

TABLE OF CONTENTS

		<u>Page Number</u>
CHAPTER 1. INTRODUCTION		
1-1	Purpose of This Handbook	1-1
1-2	Programs Subject to This Handbook	1-1
	A. Applicable Programs	1-1
	B. State Agency Financed Properties	1-1
	C. How Applicability Varies	1-2
	D. Programs and Properties Not Subject to This Handbook	1-3
	E. Compliance	1-3
1-3	Background – Key Multifamily Subsidized Housing Programs.....	1-3
	A. Financing Subsidies: Mortgage Insurance and Mortgage Interest Rate Subsidies	1-3
	B. Direct Loans and Capital Advances	1-5
	C. Project Rental Subsidies	1-6
1-4	Contract Administrators.....	1-8
1-5	Principles for Addressing Overlapping Federal, State, and Local Requirements.....	1-8
	A. General	1-8
	B. Statutory Program Eligibility Requirements	1-8
	C. Multiple Federal Laws	1-9
	D. Overlap Between Federal and State/Local Laws	1-9
1-6	Handbook Organization	1-9
	A. Organization of Chapters	1-9
	B. Format	1-9
	C. Key Terms	1-10
1-7	Additional Program Resources.....	1-10
	A. Relevant HUD Handbooks	1-10
	B. Other HUD Publications and Information	1-11
	C. Ordering Publications	1-13
1-8	Handbook Waivers, Key Statutes, and Regulations.....	1-14
CHAPTER 2. CIVIL RIGHTS AND NONDISCRIMINATION REQUIREMENTS		
2-1	Introduction.....	2-1
2-2	Key Terms	2-2
SECTION 1: APPLICABLE LAWS		2-3
2-3	Key Regulations and Statutes	2-3
2-4	General Provisions	2-3

2-5	Fair Housing Act, Title VIII of the Civil Rights Act of 1968.....	2-4
	A. General	2-4
	B. Prohibited Actions	2-5
	C. Additional Protections for Persons with Disabilities	2-6
	D. Obligation to Affirmatively Further Fair Housing	2-6
	E. Fair Housing Poster	2-7
2-6	Title VI of the Civil Rights Act of 1964.....	2-7
2-7	Age Discrimination Act of 1975	2-7
2-8	Section 504 of the Rehabilitation Act of 1973.....	2-8
2-9	Civil Rights Related Program Requirements	2-9
2-10	Title VI, Subtitle D of the Housing and Community Development Act of 1992 (42 U.S.C. 13641).....	2-9
2-11	Required Data and Record Keeping	2-10
	A. Required Data	2-10
	B. Record-Keeping	2-10
2-12	Principles for Addressing Overlapping Federal, State, and Local Requirements.....	2-11
 SECTION 2: NONDISCRIMINATION REQUIREMENTS UNDER THE FAIR HOUSING ACT		
		2-11
2-13	Key Regulation.....	2-11
2-14	General	2-11
2-15	Unlawful Refusal to Rent or Negotiate for Rental.....	2-12
2-16	Other Prohibited Rental Activities	2-12
2-17	Discrimination in the Representation of Available Dwellings.....	2-12
2-18	Discrimination in Terms, Conditions, Privileges, Services, and Facilities.....	2-13
2-19	Discrimination in Marketing, Statements, and Notices	2-14
2-20	Retaliatory Occupancy Practices, Coercion, Intimidation, and Interference.....	2-15
 SECTION 3: ADDITIONAL NONDISCRIMINATION AND ACCESSIBILITY REQUIREMENTS FOR PERSONS WITH DISABILITIES		
		2-16
 SUBSECTION 1: OVERVIEW AND GENERAL REQUIREMENTS		
		2-16
2-21	Key Regulations.....	2-16
2-22	Introduction.....	2-16
2-23	Definition of Persons with Disabilities for Civil Rights Protections versus Program Eligibility Purposes.....	2-18
	A. Definitions with Respect to Civil Rights Protections	2-18
	B. Definitions for Program Eligibility Purposes	2-18
2-24	Applicability	2-19

2-25	Overview of Key Requirements	2-19
	A. Nondiscrimination and Accessibility Requirements	2-19
	B. Projects with Multiple Contracts	2-20
	C. Allowable Methods of Compliance	2-20
	D. Prioritizing Methods	2-20
	E. Accessible Unit Requirements	2-20
2-26	Technical Resources	2-21
SUBSECTION 2: POLICIES AND PROCEDURES TO ENSURE		
 NONDISCRIMINATION AND PROMOTE ACCESSIBILITY		
2-22		
2-27	Nondiscrimination in Owner Policies	2-22
2-28	Coordinating Efforts to Comply with Section 504 Requirements	2-23
2-29	Communications with Persons with Disabilities	2-23
	A. Overview	2-23
	B. Providing Auxiliary Aids to Ensure Effective Communication with Hearing- and Speech-Impaired Individuals	2-24
	C. Written Communications	2-24
	D. Telecommunications	2-26
2-30	Information about Availability of Accessible Units	2-26
2-31	Determining Eligibility of Applicants for Admission and Assistance	2-26
2-32	Assigning Accessible Units	2-28
	A. Applicability	2-28
	B. Eligibility for Accessible Units	2-29
	C. Order When Assigning Accessible Units	2-29
2-33	Moving Tenants Who Require Special Features into Accessible Units	2-30
2-34	Owner Self-Evaluation	2-31
SUBSECTION 3: PHYSICAL ACCESSIBILITY		
2-33		
2-35	Owners' Requirements for Providing Physical Accessibility	2-33
	A. General	2-33
	B. Federally Assisted Multifamily Properties Built After July 11, 1988	2-33
	C. Accessible Routes	2-33
	D. Common Use Facilities	2-34
	E. Physical Alterations to Existing Housing	2-34
2-36	Building Standards	2-35
2-37	Limitations on Owners' Obligations to Make Their Housing Physically Accessible to Persons with Disabilities	2-36
SUBSECTION 4: REASONABLE ACCOMODATIONS		
2-36		
2-38	General	2-36
2-39	What Are Reasonable Accommodations?	2-37
2-40	Key Principles Regarding Reasonable Accommodations	2-37

2-41	Reasonable Accommodations – Property Operations.....	2-38
2-42	Reasonable Accommodations – Physical Alterations	2-38
2-43	Limits on Obligations to Provide Reasonable Accommodations.....	2-39
2-44	Assistance Animals as a Reasonable Accommodation.....	2-41
SUBSECTION 5: ADDITIONAL FAIR HOUSING ACT REQUIREMENTS.....		2-42
2-45	Fair Housing Act Basic Accessibility Requirements.....	2-42
2-46	Additional Fair Housing Act Requirement to Allow Tenant Modification of the Premises	2-43
2-47	Owner and Tenant Responsibilities When Tenant Modifies Unit in Accordance with the Fair Housing Act.....	2-43
SECTION 4: HOUSING DISCRIMINATION COMPLAINTS AND COMPLIANCE REVIEWS.....		2-44
2-48	Housing Discrimination Complaints	2-44
2-49	Compliance Reviews	2-44
CHAPTER 3. ELIGIBILITY FOR ASSISTANCE AND OCCUPANCY		
3-1	Introduction.....	3-1
3-2	Key Terms	3-2
SECTION 1: PROGRAM ELIGIBILITY		3-3
3-3	Key Regulations.....	3-3
	A. Income Limits	3-3
	B. Disclosure of Social Security Numbers	3-3
	C. Consent Forms	3-3
	D. Restrictions on Assistance to Noncitizens	3-3
	E. Restrictions on Eligibility of Students for Section 8 Assistance	3-3
	F. Mandatory Use of Enterprise Income Verification System	3-3
3-4	Eligibility Determinations – General.....	3-3
3-5	Key Program Eligibility Requirements	3-4
3-6	Income Limits.....	3-4
	A. Income Eligibility	3-4
	B. Establishing Income Limits	3-5
	C. Timing of Income Eligibility Determinations	3-5
	D. Program Income Limits	3-5
	E. Income Limits and Family Size	3-8
	F. Determining the Applicable Income Limit and Eligibility for Assistance	3-11

3-7	Exceptions to the Income Limits in Section 8 Projects.....	3-12
	A. Post-1981 Universe	3-12
	B. Pre-1981 Universe	3-12
	C. Eligible In-Place Tenants (Exceptions to the income limits that do not require HUD approval)	3-12
	D. Exceptions to the Income Limits for Post-1981 Section 8 Properties Requiring HUD Approval	3-12
	E. Procedures for Requesting and Using Exceptions to the Very Low-Income Limit in Post-1981 Section 8 Properties	3-14
	F. Exceptions to Section 8 Income Targeting Requirements	3-15
3-8	Admitting Over-Income Applicants	3-15
	A. Section 8, Section 202/8, Section 202 PAC, and Section 202 PRAC and Section 811 PRAC Units	3-15
	B. BMIR Units	3-16
	C. Section 236, Rent Supplement, and RAP Units	3-16
	D. Admission of Police Officers or Security Personnel in Section 8 Properties	3-17
3-9	Disclosure of Social Security Numbers	3-18
	A. Key Requirements	3-18
	B. Required Documentation	3-20
	C. Provisions for Accepting Applicants without Documentation of Social Security Numbers	3-20
	D. Circumstances When Tenants Must Provide SSNs	3-21
3-10	Residence Criteria	3-22
	A. Key Requirement	3-22
	B. Sole Residence Requirement	3-22
	C. Prohibition Against Double Subsidies	3-23
3-11	Consent and Verification Forms	3-23
	A. Key Requirements	3-23
	B. Who Must Sign Consent and Verification Forms	3-24
	C. Provisions for Refusal to Sign	3-24
3-12	Restriction on Assistance to Noncitizens.....	3-25
	A. Overview	3-25
	B. Key Requirements	3-25
	C. Administration of Restriction on Assistance to Noncitizen	3-26
	D. Protection from Liability for Project Owners	3-26
	E. Reviewing a Family's Citizenship/Immigration Status	3-26
	F. Applicability	3-27
	G. Notification to Applicants	3-27
	H. Owner Preparation to Collect Documentation of Citizenship/Immigration Status	3-28
	I. Required Documentation of Citizenship/Immigration Status	3-28
	J. Timeframes for Submitting Evidence of Citizenship/Immigration Status to the Owner	3-29
	K. Prohibition Against Delay of Assistance	3-30
	L. Verifying Information on Immigration Status	3-32
	M. Appealing Determinations of Ineligibility	3-33

N. Mixed Families	3-33
O. Continued Assistance	3-34
P. Prorated Assistance	3-34
Q. Temporary Deferral of Termination of Assistance	3-36
R. Prohibition of Assistance to Noncitizen Students	3-39
3-13 Determining Eligibility of Students for Assistance	3-40
A. Eligibility of Students for Section 8 Assistance	3-40
B. Eligibility of Students for Other Assistance Programs	3-42
SECTION 2: PROJECT ELIGIBILITY	3-43
3-14 Key Regulations	3-43
A. Eligibility for Admission to Section 8 Projects	3-43
B. Eligibility for Admission to Individual Section 202, Section 202/8, Section 202 PAC, Section 202 PRAC, and Section 811 PRAC Projects	3-43
C. Occupancy Standards	3-43
3-15 Program versus Project Eligibility	3-43
3-16 Determining the Eligibility of a Remaining Member of a Tenant Family	3-44
3-17 Definitions of Elderly and Disability Used to Determine Project Eligibility	3-45
3-18 Eligibility Requirements for Admission to Elderly Projects, by Program Type Covered by Title VI, Subtitle D of the Housing and Community Development Act of 1992	3-52
A. Owner-Adopted Preferences for Elderly, Disabled, Nonelderly Disabled, and Near-Elderly Disabled Families	3-52
B. Owner-Adopted Elderly Restrictions in Certain Federally Assisted Housing Projects that were Designated to Serve the Elderly	3-57
3-19 Eligibility Requirements for Admission to Elderly Projects, by Program Type Not Covered by Title VI, Subtitle D of the Housing and Community Development Act of 1992	3-61
A. Section 231 Projects with Section 8 (not covered by Section 651) and/or Rent Supplement Contracts	3-61
B. Section 221(d)(3) with a Rent Supplement Contract	3-62
C. Prepaid Projects with formerly HUD-Insured Mortgages Under Section 221, Section 231, Section 8 not covered by Title VI D or Property Disposition Set-Aside that does not Involve Substantial Rehabilitation	3-62
3-20 Eligibility for Admission to Individual Section 202, Section 202/8, Section 202 PAC, and Section 202 and Section 811 PRAC Projects	3-63
3-21 Applicants with Housing Choice Vouchers	3-65
A. 100% of Units Receive Assistance under an Assistance Contract	3-66
B. Partially Assisted Properties	3-66
C. Section 236, Section 221(d)(3) BMIR, and Section 202 Units (without Assistance Contracts)	3-66
D. Previously HUD-Owned Projects	3-67

3-22	Eligibility of Single Persons.....	3-67
3-23	Occupancy Standards.....	3-68
	A. Overview	3-68
	B. Key Requirements	3-68
	C. Timeframe for Applying Occupancy Standards	3-69
	D. Prohibition of Occupancy Standards that Exclude Children	3-69
	E. General Occupancy Standards	3-69
	F. Assigning a Smaller Unit Than Required	3-71
	G. Assigning Units Larger Than Required	3-71
	H. Change in Family Size After Initial Occupancy	3-72
	I. Change in Need for Accessible Features	3-74
	SECTION 3: VERIFICATION OF ELIGIBILITY FACTORS.....	3-74
3-24	Key Regulations.....	3-74
3-25	Introduction.....	3-74
3-26	Key Requirements.....	3-74
3-27	Verification of Family Composition.....	3-75
3-28	Verification of Family Type and Individual Status.....	3-75
	A. Overview	3-75
	B. Disability	3-76
	C. Age	3-77
3-29	Verification of the Need for an Assistance Animal.....	3-77
3-30	Verification of Income Eligibility.....	3-77
3-31	Verification of Social Security Numbers.....	3-77
3-32	Verification of Citizenship and Immigration Status.....	3-78
3-33	Verifying Eligibility of a Student for Assistance.....	3-78
	A. Verification of Eligibility of Students for Section 8 Assistance	3-78
	B. Verification of Eligibility of Students for Other Assistance Programs	3-81
	CHAPTER 4. WAITING LIST AND TENANT SELECTION	
4-1	Introduction.....	4-1
4-2	Key Terms.....	4-1
	SECTION 1: TENANT SELECTION PLAN.....	4-2
4-3	Key Regulations.....	4-2
	A. Tenant Selection Plan	4-2
	B. Income-Targeting	4-2
	C. Preferences	4-2
	D. Required Criminal and Drug Screening Standards	4-3
	E. Social Security Number (SSN) Requirements	4-3
	F. Screening for Suitability	4-3
	G. Rejecting Applicants and Denial of Rental Assistance	4-3
	H. Denial of Assistance to Noncitizens and DHS Appeal Process	4-3

	I. Mandatory Use of Enterprise Income Verification (EIV)	4-3
4-4	Tenant Selection Plan.....	4-3
	A. Key Requirements	4-3
	B. HUD Review of the Tenant Selection Plan	4-4
	C. Required Contents of the Tenant Selection Plan	4-6
	D. Additional Owner Policies and Practices	4-10
	E. Modification of the Tenant Selection Plan	4-10
	F. Availability of the Tenant Selection Plan	4-10
4-5	Income-Targeting – Applicable Only to the Section 8 Project-Based Program Except Where Otherwise Noted	4-10
	A. Key Requirements	4-10
	B. Methods to Comply with Income-Targeting Requirements	4-11
4-6	Preferences	4-12
	A. Key Requirements	4-12
	B. Statutory, HUD, State, and Local Preferences	4-13
	C. Owner-Adopted Preferences	4-15
	D. Determining the Relative Weight of Owner-Adopted Preferences	4-17
4-7	Screening for Suitability	4-17
	A. Screening Versus Determining Eligibility	4-17
	B. Key Requirements	4-18
	C. Screening for Drug Abuse and Other Criminal Activity	4-19
	D. Screening Using the EIV Existing Tenant Search	4-21
	E. Considerations in Developing Screening Criteria	4-21
	F. Permitted Screening Criteria Commonly Used by Owners	4-23
4-8	Prohibited Screening Criteria	4-25
	A. Criteria That Could be Discriminatory	4-25
	B. Criteria That Require Medical Evaluation or Treatment	4-25
	C. Criteria That Require Meals and Other Services	4-25
	D. Criteria That Require Donation or Contribution	4-26
	E. Criteria That Inquire about Disabled Status	4-26
	F. Criteria Prohibited by State and Local Laws	4-26
4-9	Rejecting Applicants and Denial of Rental Assistance	4-26
	A. Key Requirements	4-26
	B. Conditions Under Which Owners May Reject Applicants	4-27
	C. Notification of Applicant Rejection	4-27
	D. Owner Meetings with Applicants to Discuss Rejection Notices	4-28
	SECTION 2: MARKETING.....	4-28
4-10	Key Regulations.....	4-28
4-11	Summary of Key Requirements.....	4-29
	A. Affirmative Fair Housing Marketing Requirements	4-29
	B. Fair Housing Poster	4-29
4-12	Affirmative Fair Housing Marketing Plan	4-29
	A. Key Requirements	4-29
	B. Affirmative Fair Housing Marketing Plan	4-30
	C. Special Marketing Requirements	4-30

D. Advertising	4-31
E. Records	4-32
F. Updating the Marketing Plan	4-32
G. Fair Housing Poster	4-32
SECTION 3: WAITING LIST MANAGEMENT.....	4-33
4-13 Key Regulations.....	4-33
A. Taking Applications for Occupancy	4-33
B. Creating and Maintaining Waiting Lists	4-33
C. Social Security Number (SSN) Requirements	4-33
D. Record-Keeping	4-33
4-14 Taking Applications for Occupancy	4-34
A. Key Requirements	4-34
B. Contents of Application	4-34
C. Types of Applications	4-35
D. Supplement to Application of Federally Assisted Housing	4-36
4-15 Matching Applicants on the Waiting List to Available Units.....	4-37
A. Overview	4-37
B. Nondiscrimination When Matching Applicants to Available Units	4-38
C. Matching Family Characteristics with Available Units	4-38
D. Section 8 Units: Extremely Low-Income Targeting Requirements and Tenant Selection	4-38
E. Restrictions on Applicant Selection Based on Income	4-39
F. Matching Single Persons to Units	4-39
4-16 Creating and Maintaining Waiting Lists	4-39
A. Key Requirements	4-39
B. Opening and Closing the Waiting List	4-40
C. Determining an Applicant's Preliminary Eligibility	4-40
D. Creating Waiting Lists	4-41
4-17 Placing Families with Disable Family Members	4-43
4-18 Documenting Changes to Waiting Lists.....	4-43
A. Overview	4-43
B. Providing an Auditable Record of Changes to Waiting Lists	4-43
C. Maintaining Documentation of the Waiting Lists	4-43
D. Maintaining Records of Manually Recorded Waiting Lists	4-44
E. Maintaining Records for Electronic Waiting Lists	4-44
4-19 Updating Waiting List Information.....	4-45
4-20 Removing Names from the Waiting List.....	4-46
4-21 Reinstating Applicants to the Waiting List.....	4-46
4-22 Record-Keeping.....	4-46
SECTION 4: SELECTING TENANTS FROM THE WAITING LIST	4-47
4-23 General	4-47
4-24 Applicant Interviews.....	4-47

4-25	Applying Income Targeting Requirements in Section 8 Properties	4-50
4-26	Verification of Preferences.....	4-55
	A. Key Requirements	4-55
	B. Acceptable Verification Methods	4-55
4-27	Implementing Screening Reviews	4-57
	A. Timing for Conducting Screening Reviews	4-57
	B. Screening for Credit History	4-57
	C. Screening for Rental History	4-57
	D. Screening for Housekeeping	4-59
	E. Screening for Drug Abuse and Other Criminal Activity	4-59
4-28	Ensuring That Screening Is Performed Consistently	4-61
	A. Procedures	4-61
	B. Extenuation Circumstances	4-62
4-29	Verifying the Need for Accessible Units	4-62
4-30	Addressing Requests for Reasonable Accommodations	4-63
4-31	Denial of Assistance to Noncitizens.....	4-63
	A. Applicability	4-64
	B. Offering and Continuing Assistance	4-64
	C. Events Triggering Denial of Assistance	4-64
	D. Required Notice	4-65
	E. DHS Appeal Process	4-65

CHAPTER 5. DETERMINING INCOME AND CALCULATING RENT

5-1	Introduction.....	5-1
5-2	Key Terms	5-2
	SECTION 1: DETERMINING ANNUAL INCOME	5-3
5-3	Key Regulations.....	5-3
5-4	Key Requirements	5-3
5-5	Methods for Projecting and Calculating Annual Income	5-3
5-6	Calculating Income – Elements of Annual Income.....	5-7
	A. Income of Adults and Dependents	5-7
	B. Income of Temporarily Absent Family Members	5-9
	C. Deployment of Military Personnel to Active Duty	5-10
	D. Income of Permanently Confined Family Members	5-11
	E. Educational Scholarships or Grants	5-11
	F. Alimony or Child Support	5-12
	G. Regular Cash Contributions and Gifts	5-12
	H. Income from a Business	5-13
	I. Periodic Social Security Benefits	5-13
	J. Adjustments for Prior Overpayment of Benefits	5-13
	K. Public Assistance Income in As-Paid Localities	5-14
	L. Periodic Payments from Long-Term Care Insurance, Pensions, Annuities, and Disability or Death Benefits	5-15

M. Income from Training Programs	5-17
N. Resident Services Stipends	5-18
O. Income Received by a Resident of an Intermediate Care Facility for the Mentally Retarded or for the Developmentally Disabled (ICF/MR or ICF/DD) and Assisted Living units in Elderly Projects	5-19
P. Withdrawal of Cash or Assets from an Investment	5-19
Q. Lump Sum Payments Counted as Income	5-19
R. Exclusions from Income	5-22
5-7 Calculating Income from Assets.....	5-23
A. What is Considered an Asset?	5-23
B. Determining Income from Assets	5-23
C. Determining the Total Cash Value of Family Assets	5-24
D. Assets Owned Jointly	5-25
E. Calculating Income from Assets When Assets Total \$5,000 or Less	5-27
F. Calculating Income from Assets When Assets Exceed \$5,000	5-27
G. Calculating Income from Assets – Specific Types of Assets	5-29
 SECTION 2: DETERMINING ADJUSTED INCOME	 5-40
5-8 Key Regulations.....	5-40
5-9 Key Requirements for Determining Adjusted Income.....	5-41
5-10 Calculating Adjusted Income.....	5-41
A. Dependent Deduction	5-41
B. Child Care Deduction	5-42
C. Deduction for Disability Assistance Expense	5-44
D. Medical Expense Deduction	5-46
E. Elderly Family Deduction	5-50
F. No Deduction for Alimony or Child Support Paid to a Person Outside the Assisted Family	5-51
 SECTION 3: VERIFICATION	 5-52
5-11 Key Regulations.....	5-52
5-12 Verification Requirements.....	5-52
A. Key Requirements	5-52
B. Timeframe for Conducting Verifications	5-53
5-13 Acceptable Verification Methods.....	5-54
A. Methods of Verification	5-54
B. Third-Party Verification	5-54
5-14 Identifying Appropriate Verification Sources	5-57
5-15 Required Verification and Consent Forms.....	5-57
A. Consent and Verification Forms	5-57
B. HUD-Required Consent and Release Forms	5-57
C. Information to Tenants	5-58
D. Owner-Created Verification Forms	5-58
5-16 Effective Term of Verifications	5-59

A.	Duration of Verification Authorization	5-59
B.	Effective Term of Verifications	5-60
5-17	Inconsistent Information Obtained Through Verifications	5-61
5-18	Documenting Verifications.....	5-61
A.	Key Requirement	5-61
B.	Documenting Third-Party Verification	5-61
C.	Documenting Telephone Verification	5-61
D.	Recording Inspection of Original Documents	5-61
E.	Documenting Why Third-Party Verification Is Not Available	5-62
F.	Reasonable Accommodation	5-62
5-19	Confidentiality of Applicant and Tenant Information	5-62
5-20	Security of EIV Data.....	5-63
5-21	Refusal to Sign Consent Forms.....	5-63
5-22	Interim Recertifications	5-64
5-23	Record-Keeping Procedures.....	5-64
SECTION 4: CALCULATING TENANT RENT.....		5-65
5-24	Key Regulations.....	5-65
5-25	Calculating the Tenant Contribution for Section 8, PAC, PRAC, RAP and Rent Supplement Properties	5-65
A.	Total Tenant Payment	5-65
B.	Unit Rent	5-66
C.	Timeframe for Calculating Rent	5-66
5-26	Procedures for Determining Tenant Contributions for Section 8, PAC, PRAC, RAP, and Rent Supplement Properties.....	5-67
A.	Tenant Rent	5-67
B.	Assistance Payments	5-68
C.	Utility Reimbursement	5-68
D.	Section 8 Minimum Rent	5-68
E.	Welfare Rent	5-71
5-27	Calculating Assistance Payments for Authorized Police/Security Personnel.....	5-72
5-28	Calculating Tenant Contribution for “Double Occupancy” in Group Homes.....	5-72
A.	Double Occupancy	5-72
B.	Total Tenant Payment	5-73
C.	Contract Rent and Assistance Payment in Section 202/8 Group Homes	5-73
D.	Operating Cost and Assistance Payment in Section 811 Group Homes	5-74
E.	Calculating Rent at Change in Occupancy	5-76
5-29	Calculating Tenant Contribution for Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR)	5-76
A.	Tenant’s Rent Contribution	5-77
B.	Timeframe for Calculating Rent	5-77

5-30	Determining Tenant Contribution at Properties with Multiple Forms of Subsidy	5-79
5-31	Procedures for Calculating Rent	5-80

CHAPTER 6. LEASE REQUIREMENTS AND LEASING ACTIVITIES

6-1	Introduction.....	6-1
6-2	Key Terms	6-2

SECTION 1: LEASES AND LEASE ATTACHMENTS.....6-3

6-3	Key Regulations.....	6-3
	A. Lease Requirements	6-3
	B. Lead-Based Pain	6-3
	C. Pet Regulations	6-3
	D. Amending the Lease	6-3
6-4	Leases, Lease Amendments and Lease Attachments – General	6-4
6-5	Lease Requirements.....	6-5
	A. Form of Lease	6-5
	B. Key Requirements under HUD’s Model Leases and Lease Addendums	6-8
	C. Model Lease for Subsidized Programs	6-9
	D. Model Lease for Section 202/8 and Section 202 PACs	6-11
	E. Model Lease for Section 202 PRACs and Section 811 PRACs	6-11
	F. Required Lease Provisions for Specific Properties	6-11
6-6	Lease Term.....	6-13
	A. Introduction	6-13
	B. Initial Term	6-14
	C. Renewal Terms	6-14
6-7	Attachments to the Lease	6-14
6-8	Lead-Based Paint Disclosure Form.....	6-16
	A. Applicability	6-16
	B. Overview	6-16
	C. Disclosure Rule Requirements	6-17
	D. Record-Keeping Requirements	6-19
6-9	House Rules.....	6-19
	A. Overview	6-19
	B. Key Requirements	6-19
6-10	Pet Rules	6-22
	A. Applicability	6-22
	B. Overview	6-23
	C. Key Requirements	6-23
	D. Lease Provisions for Pets	6-25
	E. Procedures When Pet Rules Are Violated	6-26
6-11	Amending the Lease for Rent Changes	6-27
	A. Overview	6-27

	B. Key Requirements	6-27
6-12	Modifying the Lease	6-28
	A. Applicability	6-28
	B. Key Requirements	6-28
	C. Submission and Approval Process for Modifying the Lease	6-29
	D. Providing Notice to the Tenant	6-30
SECTION 2: SECURITY DEPOSITS		6-31
6-13	Key Regulations	6-31
6-14	Applicability	6-31
6-15	Collection of the Security Deposit	6-31
6-16	Security Deposits for Tenants Transferring to Another Unit	6-33
6-17	Interest Earned on the Security Deposit	6-35
6-18	Refunding and Use of the Security Deposit	6-36
SECTION 3: CHARGES IN ADDITION TO RENT		6-37
6-19	Key Regulations	6-37
6-20	Charges Prior to Occupancy	6-38
6-21	Charges at Initial Occupancy	6-38
6-22	Meal Program	6-38
6-23	Charges for Late Payment of Rent	6-38
6-24	Pet Deposits	6-39
6-25	Other Charges During Occupancy	6-40
	A. When Owners May Require Other Charges	6-40
	B. Checks Returned for Insufficient Funds	6-40
	C. Damages	6-41
	D. Special Management Services	6-41
	E. Court Filing, Attorney, and Sheriff Fees	6-41
	F. Owners May Require Tenants to Pay Other Charges	6-42
SECTION 4: THE LEASING PROCESS		6-42
6-26	Key Regulations	6-42
6-27	Briefing with New Tenants	6-42
	A. Overview	6-42
	B. Briefing Topics	6-42
	C. Conducting the Briefing Meeting	6-44
6-28	Form of Payment	6-44
6-29	Unit Inspections	6-44
	A. Overview	6-44
	B. Key Requirements	6-45
	C. Move-In Inspection Requirements	6-45
	D. Move-Out Inspection Instructions	6-46

6-30	Documents to Be Provided to Tenants	6-46
CHAPTER 7. RECERTIFICATION, UNIT TRANSFERS, AND GROSS RENT CHANGES		
7-1	Introduction.....	7-1
7-2	Key Terms	7-2
SECTION 1: ANNUAL RECERTIFICATION.....7-3		
7-3	Key Regulations.....	7-3
7-4	Key Requirements	7-3
7-5	Timing of Annual Recertifications	7-6
	A. Key Requirement	7-6
	B. Determining Recertification Anniversary Dates	7-6
	C. HUD Approval of Alternative Recertification Anniversary Dates	7-7
7-6	Overview of Annual Recertification Procedures	7-8
7-7	Notices to Tenants.....	7-9
	A. Overview	7-9
	B. Description of Required Notices	7-9
7-8	Effective Dates of Changes in Assistance Payment, Total Tenant Payment, and Tenant Rent	7-14
	A. Overview	7-14
	B. Timely Completion of Recertification Process	7-14
	C. Timely Tenant Response, But Short Processing Time	7-15
	D. Late Response/Processing of Recertifications	7-16
SECTION 2: INTERIM RECERTIFICATION7-22		
7-9	Key Regulations.....	7-22
7-10	Key Requirements	7-22
7-11	Owner Responsibilities	7-23
7-12	Processing Interim Recertifications	7-26
7-13	Effective Date of Interim Recertifications	7-27
SECTION 3: UNIT TRANSFERS7-28		
7-14	Key Regulations.....	7-28
7-15	Key Requirements	7-28
7-16	Unit Transfers Due to a Change in Family Composition.....	7-29
	A. Determining Whether a Unit Transfer Should Occur	7-29
	B. Transfer Requirements	7-29
	C. Written Policies	7-30
	D. Transfer Fees in Section 236 and BMIR Cooperatives	7-30

SECTION 4: GROSS RENT CHANGES	7-30
7-17 Key Requirements	7-30
7-18 Submission and Approval Process	7-31
 CHAPTER 8. TERMINATION	
8-1 Introduction.....	8-1
8-2 Key Terms	8-2
 SECTION 1: TERMINATION OF ASSISTANCE	8-3
8-3 Key Regulations.....	8-3
8-4 Applicability	8-3
8-5 Key Requirements: When Assistance Must Be Terminated	8-3
8-6 Procedures for Terminating or Reinstating Assistance.....	8-5
A. Terminating Assistance	8-5
B. Reinstating Assistance	8-6
8-7 Termination of Assistance Related to Establishing Citizenship or Eligible Immigration Status.....	8-6
A. Applicability	8-6
B. When Assistance Must Not Be Terminated	8-6
C. Termination of Assistance When Unable to Establish Citizenship or Eligible Immigration Status	8-7
D. Termination of Assistance When a Tenant Allows an Ineligible Individual to Reside in a Unit	8-8
 SECTION 2: TERMINATION OF TENANCY BY LESSEES	8-9
8-8 Key Regulations.....	8-9
8-9 Key Requirements	8-9
8-10 Allowable Use of Security Deposits	8-9
 SECTION 3: TERMINATION OF TENANCY BY OWNERS	8-10
8-11 Key Regulations.....	8-10
A. Termination of Tenancy	8-10
B. Eviction for Drug Abuse and Other Criminal Activity	8-10
C. Providing Notice of Termination of Tenancy	8-10
8-12 Overview.....	8-10
8-13 Material Noncompliance with the Lease	8-11
A. Key Requirements	8-11
B. Procedures for Terminating Tenancy and Providing Notice	8-15
8-14 Drug-Abuse and Other Criminal Activity.....	8-17
A. Key Requirements	8-17

B.	Factors to Consider When Terminating Tenancy for Drug Abuse and Other Criminal Activity	8-18
C.	Procedures for Accessing Criminal Records	8-19
D.	Procedures for Terminating Tenancy and Providing Notice	8-22
8-15	Material Failure to Carry Out Obligations under a State or Local Landlord and Tenant Act.....	8-22
A.	Key Requirements	8-22
B.	Procedures for Terminating Tenancy and Providing Notice	8-23
8-16	Other Good Cause	8-23
A.	Key Requirements	8-23
B.	Procedures for Terminating Tenancy and Providing Notice	8-23
	SECTION 4: DISCREPANCIES, ERRORS, AND FRAUD	8-24
8-17	Key Regulations.....	8-24
8-18	Procedures for Addressing Discrepancies and Errors	8-24
A.	Overview	8-24
B.	Program Violations	8-24
C.	Investigating and Discovering the Facts	8-24
D.	Notifying and Meeting with the Tenant	8-25
E.	Determining the Outcome of the Investigation	8-25
8-19	Procedures for Addressing Fraud	8-26
A.	Overview	8-26
B.	Criminal Violation (Fraud)	8-26
C.	Documenting Fraud	8-26
D.	Taking Action to Address Fraud	8-27
8-20	Discrepancies Reported in the EIV System	8-28
A.	Requirements Regarding Discrepancies Reported in the EIV System	8-28
B.	Nondisclosure of Income Information	8-29
C.	Opportunity to Contest	8-29
8-21	Reimbursement to HUD for Overpayment of Assistance.....	8-29
A.	Tenant's Obligation to Repay	8-29
B.	Owner's Obligation to Repay	8-30
8-22	Tenant Repayment Options	8-31
8-23	Repayment Agreements.....	8-32
8-24	Reimbursement to Tenant for Overpayment of Rent	8-34
8-25	Reimbursement for Errors Discovered During a Monitoring Review.....	8-34
	CHAPTER 9. ENTERPRISE INCOME VERIFICATION (EIV)	
9-1	Introduction.....	9-1
9-2	Key Terms	9-1
	SECTION 1: ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM	9-2
9-3	Key Regulations.....	9-2

9-4	Introduction to the EIV System.....	9-2
9-5	Mandatory Use of the EIV System	9-2
	SECTION 2: EIV SOURCE DATA.....	9-3
9-6	EIV Data.....	9-3
	SECTION 3: EIV REPORTS	9-6
9-7	Key Regulations.....	9-6
9-8	Using EIV Reports	9-6
9-9	Documentation to Demonstrate Owners Compliance with Use of the Income Report	9-7
	A. No Dispute of EIV Information	9-7
	B. Disputed EIV Information	9-7
	C. Tenant-Reported Income Not Verified Through the EIV System	9-7
9-10	Independent Third Party Verification.....	9-8
9-11	EIV Income Reports.....	9-8
	A. Summary Report	9-9
	B. Income Report	9-10
	C. Income Discrepancy Report	9-15
	D. Other EIV Income Reports	9-19
9-12	EIV Verification Reports	9-21
	A. Existing Tenant Search	9-22
	B. Multiple Subsidy Report	9-22
	C. Identity Verification Report	9-23
	D. Deceased Tenant Report	9-26
9-13	Reimbursement of Over- or Under-payment of Subsidy.....	9-27
	A. Unreported or Underreported Income	9-27
	B. Over-reported Income	9-27
9-14	Retention of EIV Reports.....	9-28
9-15	Requesting Verification of Information from SSA	9-28
9-16	EIV Income Incorrect or Does Not Belong to the Tenant	9-29
	SECTION 4: SECURITY OF EIV DATA.....	9-31
9-17	Disclosure of EIV Data.....	9-31
9-18	EIV Rules of Behavior (ROB)	9-33
	A. With EIV System Access ROB Requirements	9-33
	B. Without EIV System Access ROB Requirements	9-34
	SECTION 5: PENALTIES FOR FAILURE TO HAVE ACCESS TO OR FAILURE TO USE EIV.....	9-34
9-19	Penalties for Failure to Have Access To and/or Failure to Use EIV	9-34

9-20	Security Training	9-35
9-21	Safeguarding EIV Data	9-36
	A. Technical Safeguards	9-36
	B. Administrative Safeguards	9-36
	C. Physical Safeguards	9-37
	SECTION 6: EIV RESOURCES	9-38
9-22	Resource Material.....	9-38