

# The Housing Authority of the Town of Bethel

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## TENANT SELECTION PLAN E 166

**Project Name:** Reynolds Ridge E 166 (E 166)  
**Project Address:** 25 Reynolds Ridge , Bethel, Connecticut 06801  
**Project Owner:** The Housing Authority of the Town of Bethel (BHA)  
**Project Units:** Units 42-82. Inclusive of Community Room #58

### OVERVIEW

The Housing Authority of the Town of Bethel or Owner (BHA) built E 166 in 1986 in cooperation with the Town of Bethel, State of Connecticut Department of Housing (DOH) and Connecticut Housing Finance Authority (CHFA) as their interests may appear. The federal housing complex is obligated to follow the applicable state statutes and regulations for each program. E 166 consists of 40 units # 42 through # 82 inclusive of Community Room #58. There are 36 studio units and 4 one bedroom units for families and individuals 62 years or older or those with disabilities. Residents under the age of 62 with disabilities are limited to 5% or 2 units

The Elderly Housing Program is subject to Sections 8-114 of the Connecticut General Statutes. Every Elderly Housing complex is subject to the provisions of the Assistance Agreement executed between the Owner and the original authorizing state agency (Dept. of Community Affairs, Department of Housing or DECD).

The Moderate Rental Housing Program is subject to Sections 8-39 and 8-69 through 8-81 of the Connecticut General Statutes "Regulations for the Moderate Rental Housing Program".

Additionally, the owner entered into a cooperative agreement with the Housing Authority of the City of Danbury and has Project Based, Section 8, vouchers for all 40 unit for the project-based rental assistance.

This Tenant Selection Plan (TSP) describes the policies for initial admission and eligibility requirements for admission to developments operated by The BHA and the procedures to be followed in selecting tenants for the dwelling units in the Property

### FAIR HOUSING

The BHA will operate its programs within the Fair Housing regulations under Section 8-37ee-1 through Section 8-37ee-17 and Section 8-37ee-300 through Section 8-37ee-314 of the Regulations of Connecticut State Agencies and in compliance with the state and federal fair housing laws found at 42 U.S.C. §3604ff and C.G.S. 46a.-64c.

The BHA shall not on account of age, ancestry, color, sex, race, creed, marital status, sexual orientation, national origin, religion, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, gender identity or expression, or veteran's status. In addition the Authority/Agency will not:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs
- Provide housing which is different from that provided others;
- Subject a person to segregation or disparate treatment
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission
- Deny a person access to the same level of services;
- Deny a family a reasonable accommodation/modification.

The BHA will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all.

In making reasonable accommodations or modifications to an otherwise qualified person with a disability, the BHA is not required to:

- Take any action that would result in a fundamental alteration in the nature of the program;
- Take any action that would result in an undue financial and administrative burden on the BHA or its management agent. The BHA office, community rooms, common laundry rooms, meeting rooms and all common areas must be accessible and available for use by residents with a full range of disabilities to the greatest extent possible.

### **CITIZENSHIP/IMMIGRATION STATUS REQUIREMENTS**

In general, a household is eligible for admission and continued occupancy if the family includes at least one family member who is a U.S. citizen or an eligible immigrant. Eligible immigrants are persons who are in one of the six immigrant categories specified by HUD. Eligible immigrants also include lawful, non-citizen residents of the United States and its territories who are citizens of the Freely Associated States Under the Compacts of Free Association between the United States and the governments of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. Family eligibility is subject to the following additional requirements:

- Non-citizen students, and the non-citizen spouses and non-citizen children of non-citizen students are not eligible for assistance.
- A family in which at least one household member has submitted the required verification of eligible immigration status is eligible for occupancy and full assistance, if the Department of Homeland Security ("DHS") verification process is not complete at the time the household is selected for admission to an available unit, or if the family appealed a determination by DHS that the documentation is invalid and the appeal process is not complete at the time the household is selected for admission to an available unit. Household members who choose not to claim eligible status or submit verification of eligibility are ineligible for assistance. Families that include a member who chooses not to claim eligible status are eligible for admission if at least one member of the household is a citizen or eligible non-citizen. Such households will be treated as mixed families and are eligible for payment of a pro-rated rent.
- A family is eligible for admission, continued occupancy and assistance as long as at least one member is a citizen or eligible immigrant. Mixed families that include eligible and ineligible individuals are eligible for admission, but must pay a pro-rated rent.
- A mixed household is eligible for admission, occupancy and full, continued assistance if:
  - (i) The family was receiving assistance on June 19, 1995 from any one of the HUD programs subject to the HUD rules limiting the eligibility of non-citizens for housing assistance.
  - (ii) The head of household or spouse is a citizen or eligible non-citizen, and
  - (iii) The family does not include any ineligible non-citizen except:
    - (a) the head of household;
    - (b) the spouse of the head of household;
    - (c) the parents of the head of household;
    - (d) the parents of the spouse of the head of household;
    - (e) any children of the head of household or the spouse of the head of household.

Temporary deferral of termination of assistance is available to an occupant household that no longer qualifies as a citizen or eligible non-citizen family because of changes in family composition, to mixed households that do not qualify for continued assistance and choose not to receive pro-rated assistance, and to households that are admitted with full assistance pending the outcome of a Department of Homeland Security verification or appeal. Procedures for temporary deferral of termination of assistance are described in Part VI B of the Tenant Selection Plan. Temporary deferral may be granted if one of the following conditions is met:

- (i) The family demonstrates that reasonable efforts to find other affordable housing of appropriate size have been unsuccessful; or
- (ii) The vacancy rate for affordable housing of appropriate size is below 5% in the

housing market area.

### **SOCIAL SECURITY NUMBER (SSN) REQUIREMENTS**

- All household members must produce a valid Social Security Number ("SSN") card issued by the Social Security Administration ("SAA") or such other evidence of the SSA as HUD may prescribe in administrative instructions.

#### **Exceptions to Disclosure of Social Security Number**

- The Social Security Number requirements do not apply to: Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
- Individuals who do not contend eligible immigration status.
- A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission.
- The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent terminate tenancy. If, at the time a unit becomes available, all non-exempt household members have not provided adequate documentation necessary to verify Social Security Numbers, the next eligible applicant must be offered the available unit.

### **EIV EXISTING TENANT SEARCH**

BHA uses EIV which is an internet-based data system containing employment and income information on individuals participating in HUD's rental assistance programs. This information comes from the Social Security Administration, the Department of Health and Human Services, and the National Directory of New Hires. This information is used in order to verify social security numbers and correct reporting of income for all household members. EIV is also used to determine if applicants are currently receiving HUD rental assistance at another property. During the application process, all adult household members are required to sign form HUD-9887, Notice and Consent for the Release of Information, and form HUD-9887A, Applicant/Tenant Consent to the Release of Information. All adult tenants are required to sign these forms annually. These forms give Tenant Selection Plan Page 8 of 9 Rev. 09-2016 consent for HUD and property management to obtain information, verify information, and determine eligibility for HUD rental assistance. Failure to sign the consent forms may result in the denial of assistance or termination of assisted housing benefits. As part of the applicant screening process, management will run an EIV Existing Tenant Search for all household members. This report checks to see whether any household member is currently living in another Public & Indian Housing or Multifamily site. If that is the case, management will coordinate move-out and move-in dates with the current property to avoid a double subsidy request to HUD.

### **INCOME LIMITS**

Rent for E 133 is calculated at 30% of the family adjusted income. There is not a base rent. Eligible applicants must be below 80% of the Area Median Income. An applicant must qualify for admission as a low income household. A low income household is an applicant whose annual income is at or below 80% of Area Median Income, as determined from time to time by HUD for the metropolitan statistical area. This property will follow HUD income targeting requirements. Applicant households with incomes at or below the extremely low-income limit will be selected to fill the first 40% of vacancies in any given year. Once this target has been reached, applicants will be admitted in wait list order.

## STUDENT ELIGIBILITY

Section 8 Assistance shall NOT be provided to any individual who: dependent child; 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

- Households in which all members are full time students are not eligible for admission unless:
- The household includes a student who is receiving benefits under the Transitional Assistance for Needy Families ("TANF") program;
- The household includes a student who is enrolled in a job training program receiving assistance under the Job Partnership Training Act, or under a similar Federal, State or local law;
- The household consists of a single parent and her children, so long as the single parent and the children are not declared as dependents on the tax return of another individual not residing in the household; or
- Section 8 Assistance shall not be provided to any individual who:
  - Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
  - is under the age of 24;
  - Is not married;
  - Is not a veteran of the United States Military;
  - Does not have a dependent child;
  - Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E) and was not receiving Section 8 assistance as of \*November 30, 2005.\* (See Definition E in Figure 3-6);
  - Is not living with his or her parents who are receiving Section 8 assistance; and
  - Is not individually eligible to receive Section 8 assistance and has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance. (See paragraph 3-33 for verifying parents eligibility.)
  - Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:
    - 1. If the student is over the age of 23 with dependent children or
    - 2. If the student is living with his or her parents who are receiving section 8 assistance

## OPENING AND CLOSING WAITING LISTS

### Opening the waiting list

The BHA shall review the waiting list no less than annually to ensure an adequate pool of applicants exist, typically three applicants per bedroom type as well as a sufficient number of persons/families that are "least likely to apply" as determined in the affirmative fair marketing analysis. NOTE: "least likely to apply" means those persons who do not live in the area of the development because of racial or ethnic patterns, perceived community attitudes, price or other factor, and thus need additional outreach to inform them of their opportunity to live in the development

Upon the determination that there is an insufficient pool of applicants, the BHA will publish a notice of intent to accept applications. The notice will be posted on the website of the state designated agency, listed on CTsearch (211 website), in general circulation, minority media. The notice will also be widely distributed to human and social service agencies, including those with a primary mission of serving populations identified in the affirmative fair marketing plan as "least likely to apply"

The notice shall state:

- The time frame for submission of applications and where they should be mailed or delivered.
- The any limitations to who may apply such as maximum income as well as the methodology of rent determination- (minimum rent or 30% of adjusted gross income, whichever is higher)
- Unit sizes for which applications are being taken.
- Must have the demonstrated ability to pay the base rent if below the income level at which the base rent is set.
- The waiting list may be closed when a maximum number of applications are received. applications received

until the notice is published will be taken even if the maximum number is achieved.

- Persons with disabilities may request a reasonable accommodation to ensure that they can be put on the waiting list.
- State who at the BHA applicants can contact if they need a reasonable accommodation to apply for the housing opportunity.

### **Closing the waiting list**

The BHA, at its discretion and in accordance with the fair housing laws and the statutes and regulations governing the applicable housing program, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. A decision to close the waiting lists will be publicly announced using the same affirmative fair housing marketing plan used for opening the waiting list. If the BHA waiting lists have sufficient applicants, have racial and economic diversity and that there are sufficient families who are “least likely to apply” based on the targets in the affirmative fair marketing, or it would be more than 24 months before an applicants may be housed the BHA may elect to with 30 day notice:

- Close the waiting list completely.
- Close the list during certain times of the year.
- Restrict intake by type of project or by size and type of dwelling unit.

### **Insufficient Number of Least Likely to Apply Applicants (Sec. 8-37ee-306)**

The BHA shall evaluate its waiting list for each development to determine whether or not the waiting list provides for racial and economic diversity. If the BHA finds it has an insufficient number of least likely to apply applicants:

- The BHA will use its Affirmative Fair Housing Marketing Plan to market its units.
- The BHA will amend or enhance the marketing approach when found deficient; and document any particular local, regional, and/or market reasons for the failure of the Affirmative Fair Housing Marketing Plan to attract a sufficient pool of applicants who are least likely to apply.
- The BHA shall develop and maintain adequate documentation in a manner prescribed by DOH of its good faith efforts.

## **APPLICATION PROCESS**

The application process is governed by the fair housing laws and particularly the requirement that all housing providers provide reasonable accommodations to applicants to ensure that they qualify for housing to the greatest extent possible. The application process is outlined below and is consistent with State regulations Sec. 8-37ee- 303. In the event there is a conflict, applicable state regulations shall govern the process.

When Reynolds Ridge is “Accepting Applications” families may obtain pre-application forms by request :

- by telephone - 203-797-9909
- email - [office@bethelhousingauthority.org](mailto:office@bethelhousingauthority.org)
- by fax - 203-797-0068
- by mail - Management Office - Reynolds Ridge, 25 Reynolds Ridge Bethel, Connecticut 06801
- At the management office.
- A printable version of the pre-application form will also be available on the BHA's web site at [www.bethelhousingauthority.org](http://www.bethelhousingauthority.org).

All applications will be reviewed for completeness. To be complete, an application must:

- Name each household member, including any live-in aides, when applicable.
- Include a social security number, relationship, date of birth, and income information for each household member over the age of 18.
- Provide asset information for each household member over the age of 18
- Include a signed release of information and consent forms.
- Employment verification, when applicable
- Certify that no household member disposed of any assets at less than fair market value during the two years preceding the certification.
- Provide clear and complete housing history for the past five (5) years, with the landlord names, addresses, and dates of occupancy. If the household combines individuals who have not lived together before the application; then a five (5) year history must be completed for each household member.

If an application is incomplete, the applicant will be contacted by phone or in writing with a request to provide the missing information. No applicant will be placed on the waiting list until the application is completed. Applications must be signed and dated by the applicant wherever required, or they will be considered incomplete.

Once the application is completed and placed on the waitlist a letter of receipt will be mailed, it will include, but not limited to:

- The Control number that was assigned.
- Advise families that it is their responsibility to notify the BHA when a mailing address or phone number change.
- Details of required updates to application.

### **Compliance with Limited English Proficiency guidance**

Anyone needing help in filling out the forms shall be assisted and all announcements of the opening of waiting lists or notices that applications are being taken shall state that assistance shall be given to anyone needing help. The notice shall state that assistance can be provided in languages other than English. The owner will provide the language services via staff or a language translation line or other available translation services.

### **Reasonable Accommodation**

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the BHA housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the BHA will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the BHA will ensure that all applicants/tenants are aware of the opportunity to request a reasonable accommodations.

Applications for admission will include information about requesting a reasonable accommodation. All decisions granting or denying requests for reasonable accommodations will be in writing. The BHA will obtain verification that the person is a person with a disability. The BHA will seek verification that the requested accommodation is related to the disability. The BHA will not inquire as to the nature of the disability. The BHA shall not request copies of medical records or require that the information be from a doctor as it can come from any treating medical provider. The Doctor or treating medical provider may submit a Reasonable Accommodation form. In order to be determined reasonable, the accommodation must meet two criteria:

- Would the accommodation constitute a fundamental alteration of the housing program? The BHA's business is housing. If the request would alter the fundamental business that the BHA conducts, that would not be reasonable.
- Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, BHA may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally the individual knows best what it is they need; however, the BHA retains the right to be shown how the requested accommodation enables the individual to access or use the BHA programs or services.

If more than one accommodation is equally effective in providing access to the BHA programs, the BHA retains the right to select the most efficient or economic choice.

### **Live In Aides**

The BHA requires Live In Aides to follow a similar process as applicants to reside on the property. To determine eligibility the BHA will complete, but not limited to, a credit/criminal check, landlord and employment references. Neither the income or medical expenses or any other deductions of the aide will be used in rent calculation.

### **Organization of the waiting list**

The waiting list must be organized in such a manner to allow the BHA to accurately identify and select families in the proper order. Completed applications for eligible households will be placed on the waiting list based upon appropriate bedroom size for the household, including a live-in aide. Completed applications will be listed in order of date and time received. The waiting list contains the following minimum information for each applicant listed:

- Control Number

- Family unit size
- Qualification for any disability or reasonable accommodation
- Annual income and assets

## **ELIGIBILITY FOR ADMISSION**

In determining eligibility for admission, owners must not adopt any admission criteria which discriminates or has the effect of discriminating against any family based upon age, ancestry, color, sex, race, creed, marital status, sexual orientation, national origin, religion, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, gender identity or expression, or veteran status. In addition, the owner has an obligation to make reasonable accommodations in its screening criteria to ensure that people with disabilities are able to use and access the housing.

Legal screening criteria include, but are not limited to:

- Demonstrated ability to pay rent on time.
- Number of people in the family that conforms to the occupancy standards which are appropriate to the vacant unit.
- References from former landlords.
- Credit checks Satisfactory housekeeping habits based on visits to the applicant's current residence if located within 30 miles or landlord references.
- For State Sponsored Elderly properties applicants must be a person who is sixty-two years of age or older at time of move in, or a person who has been certified by the Social Security Board as being totally disabled under the Federal Social Security Act or certified by any other federal board or agency as being totally disabled. [CGS sec. 8-113a]

### **Grounds for disqualification**

In addition to the above screening criteria, applicants can be denied for:

- Ineligibility because of a conviction of a current household member of drug-related criminal activity for the production or manufacture of illegal drugs.
- Ineligibility because a current household member is subject to a lifetime registration requirement under a federal or state sex offender registration program.
- Ineligibility because a current household member has engaged in criminal activity that is a threat to the health or safety of other tenants is determined on a case by case basis, taking into account all factors. Additional guidance for owners regarding the use of criminal records can be found at HUD.gov and chfa.org and by providing an opportunity for clarification if needed prior to the determination.
- Ineligibility because the family has a pattern of late payments within the last twelve months (see 8-37ee-305E-(1)(b) without reasonable justification (justification may be loss of job, substandard housing) or eviction from housing or termination from residential programs within the past five years (considering all relevant circumstances).
- Applicant knowingly falsifies information on the application or during the process.
- Applicant or any member of household has a history of disturbing neighbors, destroying property living/housekeeping habits which would substantially interfere with the health safety or peaceful enjoyment of other residents.

### **Illegal screening criteria include but are not limited to:**

- Residency requirements
- Proof of U.S. citizenship
- Employment of individuals or families
- Limits on sources of income that will be considered so long as the income is legal
- Ability to live independently

### **Exception for Elderly Housing**

For periods of up to one year, the owner may admit persons who are less than sixty-two years of age but not less than fifty-five years of age (near elderly) provided that the owner submits an application approved by the chief

executive officer of the municipality in which the owner is located demonstrating that:

- the owner is not able to attract an adequate number of elderly persons to occupy the project who are also diverse racially and economically and,
- the owner has (1) published a notice, at least once each week during the thirty days preceding the submission of its application, in one or more newspapers having a substantial circulation in the municipality, indicating that the units are available and, (2) sent such notice, at least thirty days preceding submission of its application, to each housing Authority/Agency, municipal developer or non-profit corporation operating an elderly housing project of fifty or more units pursuant to Connecticut General Statutes. [CGS Sec. 8-115a] and (3) the owner has used its Affirmative Fair Housing Marketing Plan to notify all interested persons of the change in eligibility; (4) the owner has used its Affirmative Fair Housing Marketing Plan to attract an adequate number of elderly persons who are least likely to apply to the project.
- No person admitted to such project pursuant to these provisions shall be evicted from or denied continued occupancy of such project solely because such person is less than sixty-two years of age but not less than 55 years of age.

## **VERIFICATION and SCREENING OF INFORMATION**

**General Procedures:** The Management Agent will conduct a final screening of household eligibility when a unit is likely to be available to an applicant household within ninety days. In general, applicants, including any live-in aide, will be screened for suitability for admission based upon the applicant's housing history for the last five years, including landlord references, credit checks and a review of the applicant's criminal history, if any. The Management Agent will request verification of the applicant's eligibility for admission, including verification of income, student status, eligible citizen or immigration status, and suitability as a resident. Third party documentation is the preferred form of verification. Verification by applicant self-declaration will be accepted on a case-by-case basis, in the discretion of the Management Agent. Forms of acceptable verification are described in ~~24 CFR § 5.214~~ **Appendix 3 of HUD Handbook 4350.3 Rev. 1. The Management Agent shall utilize HUD's Enterprise Income Verification (EIV) System as part of their screening criteria of the applicant as a new tenant.**

Any information relative to the acceptance or rejection of an applicant must be documented and placed in the applicant's file. This may include reports of interviews, letters or telephone conversations by BHA and be a reliable source. These reports must minimally include the name and title of the individual contacted, date of contact and a summary of the information received.

- Sources of information may include, but are not limited to, the applicant (by means of an interview or home visit), landlords, employers, family social workers, parole officers, credit bureaus, court records, drug treatment centers, clinics, physicians, police department or agencies that provide such information, where necessary. Appropriate releases will be obtained from the applicant. An owner is not entitled to obtain medical records of any kind.
- If an applicant must be disabled to qualify for a property, the owner may obtain proof of disability such as a letter awarding disability benefits.
- If the owner elects to use a credit bureau or any agency whose business is considered that of a credit bureau, denial notices must conform to the requirements of the Fair Credit Reporting Act.

**Verification of Eligible Non-Citizen Status:** The Management Agent will verify the validity of the documentation of eligible non-citizen status with DHS at the time of initial application.

## **OCCUPANCY STANDARDS**

The number bedrooms required to accommodate each family shall be determined by the square footage requirements as stated in the state building code as applicable.



Number of Bedroom	Minimum Number of Persons	Maximum Number of Persons
Studio	1	2
One	1	2

### **TENANT SELECTION METHODOLOGY**

Completed applications are placed on the waitlist based on time and date received. There are no preferences except first a current resident with an approved Reasonable Accommodation or need for an ADA unit that a suitable unit becomes available. Second and applicant requesting or needing an ADA unit they will be considered first in the order that they are received if an ADA unit becomes available.

### **WHEN A UNIT BECOMES AVAILABLE**

The BHA will first review internal transfer/reasonable accommodation requests before pulling from the waitlist. Eligible households will be assigned to the next available unit appropriate for the size of the family, including any live-in aide, or reasonable accommodation

Current residents with a reasonable accommodation for mobility or sensory impairments will be offered units at the property that offer the accommodation first. If no current resident has a need for the accessible unit, it will be offered to the next qualified applicant on the waiting list who needs the special features. If there are no applicants on the waiting list who require such a unit, the unit will be offered to the next qualified applicant. In such cases, the lease for the unit will require the household to promptly move to another comparable unit at the property if an applicant needed the accessibility of the unit.

Each applicant determined to be eligible shall be promptly notified by the BHA of such determination and of the approximate date of occupancy, insofar as that date can be reasonably determined.

#### **Internal Transfer**

A resident must submit a written request or reasonable accommodation form to the BHA for an internal transfer stating the reasons for the request. The proper documentation for BHA review and possibly consultation with the Resident Service Coordinator or Social Service Professional. If the resident is denied the move, they will be sent a letter stating the reason for the denial and an option to have an informal hearing. An internal transfer will be approved if the family meets the eligibility criteria for a transfer and:

- The current unit is inspected by the Management Agent and found to be clean and free of damage.
- The current resident has had a change in income that permanently and substantially affects the ability to pay the current rent requirement, a written request may be made to transfer to a unit with rental assistance or a lower income requirement. Upon management review, if the next unit that becomes available would protect the resident from being rent burdened, that resident may relocate to the unit available. If the resident is denied the move, they will be sent a letter stating the reason for the denial and an option to have an informal hearing.
- if the household includes a family member who needs the features of an accessible and an accessible unit of appropriate size is available and their unit cannot be modified.
- A household that is under-housed may transfer to larger unit based on a change in household composition if the transfer is consistent with the property occupancy policies.
- Other extraordinary circumstances are present in the household that justify a transfer, including, but not limited to, medical reasons.
- To accommodate a resident needing a transfer under the Violence against Women's act (VAWA).
- The current unit is inspected by the BHA and found to be clean and free of damage.
- For the 12 month period prior to the request for the transfer, all members of the household were compliant with the lease and all other resident obligations.
- Each move to a new unit may be considered a new admission. The resident household must complete all required applications, submit all necessary verifications and establish eligibility for occupancy prior to the transfer to the new unit.
- They will only be moved if the current unit cannot be modified to satisfy those needs.

#### **Denial of an Internal Transfer**

A current resident may be denied an internal transfer if they do not meet the internal transfer criteria. The denial will be sent in a written letter stating the reason for denial with an option for an informal hearing.

#### **Pulling from the waitlist**

The next 5-10 applicants that qualify for the income requirement of the unit according to the application or application updates will be notified that a unit is available. The applicant will be mailed a notice of a unit opening, by first class Rev. 10/2022

mail, sent to the last address that the BHA has on record. The notice will include a questionnaire, a release of information form and certification of disposed assets. The notice will provide a deadline of a minimum of 10 business days by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the wait list. If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 14 business days to respond from the date the letter was re-sent. If a family is removed from the waiting list for failure to respond, the BHA may reinstate the family if they determine that the lack of response was due to the BHA's error, or to circumstances beyond the family's control.

Once the completed paperwork is received the BHA will conduct a final screening of household eligibility in accordance with Sec. 8-37ee-305 of the Regulations of Connecticut State Agencies. Determining eligibility of an applicant shall include but not limited to:

- Credit/Criminal records
- Income eligibility of all applicants.
- Pre-screening/interviewing for credit worthiness
- Verification of applicant information.
- Interview or home visit
- Landlord references
- Income to debt ratio
- Third party verifications.

Once the review of information has been satisfied, the applicant highest on the waitlist would be offered the unit. If the applicant does not satisfy the requirements or has derogatory credit/criminal check and/or landlord references, etc. a denial letter will be sent stating the reason with an option to request an informal hearing.

An applicant may be "passed over" if another applicant requires an ADA equipped or wheelchair accessible unit and one could be made available. If there are no applicants on the waiting list who require such a unit, the unit will be offered to the next qualified applicant. In such cases, the lease for the unit will require the household to promptly move to another comparable unit at the property if an applicant needed the accessibility of the unit.

An applicant has the right to refuse a suitable unit once. If they refuse a suitable unit, they will go to the bottom of the waitlist. If the applicant refuses a suitable unit the second time, they will be removed from the waitlist. They may reapply if BHA is accepting applications for the waitlist.

The BHA must maintain a clear record of all information required to verify that the family was selected from the waiting list according to the BHA's selection policies.

### **Purging the Waitlist**

The BHA will update the waiting list by removing the names of those individuals/families that are no longer interested, no longer qualify for housing or cannot be reached. This update request will be sent to the last address that the BHA has on record for the family. The notice will ask the following but not limited to;

- Confirmation of continued interest
- Update of assets/ability to pay
- If an applicant fails to respond to a mailing from the BHA within the time specified, they will be removed from the waiting list.
- That person with disabilities are subject to reasonable accommodation.

### **Removal from the waitlist**

Applications will be removed from the waiting list in the following additional situations:

- The applicant household withdraws the application in writing.
- Applicant does not respond by given date.
- The applicant refuses an offer of a suitable unit at the development for a second time.
- Additional information indicates that the applicant is no longer eligible.
- Correspondence sent to the last address provided by the applicant is returned as undeliverable. If an application is removed from the waiting list in error, the applicant will be reinstated to the original position on the waiting list

### **Live In Aides**

The BHA requires Live In Aides to follow a similar process as applicants to reside on the property to determine  
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eligibility the BHA will complete, but not limited to, a credit/criminal check, landlord and employment references. Neither the income or medical expenses or any other deductions of the aide will be used in rent calculation.

## VERIFICATION AND SCREENING

**Verification of Eligible Non-Citizen Status:** The Management Agent will verify the validity of the documentation of eligible non-citizen status with DHS at the time of initial application.

**Credit History:** To determine the applicant's capacity to pay rent on a timely basis, The BHA will examine the applicant's credit history. The applicant will not be responsible for payment of the cost of a credit report. A poor credit history will not necessarily be a basis for rejection of the application. Instead, the BHA will consider such factors as whether the applicant's credit report and other verification indicates a consistent and repeated history of non-payment of housing related costs, the age, size and number of debts, whether the credit history resulted from disability or illness, or other factors that indicate the applicant is likely to pay rent in the future. (NOTE: lack of credit history, as opposed to a poor credit history, is not sufficient grounds to reject an applicant.)

**Rental History:** Past record of destruction, consistent late or unpaid rental obligations, police activity, poor housekeeping habits resulting in health or safety hazards or right to peaceful enjoyment of the premises by other residents is grounds for rejection. NOTE: Lack of rental history is not grounds for rejection.

### **Criminal History:**

Applicants will be rejected if any of the following apply. NOTE: The same criteria regarding criminal history applies to live-in aides also.

- Any household member has been evicted from Federally-assisted housing for drug-related criminal activity, for five (5) 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 (e.g., the household member no longer resides with the applicant household) the Owner may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use.
- Any member of the household is subject to a lifetime registration requirement or is currently registered under a state sex offender registration program. During the admissions screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.
- 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 or alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Screening standards must be based on behavior, not the condition of alcoholism.)
- Any member of the applicant's household has been convicted of the manufacture of methamphetamine on the premises of federally subsidized housing (lifetime).
- Violent criminal activity which indicates a pattern of violence that may threaten the safety of residents or staff. Violent criminal activity includes sex crimes and crimes against children.
- Any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or any employee who is involved in the housing operations.
- Unlawfully obtaining government assistance.

## DENIAL OF ADMISSION

Applicants deemed ineligible, for whatever reason(s), shall be notified in writing of the reason(s) for rejection and their right to appeal. The BHA will inform applicants that an appeal must be made within 10 business days. This will also allow the applicant to return to the applicant pool if they prevail. NOTE: If the applicant did not respond to a BHA request for information or updates because of the family member's disability, the BHA must reinstate the applicant family to their former position on the waiting list.

### **Denial based on Credit Report**

If an applicant is denied admission based on a credit report, the written notification of denial will include:

- A statement that the application was rejected because of the credit report

- The name, address and telephone number of the credit reporting agency
- A statement that the applicant is entitled to obtain a free copy of the credit report from the credit reporting agency within sixty days of the notice
- A statement that the applicant has the right to dispute the accuracy of the credit report with the credit-reporting agency
- The opportunity for an informal conference.

### **Other Grounds for Denial**

Applicants may be denied from final selection upon documentary verification of any of the following but not limited to:

- The applicant or any member of the applicant's household has a history of disturbing neighbors, destroying property, or living/housekeeping habits which would substantially interfere with the health, safety, or peaceful enjoyment of other residents.
- The applicant has a history of rental non-payments within the past 12 months without reasonable justification (justification might be: substandard housing, loss of a job, etc.)
- The applicant has knowingly falsified information in the application process.
- The applicant cannot demonstrate an ability to pay the base rent.
- A demonstrated risk that the applicant may be unable or unwilling to pay rent, based on a persistent pattern of non-payment of rent and other obligations that indicates a reasonable likelihood that the applicant will not pay the rent on a timely basis.
- A reasonable risk that the applicant, or those under the applicant's control, may interfere with the health, safety, security, or rights of other residents to a safe home in the Property, based on a history of violent or destructive behavior.
- A reasonable risk of intentional damage or destruction to the apartment unit or the Property based on a history of violent or destructive behavior.
- The applicant knowingly misrepresented or falsified any information required as part of the application for admission.
- Fraud in any federal housing programs.
- Amounts owed to a public housing agency ("PHA") in connection with the Section 8 program or public housing;
- Failure to re-pay a PHA for amounts paid by the PHA to a landlord for unpaid rent.
- A reasonable likelihood that the applicant is likely to engage in the illegal use of drugs, drug-related criminal activity, violent criminal activity or substance abuse (including the abuse of alcohol or illegal drugs), other criminal activity, or other behavior that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents, Authority/Agency or employees of the Management Agent.

**Mandatory Denial of Applications:** The Owner is required to deny admission to:

- Applicants who are subject to a lifetime registration requirement under a state sex offender registration program, including but not limited to the registration program required by Connecticut General Statutes, Chapter 969
- Applicants who were convicted for the manufacture or production of methamphetamine on the premises or federally assisted housing.
- Applicants whose federal housing assistance was terminated for drug-related criminal activity, illegal use of drugs, violent criminal activity at any time during the three years prior to admission to the Property. The Owner may, in its sole discretion, admit such an individual if the applicant is no longer engaged in drug-related criminal activity or illegal use of drugs, and successfully completed an approved supervised drug rehabilitation program.
- Any applicant who refuses to comply with the Social Security Number requirements of the Tenant Selection Plan.
- Any applicant that does not comply with the certification and verification requirements for citizenship or eligible non-citizen status.
- An applicant with an income in excess of 80% of Area Median Income.
- An applicant who is an ineligible student.

### **Consideration of Mitigating Circumstances**

The purpose of screening is to determine the applicant's future ability to comply with the basic eligibility requirements of the property and the basic requirements of the lease, with or without supportive services, or a reasonable accommodation. In circumstances where the denial of admission is not required, the BHA may, in its sole discretion, consider all of the individual circumstances, including the seriousness and extent of the past history, the culpability of

other household members, the need to make a reasonable modification in program screening standards for a person with disabilities, evidence of rehabilitation, substance abuse treatment, evidence of job loss, health problems, any factors outside the control of the applicant, and other mitigating circumstances.

### **Informal Hearing**

If an informal hearing is requested, an impartial hearing officer may be chosen by the BHA. A written opinion will be completed within five days of the hearing. All appeals are recommended to be heard within five days of the request.

At the hearing, the hearing officer consideration shall be given to:

- Any requests for a reasonable accommodation that would result in the owner waiving consideration of past behavior unless the behavior, if continued, would pose a threat to the health or safety of others;
- Any information that shows that the reason for the disqualification was the result of circumstances outside of the family's control including but not limited to late or non-payment of rent/mortgage because of loss or reduction in employment, medical or disability related issues which resulted in non-payment or late payment of bills, timing of receipt of public benefits which resulted in late payment of bills or rent;
- Any information which shows a change in circumstance that would ensure that the reason for disqualification would not recur including but not limited to the ouster or banning of the household member creating the reason for disqualification, drug or alcohol treatment, medical treatment of the condition causing the reason for the disqualification
- Any information which demonstrates that the reason for the disqualification was the result of domestic violence.
- Any other information which shows that the reason for the disqualification is not likely to recur.

The BHA shall keep the following materials on file for at least three years:

- application;
- initial rejection notice;
- any applicant reply;
- the recipient's final response; and
- all interview and verified information on which the rejection was based.

Applicants still aggrieved shall be informed of their right to appeal the decision of the hearing officer to the department's affirmative action office. Such appeal shall be made in writing, and brought within fourteen (14) days of the adverse decision.

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

**Protections Provided under the VAWA:** The VAWA provides protections to women or men who are applicant to or residents of The Godfrey and who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated persons which are defined as follows:

1. Spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, resident/applicant, or lawful occupant living in the household of that individual.

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of a VAWA crime.

**Confidentiality:** The Notice of Occupancy Rights under the VAWA provides notice to the resident/supplcant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to the owner/agent relating to the incident(s) of abuse covered

under the VAWA will be retained in confidence. The information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

1. Requested or consented to by the victim in writing and denoting a specific timeframe; or
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

**Requests & Certification:** The person seeking VAWA protections may make a request for a VAWA accommodation in any reasonable manner. The resident/applicant may:

1. Complete a VAWA request form provided by the owner/agent
2. Submitted a written request (including email but not texting)
3. Make a personal (oral) request either in person or via phone/Facetime, etc.

Once a request is made, the owner/agent requires that the applicant certifies their status as a victim of a VAWA crime using one of the following methods. Applicants and residents decide which of the following methods is used to certify their status as a victim of VAWA crime or as someone affiliated with the victim of the VAWA crime.

**Option 1:** When the owner/agent responds to a request to exercise protections provided under the VAWA the owner/agent will request that an individual provide the HUD approve Form 5382 – *Certification as a Victim of Domestic Violence, Dating Violence, Stalking or Sexual Assault* to certify status as a VAWA victim or as a person affiliated with a victim. The person seeking VAWA protections may obtain this form from the property staff at 323 Main Street in Danbury, CT 06810 or from HUD's website. The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the victim at risk, (e.g., the accused perpetrator may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements.

Alternatively, if the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit proof of this outreach in lieu of the certification form.

**Option 2:** The owner/agent will accept a federal, state, tribal, territorial, or local police record or court record or other official record documenting status as a victim of a VAWA crime or a person affiliated with a victim of a VAWA crime as defined in this policy.

**Option 3:** The owner/agent will also accept a document signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the person seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse. The document must be signed by the applicant/resident. The signatory attests under penalty of perjury (28 U.S.C. § 1746) that the professional believes it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault or stalking.

Based on HUD's instruction above, the written statement must be signed, dated and notarized or witnessed, and must include the following language.

***Name of person seeking protections*** has worked with me or this organization to receive assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse.

***Name of professional providing documentation*** believes it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault or stalking.

*Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, HUD, the PHS and any owner (or any employee of HUD, the PHS or the owner) may be subject to penalties for unauthorized disclosure or improper uses of information collected based on the consent form.*

*Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an*

*applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHS or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 208 (a) (6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. 408 (a) (6), (7) and (8).*

*The information provided above is true and is based on my knowledge or incidents involving domestic violence, dating violence, sexual assault or stalking.*

*Signed and dated by person providing certification: \_\_\_\_\_*

*I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction. In addition, providing false information may prompt the owner/agent to notify HUD and pursue civil action related to fraud based on HUD requirements. I am requesting to exercise protections provided through the VAWA because I am a victim of domestic violence, dating violence, stalking and/or sexual assault (VAWA crimes) or I am a person affiliated with someone who is a victim of a VAWA crime as defined in this document.*

*Signed and dated by person seeking VAWA protections: \_\_\_\_\_*

**Option 4:** If the person seeking VAWA protections cannot provide any of the documents described above, the person should contact the property management staff or the owner/agent to discuss acceptable alternatives. If the documents above cannot be provided, the owner/agent will be the final decision maker regarding acceptable alternatives.

The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

The person seeking VAWA protections will have fourteen (14) calendar days from the date of the written request to provide such certification. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If the owner/agent receives documentation that contains conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the owner/agent will require an applicant or tenant to submit third party documentation, as described above, within fourteen (14) calendar days of the date of the request for the third-party documentation.

**Lease Bifurcation:** If the owner/agent determines that physical abuse cause by a resident is clear and present, the law provides the owner/agent the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any accused perpetrator), while allowing the victim, who lawfully occupies the home, to maintain tenancy.

The owner/agent may attempt to evict the accused perpetrator, but applicants and residents should know that state/local tenant/landlord laws prevail and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.

The resident must keep in mind that eviction of or termination action must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the victim and persons affiliated with the victim, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a "remaining household member".

**Lease Addendum:** The HUD approved lease addendum will be implemented and provided in accordance with HUD guidance.

VAWA Emergency Transfer: A resident/applicant who is a victim of a VAWA crime is eligible for an emergency transfer when:

1. The person making the request is a victim of a VAWA crime or is a person affiliated with a victim of a VAWA crime.
2. There is a request for a VAWA Emergency Transfer (VET); and
3. The Resident reasonably believes that there is a threat of imminent harm if the resident remains within the same unit; or

If the resident is a victim of sexual assault, the resident may also be eligible to transfer if the sexual assault occurred on the premises within in 90-calendar day period preceding a request for an emergency transfer.

This is true even if the resident is not a resident in good standing.

A resident/applicant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in the property VAWA Emergency Transfer (VET) Plan.

**Non-Compliance with The Requirements of This Notice:** You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with:

**Department of Housing and Urban Development  
One Corporate Center  
20 Church Street  
10th Floor  
Hartford, CT 06103-3220**

For Additional Information You may view a copy of HUD's final VAWA rule at [www.hud.gov](http://www.hud.gov) .  
See Violence Against Women Act (VAWA) final rule.

Additionally, the Godfrey must make a copy of HUD's VAWA regulations available to you if you ask to see them.  
For questions regarding VAWA, please contact Mark J Nolan, The Godfrey, Partner, at 203-797-8255.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY).

You may also contact Domestic Abuse Intervention Services of Dane County at 1-800-747-4045.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/ourprograms/stalking-resource-center>.

To report a crime of domestic violence, dating violence, sexual assault, or stalking, contact The Danbury Police Department by dialing 911

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1. Requested or consented to by the victim in writing and denoting a specific timeframe; or
2. Required for use in an eviction proceeding or termination of assistance; or
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To report a crime of domestic violence, dating violence, sexual assault, or stalking, contact  
The Danbury Police Department by dialing 911

## **Notice and Appeal**

Applicants who are denied admission will immediately be notified in writing. The notice will explain all the reasons for the denial, and will advise the applicant of the right to request an appeal of the decision. A request for an appeal must be delivered to the Management Agent in writing, within fourteen (14) days of the notice. Appeals will be conducted as described in Section X of the Tenant Selection Policy.

## **Grounds for Appeals**

An applicant or a tenant may request an appeal of a decision by the Management Agent in the following situations:

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1. Denial or rejection of an application;
2. The tenant disputes the Management Agent's determination of the amount of tenant rent;
3. Denial of a request for a hardship exemption from the obligation to pay minimum rent;
4. Denial of eligible citizenship or immigration status, or the amount of pro-rated rent for a mixed family;
5. Termination of the tenancy by the Management Agent

### **Time and Method for Requesting An Appeal**

1. A request for an appeal regarding termination of rental assistance because of ineligible non-citizen status must be delivered to the Management Agent in writing within thirty (30) days of the notice received by the household from DHS regarding the validity of the household's citizen or eligible non-citizen verifications.
2. A request for any other appeal must be delivered to the Management Agent in writing, within fourteen (14) days of any notice provided to the applicant or tenant.
3. Appeal requests must be mailed to:

**The Housing Authority of the Town of Bethel  
35 Reynolds Ridge  
Bethel Connecticut 06801**

### **Conduct of the Appeal**

Upon receipt of the written request for appeal, a meeting will be held between the applicant and the Management Agent. The meeting will be conducted by a representative of the Management Agent that did not make the decision under appeal. Applicants may present any information that has bearing on the reason for the original decision, including any mitigating circumstances. Within seven days of the meeting, applicants will be notified in writing of the outcome of the meeting.

### **Protections Provided under the Violence Against Women Act (VAWA):**

The VAWA provides protections to women or men who are applicant to or residents of The Godfrey and who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated persons which are defined as follows:

1. Spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, resident/applicant, or lawful occupant living in the household of that individual.

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of a VAWA crime.

**Confidentiality:** The Notice of Occupancy Rights under the VAWA provides notice to the resident/suppliant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to the owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. The information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

1. Requested or consented to by the victim in writing and denoting a specific timeframe; or
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

**Requests & Certification:** The person seeking VAWA protections may make a request for a VAWA accommodation in any reasonable manner. The resident/applicant may:

1. Complete a VAWA request form provided by the owner/agent
2. Submitted a written request (including email but not texting)

3. Make a personal (oral) request either in person or via phone/Facetime, etc.

Once a request is made, the owner/agent requires that the applicant certifies their status as a victim of a VAWA crime using one of the following methods. Applicants and residents decide which of the following methods is used to certify their status as a victim of VAWA crime or as someone affiliated with the victim of the VAWA crime.

Option 1: When the owner/agent responds to a request to exercise protections provided under the VAWA the owner/agent will request that an individual provide the HUD approve Form 5382 – *Certification as a Victim of Domestic Violence, Dating Violence, Stalking or Sexual Assault* to certify status as a VAWA victim or as a person affiliated with a victim. The person seeking VAWA protections may obtain this form from the property staff at 323 Main Street in Danbury, CT 06810 or from HUD's website. The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the victim at risk, (e.g., the accused perpetrator may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements.

Alternatively, if the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit proof of this outreach in lieu of the certification form.

Option 2: The owner/agent will accept a federal, state, tribal, territorial, or local police record or court record or other official record documenting status as a victim of a VAWA crime or a person affiliated with a victim of a VAWA crime as defined in this policy.

Option 3: The owner/agent will also accept a document signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the person seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse. The document must be signed by the applicant/resident. The signatory attests under penalty of perjury (28 U.S.C. § 1746) that the professional believes it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault or stalking.

Based on HUD's instruction above, the written statement must be signed, dated and notarized or witnessed, and must include the following language.

***Name of person seeking protections*** has worked with me or this organization to receive assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse.

***Name of professional providing documentation*** believes it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault or stalking.

*Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, HUD, the PHS and any owner (or any employee of HUD, the PHS or the owner) may be subject to penalties for unauthorized disclosure or improper uses of information collected based on the consent form.*

*Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHS or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 208 (a) (6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. 408 (a) (6), (7) and (8).*

*The information provided above is true and is based on my knowledge or incidents involving domestic violence, dating violence, sexual assault or stalking.*

*Signed and dated by person providing certification:* \_\_\_\_\_

*I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction. In addition, providing false information may prompt the owner/agent to notify HUD and pursue civil action related to fraud based on HUD requirements. I am requesting to exercise protections provided through the VAWA because I am a victim of domestic violence, dating violence, stalking and/or sexual assault (VAWA crimes) or I am a person affiliated with someone who is a victim of a VAWA crime as defined in this document.*

Signed and dated by person seeking VAWA protections: \_\_\_\_\_

Option 4: If the person seeking VAWA protections cannot provide any of the documents described above, the person should contact the property management staff or the owner/agent to discuss acceptable alternatives. If the documents above cannot be provided, the owner/agent will be the final decision maker regarding acceptable alternatives.

The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

The person seeking VAWA protections will have fourteen (14) calendar days from the date of the written request to provide such certification. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If the owner/agent receives documentation that contains conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the owner/agent will require an applicant or tenant to submit third party documentation, as described above, within fourteen (14) calendar days of the date of the request for the third-party documentation.

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