in a timely manner. Applicants, who have had no previous rental or homeownership history, must provide references from present and former employers, teachers or clergy. Further, such Applicants must agree to monthly inspections of their apartment to continue until management deems that the Applicant is maintaining the apartment in a clean, safe and sanitary condition.

Unfavorable landlord or professional references may result in removal from the waiting list.

**Criminal Activity Reports:** A criminal activity report will be ordered for each Applicant, and an Applicant with a history that includes felonious crimes, Drug-Related crimes, violent crimes or sexual crimes will be declined and removed from the waiting list. Reports will be obtained from local and/or state records. Consideration may be granted to Applicants with past nonviolent criminal records occurring five or more years in the past with no further criminal record. If the Applicant has resided in a state other than Kansas and has a past felony conviction, a report will be required from that state or federal organization. Applicants will be required to certify that they or

members of their household are not Registered Sex Offenders. Registered Sex Offenders will not be admitted to the apartment community.

**DECLINING APPLICANTS:** Applicants may be declined if any one of the following categories applies:

1. Failure to meet one or more of the screening criteria.
2. Information required by the application and income verification process is not provided.
3. Failure to respond to written requests for information.
4. Declaration by Applicant that they are no longer interested in housing.
5. Unacceptable credit history. (MEDICAL Collections accounts may not be counted as unacceptable credit history.)
6. Income exceeds the appropriate Very Low Income Family Income Limit when dictated by Federal programmatic requirements.
7. Net family assets exceed \$100,000 (adjusted annually for inflation, as determined by HUD). All assets are categorized as either real property (e.g. land, a home) or personal property. Personal property includes tangible items, like boats, as well as intangible items, like bank accounts.
8. Necessary personal property is excluded from assets. Retirement accounts (as defined by the IRS) are excluded from assets. Combined non-necessary personal property with a combined value that does not exceed \$50,000 would be excluded from assets.
9. The household owns real property that is suitable for occupancy, that the household has a legal right to reside in and the effective legal authority to sell. Exceptions to this rule:
  - a). The property is actively for sale.
  - b). Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking (VAWA Act).
10. Inability to appropriately maintain housing in a decent, safe and sanitary condition.
11. Applicant is single, under 18 years of age and has never been emancipated through marriage under Kansas law.
12. Family size is too large for available units, and serious overcrowding would result in providing a smaller unit.
13. History of unjustified and chronic nonpayment of rent and financial obligations.
14. History of disturbing the quiet enjoyment of others.
15. A risk of intentional damage or destruction to the unit or surrounding premises by the Applicant or those under the Applicant's control.
16. History of violence and harassment of others.
17. History of violations of the terms of previous rental agreements such as destruction of a unit or failure to maintain a unit in a decent, safe, and sanitary condition.
18. Criminal history includes a felony conviction for Drug Related Activity, violent crime, sexual crime, or a misdemeanor (excepting traffic violations).
19. Illegally using a controlled substance or abusing alcohol in a way that may interfere with the health, safety and well being of other residents. Waiver of this requirement is subject to Applicant demonstrating they are no longer engaging in such activity and producing evidence of participation in or completion of a supervised rehabilitation program.
20. Applicant or a member of the household is a Registered Sex Offender under any state sex offender registration program.
21. Applicant or a household member has engaged in or threatened abusive or violent behavior towards any staff member of management or another resident.
22. Applicant or a member of household was evicted from housing within three years as a result of Drug-Related Criminal Activity.
23. Application is incomplete, or is found to contain false information.

If an Applicant is declined, the resident manager shall promptly notify the Applicant in writing and explain in the notice the reasons for the decline. The Applicant will be notified that they have 14 days to respond in writing or to request a meeting to discuss the decline. All declined applications and supportive documentation shall be maintained at the management agent's home office in a manner that assures confidentiality.

**VIOLENCE AGAINST WOMEN ACT (VAWA):** Notice of Occupancy Rights under the Violence Against Women Act

**To all Tenants and Applicants** – The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that Section 8 HUD Housing is in compliance with VAWA. This notice explains your rights under VAWA. Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation. Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status. A HUD-approved certification form is available upon request. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

**Protections for Applicants** – If an applicant otherwise qualifies for assistance under HUD, they cannot be denied admission or denied assistance because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Confidentiality of an applicant’s or tenant’s VAWA status is to be maintained, per the limits listed on the various VAWA forms. The form(s) are to be maintained in a secure file separate from the other tenant or applicant files.

The VAWA Emergency Transfer Plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The plan describes policies for assisting tenants when a safe unit is not immediately available. Those policies must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that Frontier Estates may already provide to other types of emergency transfer requests. Management can supply a tenant VAWA victim with any necessary information and applications for unit transfer under the VAWA Emergency Transfer Plan upon request. (HUD-5380 form)

## **POLICY FOR CLOSING AND OPENING THE WAITING LIST (Moving In)**

### **Closing the Waiting List**

1. The waiting list may be closed if the average wait is excessive. (Two years or more).
2. When the waiting list is to be closed, Frontier Estates will advise potential applicants and refuse to take additional applicants.
3. Frontier Estates will publish a notice in Abilene Reflector Chronicle that the waiting list is closed and also state the reason why.

### **Opening the Waiting List**

1. When Frontier Estates opens the waiting list, a public notice will be placed in the Abilene Reflector Chronicle.
2. Advertisements will include where and when to apply and will conform to the advertising and outreach activities described in the Affirmative Fair Housing Marketing Plan.

## **REQUIRED HOTMA (HUD) POLICY**

### **ASSET LIMITATIONS**

MFH Owners (Frontier Estates) must deny admission of an applicant family for the following:

- Net family assets exceed \$100,000 (adjusted annually for inflation)
- The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell the real property that is suitable for occupancy by the family as a residence.

However, Frontier Estates has chosen to discretionary policy of Total Non-Enforcement of the Asset limitation – to not enforce the asset limitation for all families at annual and interim reexamination (re-certification time for existing tenants). Any existing families/residents who enter into a market rate rent, then qualify again for subsidy, thereby initiating an IC (Initial) certification, must then follow Asset Limitation policies as established for an applicant qualifying for tenancy. Any such family/tenant with an IC certification will be given the opportunity to cure

noncompliance with the asset limitation for a period of up to six months before a termination of tenancy would be required.

### **De Minimus Errors in Income Determinations**

Frontier Estates must take corrective action to credit or repay a family/tenant if the family was overcharged tenant rent because of the Frontier Estates' de minimus errors in calculating family income. A refund check will be written or a credit issued to the family's payment ledger within 30 days of discovery of the error.

### **Interim Re-certifications**

- Frontier Estates Owner/Agent (O/A) may decline to conduct an interim reexamination of the family income if the owner estimates that the family's annual adjusted income will decrease by an amount that is less than ten (10%) percent of the family's annual adjusted income.
- Additionally, the O/A may choose not to conduct an interim reexamination if a family reports an increase in income within three months of their next annual reexamination effective date.
- The owner is required to process interim reexaminations for all decreases in adjusted income when a family member permanently moves out of the unit.
- The owner must conduct an interim reexamination of family income when the family's annual adjusted income has changed by an amount that would result in an estimated increase of ten (10%) percent or more in annual adjusted income, except that owners may not consider any increases in *earned* income when estimating or calculating whether the family's adjusted income has increased, unless the family has previously received an interim reduction during the same reexamination cycle.
- Family must report household composition changes as soon as possible after the change. Changes to adjusted income must be reported as soon as possible after receiving supporting documentation reporting the change to the adjusted income. Any retroactive rent decrease will not be applied prior to the later of:
  - The 1<sup>st</sup> of the month following the date of the actual decrease in income; or
  - The 1<sup>st</sup> of the month following the most recent previous income examination.
- O/As must clearly communicate to the family how a retroactive adjustment will affect the family's responsibility for rent.

### **Hardship Exemptions for Health/Medical Care Expenses & Reasonable Attendant Care & Auxiliary Apparatus Expenses – General Relief**

- All families who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses (that meets the definition of such expenses as provided by 24 CFR 5.603(b)) based on their most recent income review prior to January 1, 2024, will begin receiving the 24-month phased-in relief at their next annual or interim reexamination, whichever occurs first on or after the date the PHA complies with HOTMA. Change in tenant responsibility is increasing from 3% to 10%. This will be a phase-in for current residents.
- Families who receive phased-in relief will have eligible expenses deducted as follows:
  - 1st twelve months – in excess of 5% of annual income.
  - 2nd twelve months – in excess of 7.5% of annual income.
  - After 24 months – in excess of 10% threshold will phase in and remain in effect unless the family qualifies for General Hardship relief. • Once a family chooses to obtain general relief, a family may no longer receive the phased-in relief.

Note: Termination for cause stops the Phase-in Hardship. Move-ins and Initial Certifications will have the 10% apply (no hardship).

O/As must provide hardship relief to a family that demonstrates its eligible health and medical care expenses, or reasonable attendant care and auxiliary apparatus expenses exceed 5 percent of the family's annual income.

O/As must obtain third-party verification of the family's inability to pay rent or must document in the file with the reason third-party verification was not available. O/As must attempt to obtain third-party verification prior to the end of the 90-day period.

O/As may continue the phased-in relief for a new admission who was receiving the phased-in relief at their prior assisted housing at the time that the family is admitted to Frontier Estates. (Example: a family is admitted to new property, but they would have still been receiving the 24-month phased-in hardship exemption had they continued to reside in their previous unit at a different MFH property. Frontier Estates will continue the phased-in hardship exemption for the family's remaining months in the 24-month phase-in period.

### **Hardship Exemption to Continue Child Care Expense Deduction**

• O/As must obtain third-party verification of the family's inability to pay rent or must document in the file with the reason third-party verification was not available. O/As must attempt to obtain third-party verification prior to the end of the 90-day period.

O/As must develop written policies to define what constitutes a hardship, which includes the family's inability to pay rent, for the purposes of the childcare expense hardship exemption. O/As may, pursuant to their own discretionary policy, extend the relief for one additional 90-day period while the family's hardship condition continues.

### **Verification Methods**

Verification of income, assets, health and medical expenses will be conducted at time of applying for tenancy, as well as ANNUALLY at annual reexamination and any other necessary interim reexaminations.

Preferred Verification hierarchy:

1. Upfront income verification (UIV and EIV – Work number and/or state Government databases)
2. Written 3<sup>rd</sup> party verification – acceptable tenant-provided documentation (generated by a third-party source: pay stubs, bank statements, SSA benefit verification letter, etc. dated within 120 days of the date received by the O/A. A statement dated within the appropriate benefit year for fixed income sources may also be accepted for verification.
3. Traditional 3<sup>rd</sup> party verification – form developed by the property is used uniformly for all families to collect information from a 3<sup>rd</sup> party source
4. Oral 3<sup>rd</sup> party verification – independent verification of information obtained by contacting the company/business/individual that the family identified. This can be done via telephone or in-person visit.
5. Self-certification – should be used as a last resort after all other verification methods have been exhausted.

### **Determination of Family Income using other Means-Tested Public Assistance, i.e. “Safe Harbor”**

(24CFR 5.609(c)(3); 891.105; 891.401(b)-(c) and (g); and 891.610(b)-(c) and (g))

O/A may determine the family's income prior to the application of any deductions based on income determinations made within the previous 12-month period for purposes of the following means-tested forms of Federal public assistance:

- The Temporary Assistance for Needy Families block grant (42 U.S. C. 601, et seq.).
- Medicaid (42 U.S.C 1396 et seq.).
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- The Earned Income Tax Credit (26 U.S.C. 32).
- The Low Income Housing Tax Credit (26 U.S.C. 42).
- The Special Supplemental Nutrition for Woman, Infants, and Children (42 U.S.C. 1786).
- Other programs administered by the Secretary.
- Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding.

- Other Federal benefit determinations made by other means-tested Federal program that the Secretary determines to have comparable reliability and announces through a Federal Register notice.

O/As are not required to accept or use determinations of income from other Federal means-tests forms of assistance. Safe Harbor programs will not be the first choice of the income verification, and would only be allowed for use at application admission or reexamination periods. The most recent income determination will have weighted preference, with preferred income verification through EIV or UIV.

Safe Harbor verification must be obtained by means of third-party verification and must state the family size, must be for the entire family (i.e., the family members listed in the documenting must match the family's composition in the assisted unit, except for household members) and must state the amount of the family's annual income.

Safe Harbor verification must not be mixed and matched with other income verifications, including other Safe Harbor income determinations.

O/As are not required to use the EIV Income Report, New Hires Report, or Income Discrepancy Report at annual reexamination if the Own uses Safe harbor documentation to verify a family's annual income.

## **DEFINITIONS:**

**APPLICANT** includes all adult members of the Family or household.

**DISABLED PERSON** is a person with a disability as defined by Section 223 of the Social Security Act or as generally defined in 42 USC Section 6001(7) as a severe, chronic disability which:

1. is attributable to a mental/or physical impairment or combination of mental and physical impairments;
2. was manifested before age 22;
3. is likely to continue indefinitely;
4. results in substantial limitations in three (3) or more of the following areas of major life activities: self care, receptive and responsive language, learning mobility, self direction, capacity for independent living, and economic Self Sufficiency; and
5. reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or the other services which are of lifelong, or extended duration and are individually planned and coordinated.

**DRUG RELATED CRIMINAL ACTIVITY** Drug Related Activity means the illegal manufacture, sale, distribution or use of a drug or the possession with the intent to manufacture, sell or distribute a controlled substance. Drug-Related Criminal Activity does not include the use or possession, if the household member can demonstrate that they:

1. have an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment;
- and**
2. have recovered from such addictions and do not currently use or possess controlled substances. The household member must submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

**ELDERLY PERSON** is a person who is at least 62 years old.

**ELDERLY HOUSEHOLD** is a household whose head or spouse is elderly, handicapped or disabled. The household may be two or more Elderly, Handicapped or Disabled Persons who are not related, or one or more such persons living with a live-in aide(s) essential to their care or well being. A household may NOT designate a Family member as head of household solely to qualify the Family as an Elderly Household.

**FAMILY** is one or more persons in a household whose income and resources are available to meet the Family's needs.

**HANDICAPPED PERSON** is a person with a physical or mental impairment that:

1. is expected to be of long, continued and indefinite duration;
2. substantially impedes the person's ability to live independently;

3. is such that the person's ability to live independently could be improved by more suitable housing conditions;
4. or a person with a developmental disability.

**INCOME LIMITS** are defined as those income limitations published by organizations regulating the development.

**LIVE-IN AIDE/ATTENDANT** is a person who lives with an Elderly, Disabled or Handicapped individual(s), is essential to that individual's care and well-being, is not obligated for the support of the person, and would not be living in the unit except to provide the support services. While a relative may be considered to be a Live-in Aide/Attendant, the relative can reside in the unit as a Live-in Aide/Attendant only if the tenant requires special care. The Live-in Aide qualifies for occupancy only as long as the tenant requires supportive services and may not qualify for continued occupancy as a Remaining Family Member.

**REMAINING MEMBER HOUSEHOLD** is a person who remains in a unit following a decrease in Family composition.

**SINGLE PERSON** is a person who intends to live alone.

**VERY LOW INCOME FAMILY** is a Family whose income does not exceed fifty per cent (50%) of the area median income as determined by HUD.

**EXTREMELY LOW INCOME FAMILY** is a family whose income does not exceed 30 percent (30%) of the area median income as determined by HUD.

**LOW INCOME FAMILY** is a family whose income does not exceed 80 percent (80%) of the area median income as determined by HUD.

**UNACCEPTABLE CREDIT HISTORY** may include non-medical Collection accounts, non-payment of rent, etc.

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#### **Policy for notifying applicants and potential applicants of changes in the tenant selection plan**

The Owner/Agent acknowledges that HUD may, from time to time, modify the requirements of their respective tenant selection regulation, or policies. The Owner/Agent agrees that, upon reasonable notice, they will amend this plan to satisfy such changes. When such time comes that the tenant selection plan must be updated a copy will be forwarded to all applicants currently on the waiting list and notice of the change in the plan will be posted in the office where the rental applications are taken.