



EAH HOUSING

The Hilarita

100 Ned's Way, Tiburon, Ca 94920

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This Resident Selection Plan (RSP) has been developed in anticipation of implementing the Housing Opportunities Through Modernization Act (HOTMA). This RSP will become effective: July 1, 2025: that allows the owner to implement HOTMA is available.

OVERVIEW

The Hilarita is an 102-unit apartment community in Tiburon, CA, that provides housing for low, very-low, and extremely low-income households without regard to race, color, sex, creed, religion, national origin, physical or mental disability status, familial status, age, ancestry, marital status, source of income, actual or perceived sexual orientation, HIV status, gender identity, or any other arbitrary personal characteristics.

The Hilarita operates under the following financed programs:

- Department of Housing and Urban Development (HUD) Project-based Section 8 (91 units).
- Department of Housing and Urban Development (HUD) Section 236 Program (11 units).

NON-SMOKING POLICY

The Hilarita are designated a Non-Smoking property. Smoking is prohibited in all areas of the property, including the interiors of apartments and all indoor and outdoor common areas.

It is the resident's responsibility to inform their guests of the Non-Smoking Policy. Any

violation of the Non-Smoking Policy will be deemed a material breach of the Rental Agreement and grounds for immediate termination of the Lease/Rental Agreement.

The Hilarita' adoption of a Non-Smoking Policy does not make the Owner the guarantor of the residents' health or ensure that the property will be smoke-free. Management shall take reasonable steps to enforce this policy.

SECTION 504 & FAIR HOUSING ACT

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in any program or activity receiving federal financial assistance from HUD. The Fair Housing Act prohibits discrimination in housing-related transactions based on race, color, religion, sex, national origin, disability, and familial status. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.

The Hilarita is an Equal-Opportunity Housing Facility, admitting people following local, state, and federal fair housing laws, HUD Section 236 and Section 8 Program Regulations, and the Affirmative Fair Housing and Marketing Plan (AFHMP) HUD Form 935.2. All marketing, tenant selection, and residential management policies and procedures shall follow these laws.

Management staff operate and administer the property to enable persons with disabilities to have equal access to participate in the

program. The Hilarita will ensure effective communications with applicants, residents, and the public to ensure that policies regarding how the property is operated do not adversely affect applicants, residents, and the public.

When a family member requires an accessible feature(s), policy modification, or other reasonable disability accommodation, The Hilarita will provide the requested accommodation unless doing so would fundamentally alter the program or result in an undue financial and administrative burden.

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, or dwelling unit that will allow a qualified person with a disability to:

1. Participate fully in a program.
2. Take advantage of the service.
3. Live in a dwelling.

An identifiable relationship, or nexus, must exist between the requested accommodation and the individual's disability to demonstrate that it may be necessary.

The requirement to provide reasonable accommodation for persons with disabilities is always present throughout the tenancy, including during lease enforcement. Reasonable Accommodation Request forms are available upon request from management.

The person named below has been designated to coordinate compliance with the nondiscrimination requirements of the HUD's regulations implementing Section 504 (24

CFR, part 8, dated June 2, 1988).

**Richard Kennemer, Compliance Program Analyst
Section 504 Coordinator
18801 Ventura Blvd., Suite 300, Tarzana CA 91356
Telephone (213) 468-8261 ext. 8119
TDD (800) 735-2929**

PRIVACY POLICY

The Hilarita' policy is to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and ensure the protection of such individuals' records maintained by management.

Therefore, neither The Hilarita nor its agents shall disclose any personal information in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

This privacy policy does not limit management's ability to collect information it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability will be treated confidentially.

INCOME LIMITS

To qualify for Section 8 assistance, a household's gross income may not exceed the maximum income limit per household size for the very low-income limit (50% area median

income (AMI) published annually by HUD.

To qualify for a Section 236 unit at move-in:

1. A household's gross income may not exceed the maximum income limit per household size for the low-income limit (80% AMI) published annually by HUD.
2. 30% of adjusted monthly income may not equal or exceed market rent.
3. And may not be lower than the minimum income per household size.

The income limits are attached and will be posted in the leasing office.

Determining Income

When determining adjusted income, the owner will use HUD's methods to determine annual income for the entire family. **After the annual income is determined, the owner will apply the following deductions as applicable:**

- Elderly/Disabled Family Deduction
- Dependent Deduction
- Childcare Deduction
- Health & Medical Expense Deduction (Medical expenses over ten percent of annual income)
- Attendant Care & Auxiliary Apparatus Deduction

Elderly/Disabled Family Deduction

For each family where the Head of Household (HOH), co-HOH, or spouse is 62 or older or disabled, HUD provides an annual family allowance. With the implementation of The

Housing Opportunity through Modernization Act of 2016 (HOTMA), the Elderly/Disabled Family Deduction is \$525. HUD may adjust this amount annually.

Dependent Deduction

A family receives a Dependent Deduction (\$480 subject to adjustment by HUD) for each family member who is:

1. Under 18 years of age.
2. A person with disabilities.
3. A full-time student of any age.

A family member does not need to have legal custody of a dependent to receive the Dependent Deduction. When more than one family shares custody of a child and both live in assisted housing, only one family at a time can claim the Dependent Deduction for that child.

Some family members may never qualify as dependents regardless of age, disability, or student status:

- The HOH, co-HOH, or spouse may never qualify as a dependent.
- A foster child, foster adult, an unborn child, a child who has not yet joined the family, or a live-in aide may never be counted as a dependent.

Childcare Deduction

Anticipated expenses for the care of children under age 13 (including foster children) may be deducted from annual income if all the following are true:

1. The care is necessary to enable a family member to work, seek employment, or further their education (academic or vocational).
2. The family has determined that no adult family member can provide care during the hours needed.
3. The expenses are not paid to a family member living in the unit.
4. The amount deducted reflects reasonable charges for childcare.
5. The expense is not reimbursed by an agency or individual outside the family.
6. Childcare expenses incurred to permit a family member to work must not exceed the amount earned by the family member made available to work during the hours for which childcare is paid.

Childcare Hardship Exemption

A family may request a Childcare Hardship Exemption to continue the Childcare Deduction if:

1. The family is no longer qualified for the Childcare Deduction because no member is working, seeking employment, or furthering their education.
2. Childcare Deduction is still necessary.

The owner will consider a request for a Childcare Hardship Exemption if:

1. The family requests a Childcare Hardship Exemption.
2. The family is receiving a Childcare Deduction on the current certification in effect at the time of the request.
3. The family indicates that they will be able

- to pay rent if the exemption is granted.
4. The net Cash Value of Assets for the entire family is \$50,000 or less.
5. The family's total annual income is at or below the current extremely low-income limit.
6. The family participates in a review meeting.
7. No member of the family is required to return an improper payment to HUD because the resident failed to fully and accurately disclose income or other information needed.
8. The family provides the required information and signatures within 10 business days, including the necessary information to verify that the resident would not be able to pay rent if the owner does not grant the Childcare Hardship Exemption.
9. The change is reviewed, and when considering income, childcare, rent, and medical expenses, the result would be a Total Tenant Payment (TTP) that exceeds 25% of the family's remaining income.
10. The family has not provided a Notice to Move.
11. The family is considered a "resident in good standing," and the owner has not indicated intent to terminate assistance and/or terminate tenancy (eviction).
12. The family agrees to participate in a review meeting at least every 90 days (about three months) or upon request by the owner.

If the Request for the Childcare Hardship Exemption is approved, the owner will reduce annual income by the verified amount of childcare.

The Childcare Hardship Exemption ends at the earliest of:

1. Ninety (90) calendar days from the effective date of the certification implementing the exemption.
2. At such time, the owner determines the need for the Financial Hardship Exemption no longer exists and the family can pay their rent without the exemption.
3. Assistance is terminated.
4. The resident fails to meet with property staff or provide information/signatures, as required, at least every 90 days (about three months) or upon request from the owner.

The resident may request, and the owner may extend the Childcare Hardship Exemption for increments of no more than 90 days (about three months), based on the parameters outlined in the owner Hardship Exemption Policy. The exemption will end after 90 days. Please see the property Hardship Exemption Policy for a more detailed explanation. To request a hardship exemption, please contact the property staff.

Health & Medical Expense Deduction

The Health & Medical Expense Deduction is permitted only for families in which the head, spouse, or co-HOH is at least 62 years old or is a person with disabilities.

If the family is eligible for a Health & Medical Expense Deduction, owners must include the unreimbursed medical expenses of all family members, including those of non-

elderly family members (adults or children) living in the unit. The Health & Medical Expense Deduction is the portion of total unreimbursed medical expenses that exceeds ten percent of the family's annual income.

When determining the health and medical expense deduction, the owner includes all out-of-pocket expenses the family anticipates incurring during the 12 months following the certification effective date.

Attendant Care & Auxiliary Apparatus Expense Deduction

Families are entitled to a deduction for unreimbursed, anticipated costs for attendant care and "auxiliary apparatus" for each family member who is a person with disabilities, to the extent these expenses are reasonable and necessary to enable any family member 18 years or older who may or may not be the member who is a person with disabilities to be employed.

The Attendant Care & Auxiliary Apparatus Expense Deduction is that portion of total unreimbursed medical expenses that exceeds ten percent of the family's annual income.

When determining the Attendant Care & Auxiliary Apparatus Expense Deduction, the owner includes all out-of-pocket expenses the family anticipates incurring during the 12 months following the certification effective date.

Hardship Exemptions

HUD has provided two Hardship Exemptions

related to the increase in the Health & Medical Expense Deduction and the Attendant Care & Auxiliary Apparatus Deduction:

1. Phase-in Hardship Exemption
2. Financial Hardship Exemption

Phase-in Hardship Exemption

The Phase-in Exemption is available to residents who were receiving HUD assistance (Multifamily Housing or Public and Indian Housing) as of July 1, 2024, and who were receiving either the Medical Expense Deduction or the Disability Assistance Expense Deduction as part of the assistance payment calculation as of that date. **In these cases, HUD allows owner to "phase-in" the deduction decrease:**

- The deduction will be over 5% of the annual income for the first 12 months of Phase-in.
- The deduction will be over 7% of the yearly income for the second 12 months of Phase-in.
- After the first 24 months, the deduction will be over 10% of annual income.

If assistance is terminated, the phase-in exemption ends. If a Financial Hardship Exemption is granted in year two, the phase-in ends and cannot be reinstated. The Phase-in Hardship Exemption does not apply to new applicants.

Financial Hardship Exemption (General Relief)

A family may request a Financial Hardship

Exemption to establish the Health & Medical Expense Deduction and/or the Attendant Care & Auxiliary Apparatus Expense Deduction to the amount that expenses exceed five percent of annual income instead of the standard of the amount that expenses exceed ten percent of annual income.

The owner will consider a request for a Financial Hardship Exemption if:

1. The family requests a Financial Hardship Exemption.
2. The family indicates that they will be able to pay rent if the exemption is granted.
3. The net Cash Value of Assets for the entire family is \$50,000 or less.
4. The family's total annual income is at or below the current extremely low-income limit.
5. The family participates in a review meeting.
6. No member of the family is required to return an improper payment to HUD because the resident failed to fully and accurately disclose income or other information needed.
7. The family provides the required information and signatures within 10 business days, including the necessary information to verify that the resident would not be able to pay rent if the owner does not grant the Financial Hardship Exemption.
8. The change is reviewed, and when considering annual income and all deductions and medical expenses, the result would be a TTP that exceeds 25% of the family's remaining income.
9. The family has not provided a Notice

- to Move.
10. The family is considered a “resident in good standing,” and the owner/agent has not indicated intent to terminate assistance and/or terminate tenancy eviction.
11. The family agrees to participate in a review meeting at least every 90 days or upon request by the owner.

If the Request for the Financial Hardship Exemption) is approved, the owner will reduce annual income by the verified amount of qualified expenses that exceed five percent of the family’s annual income, instead of reducing annual income by the verified amount of qualified expenses that exceed ten percent of the family’s annual income. **The Financial Hardship Exemption ends at the earliest of:**

- 90 calendar days from the Effective Date of the Certification implementing the exemption.
- At such time, the owner determines the need for the Financial Hardship Exemption no longer exists, and the family can pay their rent without the exemption.
- Assistance is terminated.
- The resident fails to meet with property staff or provide information/signatures, as required, at least every 90 days or upon request from the owner.

The resident may request, and the owner may extend the Financial Hardship Exemption (General Relief) for increments of no more than 90 days based on the parameters outlined in the owner’s Hardship Exemption

Policy. The Financial Hardship Exemption will end after 90 days.

Please see the property Hardship Exemption Policy for a more detailed explanation. To request a Hardship Exemption, please contact the property staff.

Requesting a Hardship Exemption Related to Deductions

When changes to deductions result in a family’s inability to pay rent, the owner may consider granting a Hardship Exemption.

If you want more information about the owner’s Hardship Exemption Policy or if you want to request one, contact the property management staff or access the policy through the resident portal.

ASSET RESTRICTIONS

The following Section 8 Asset Restrictions are considered when determining the eligibility of families applying for HUD’s Section 8 Housing Assistance.

Restrictions Based on Net Assets

A dwelling unit may not be rented, and assistance may not be provided initially to any family if the net cash value of included assets exceeds the current asset cap established by HUD (certain assets are excluded). This cap may be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD. (The asset cap established by HUD for 2025 is \$103,200). Certain assets are excluded when determining

the net cash value of assets. **Excluded assets include, but are not limited to:**

- Achieving a Better Life Experience (ABLE) Accounts.
- Amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty that resulted in a member of the family being disabled.
- Value of any Coverdell Education Savings Account or any qualified tuition program under Section 529.
- Family Self-Sufficiency Escrow Accounts.
- Interest in Indian Trust land.
- Irrevocable Trust.
- Revocable Trusts when no one in the family controls the trust.
- Retirement Accounts as defined by IRS.
- Real property when the family does not have legal authority to sell such property.
- Equity in property for which a family receives Housing Choice Voucher (HCV) homeownership assistance from a Public Housing Authority (PHA).
- Equity in a manufactured home where the family receives Section 8 tenant-based assistance.
- HUD announces other assets through the Federal Register Notice.

Non-enforcement for Existing Residents

Once move-in or initial certification, eligibility is established based on the asset cap, it will not be reviewed unless the owner has cause to make corrections or if the family’s assistance is terminated.

Real Property Rule (Section 8 Only)

A dwelling unit may not be rented, and assistance may not be provided to any family if any member has a present ownership interest in, the legal right to reside in, and the practical legal authority to sell real property in the jurisdiction in which the property is located, that is suitable for occupancy by the family as a residence. **A dwelling will be considered “suitable for occupancy” unless the family demonstrates that it:**

1. Does not meet the disability-related needs of all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.).
2. Is not sufficient for the size of the family.
3. Is geographically located to be a hardship for the family (e.g., the distance or commuting time between the property and the family’s place of work or school would be a hardship to the family, as determined by the owner).
4. Is not safe to reside in because of the physical condition of the property (e.g., the property’s physical condition poses a risk to the family’s Health & safety, and the condition of the property cannot be readily remedied).
5. It is not a property that a family may reside under the State or local laws of the authority where the property is located.

The applicant or resident is exempt from the Real Property Rule if:

1. Any property is jointly owned by a

member of the family and at least one non-household member who does not live with the family if the person resides in the jointly owned property.

2. The member is a survivor of a Violence Against Women Act of 2013 (VAWA) crime (domestic violence, dating violence, sexual assault, or stalking).
3. The family is offering such property for sale.
4. The family is receiving assistance under 24 CFR 982.620 or the Homeownership Option in 24 CFR part 982.

Non-enforcement for Existing Residents

Once move-in/initial certification eligibility, based on the Real Property Rule, is established, it will not be reviewed unless the owner has cause to make corrections or if the family's assistance is terminated.

Student Financial Assistance

When student financial assistance exceeds tuition and covered fees, student financial assistance that is not explicitly excluded will be included as part of the family's annual income, unless the student is the HOH, co-HOH/spouse, and is over 23 years of age with a dependent child.

For Section 8 programs, any financial assistance provided through a qualified Coverdell Education Savings Account (ESA) or other qualified ESA is excluded when determining the family's annual income.

Any financial assistance a student receives (1) from private sources, (2) from an institution

of higher education, or (3) under the Higher Education Act of 1965 that is over amounts received for tuition and other qualified fees is included when determining annual income for the family, except if the student is the HOH, co-HOH or spouse and is over the age of 24 with a dependent child or children.

Student financial assistance provided by persons not living in the unit is not part of the annual income if the student meets the Department of Education's definition of "vulnerable youth." Covered fees include tuition, books, supplies, room and board, and institution-required costs under the Higher Education Act of 1965. For students, covered costs also include reasonable housing expenses while attending higher education and not living in an assisted unit.

Rent Calculation (Section 8)

The TTP will be calculated per HUD rules. This means that the family will pay the greater of:

- 10% of monthly income.
- 30% of monthly adjusted income.
- Welfare rent (welfare recipients in as-paid localities only).
- \$25 minimum rent (Section 8 only).

In some cases, HUD may provide a utility allowance. Utility allowances are deducted from the TTP to determine rent paid each month.

When the abovementioned rent calculation results in a tenant rent equal to or more than the unit gross rent, HUD housing assistance

will be terminated for all Section 8 programs. When funding includes IRS Section 42 Low-Income Housing Tax Credit program (LIHTC), residents pay the lower of the LIHTC max rent or HUD contract rent. Residents may also pay the LIHTC max rent if it exceeds the HUD contract rent.

Owner must ensure residents pay the correct tenant rent based on HUD's requirements.

Section 8 Minimum Rent Hardship Exemption

The owner may, at the owner discretion, grant a Hardship Exemption, waiving a family's requirement to pay Section 8 Minimum Rent.

The owner will grant a Section 8 Minimum Hardship Exemption if:

1. The resident or applicant requests a Minimum Rent Hardship Exemption.
2. The net cash value of assets for the entire family is \$50,000 or less.
3. The family's total annual income is at or below the current low income limit.
4. The resident participates in a review meeting.
5. The resident provides the required information and signatures within ten (10) business days.
6. The resident has not provided a notice to move.
7. The resident is a resident in good standing, and the owner has not indicated intent to terminate assistance and/or terminate tenancy (eviction).
8. The resident agrees to participate in a review meeting at least every 90 days or

upon request by the owner.

The owner must waive the Section 8 Minimum Rent for any family unable to pay due to a long-term Financial Hardship, including the following:

1. The family has lost federal, state, or local government assistance or is waiting for an eligibility determination.
2. The family would be evicted if the minimum rent requirement is imposed.
3. The family income has decreased due to a change in circumstances, including loss of employment.
4. A death in the family has occurred.
5. Other applicable situations, as determined by HUD, have occurred.

When an applicant or resident requests a Section 8 Minimum Rent Hardship Exemption, the owner must waive the minimum \$25 rent charge and implement the TTP calculated at the higher of:

- 30% of adjusted monthly income.
- 10% of gross monthly income (or the welfare rent).

The tenant rent will not be reduced to zero unless those calculations result in zero.

If the owner determines there is no hardship as covered by the statute, the owner must immediately reinstate the Section 8 Minimum Rent requirements. The resident is responsible for any unpaid minimum rent from when the minimum rent was suspended.

If the owner deems the hardship temporary,

the Section 8 Minimum Rent requirement is waived for 90 days. After this period, the tenant must pay the rent retroactive to the suspension's start date.

If the hardship is long-term, the owner will exempt the resident from the S8 Minimum Rent requirement starting with the effective date of the certification granting the S8 Minimum Rent Hardship Exemption. The exemption may be effective until the hardship no longer exists.

While the suspension lasts, the owner will meet with the resident every 90 days to verify that circumstances have not changed. The length of the Section 8 Minimum Rent Hardship Exemption may vary from one family to another, depending on each family's circumstances.

Errors by a Member of the Resident Family

If an owner suspects a resident has inaccurately supplied or misrepresented information affecting the rent or a family's eligibility, they must investigate and document the resident's file.

If the resident family meets with the owner to discuss the error, and the owner is convinced the submissions were correct, then the owner will document the file accordingly and close the investigation.

If, after meeting with the resident family, the owner determines that the provision of inaccurate information was an unintentional program violation, the owner will correct the

rent calculation, if applicable, and provide the tenant with notice of the change in rent. If the resident receives an improper payment, the resident will be required to return that improper payment in compliance with the HUD lease.

If the tenant cannot repay the full amount, the owner and tenant may enter a repayment agreement:

1. If the family did not qualify for assistance at MI/IC or if, after the income adjustment, the family no longer qualifies for HUD's Project Rental Assistance Contract (PRAC) housing assistance program, the owner/agent must terminate the tenancy.
2. If, after the income adjustment, the family no longer qualifies for assistance, the family may remain on the property subject to making repayments and paying market rent.
3. According to any repayment agreement, the owner may terminate the tenancy if the resident refuses to pay any new monthly rent or repay the previously overpaid subsidy (improper payment).
4. The owner may terminate the tenancy if the resident refuses to enter a repayment agreement if such an option is offered.
5. If necessary, a civil action may be filed to recover the funds.

If the owner determines that the resident knowingly provided inaccurate or incomplete information and can substantiate this through documentation, the owner will pursue the incident as fraud.

Suppose any adult family member fails to meet with the owner as requested. In that case, the owner will initiate termination of tenancy (eviction) in compliance with HUD's guidance.

Misrepresentation

Any untrue information an applicant provides may be used to disqualify the applicant's family because of misrepresentation or attempted fraud.

The owner will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until the owner has independently investigated the information. **The owner considers false information about the following to be grounds for rejecting an applicant family:**

- Identity
- Social Security Numbers/Information
- Income/Assets/Income from Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, And/or Eligible Immigration Status
- Eviction History
- Criminal History
- Sexual Offender Status
- Eligibility for Preferences and Priorities
- Allowances
- Current/Previous Residence History
- Current Housing Assistance
- Status as A Student
- Eligibility for the Phase-in
- Hardship Exemption

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicant families.

Errors Caused by The Owner, a Service Bureau, or Owner Software

If the owner determines that an error was made and the family's income was over-reported, the owner must complete corrections to the prior certification(s) affected by the income change. **Once the corrections have been made, the owner must determine the difference between the amount of rent paid and the rent that should have been paid:**

- The owner will request a meeting to discuss the error.
- The owner will prepare corrections or new certifications that all adult members must sign.
- **The owner will provide the family with written notification, which includes:**
 - A notice of the change in rent, effective retroactively to when the error occurred.
 - The new monthly rent the tenant is required to pay.
 - The amount of the overpayment of rent due.
 - **A form used by the family choosing whether to:**
 - * Receive a full refund; or
 - * Apply the overpayment to future monthly rent payments.

Please note that any credit will be applied to any outstanding rent before calculating the amount due to the resident family.

APPLICATION PROCEDURES

Applications will be distributed only when the waiting list is open, not when it is closed.

Applications will be available in the office during regular business hours or by telephone request. Each prospective resident must complete an application and be willing to submit a credit history, criminal background inquiry, and income and asset verifications.

All application entries must be typed or made in blue/black ink. Corrections or changes must be made by lining through the original entry and entering the correct data. Such changes must be dated and initiated by the person making the change.

Signed and dated applications will be processed on a first-come, first-served basis. The application must be completed and signed by the head of the household and all household members over 18 before an applicant can be placed on the waiting list. If an application is not entirely answered, the date it is fully completed will be the date it is accepted for rental purposes.

When a completed application is received, it will be logged in by the date and time received and placed on the waiting list. When a vacancy at the property exists or is expected within the next 120 days, the verification-selection process will begin immediately for the next applicant on the waiting list. The Hilarita will review income, assets, and eligible program allowances for certification for selection or rejection.

Notices will be mailed to the first three to five applicants on the list for the particular size unit to be available, advising them that if they are still interested in a unit, they should contact the manager within 14 days from the date of the letter. For those contacted who respond on time, the manager shall arrange a meeting for the interested applicant highest on the waiting list to begin the selection and verification process. If they do not respond to telephone calls and/or letters within 14 days, their name shall be removed from the waiting list.

PREFERENCES

The property's policy is that a preference does not guarantee admission. Every applicant must still meet the property's RSP standards for acceptance as a resident.

For units accessible to or adaptable for persons with mobility, visual, or hearing impairments, households containing at least one person with such impairment will have priority. These units will be offered first to current residents and then to applicants who have noted the need for such features in their applications based on their chronological order on the waiting list.

Persons displaced by government action or a presidentially declared disaster will be preferred on the waitlist.

For accessible units and units not designated as accessible, the preference order is as follows:

1. Persons displaced by government action

- or a presidentially declared disaster.
2. Applicants who are in the highly low-income limit category.
3. Applicants by earliest application date.

Extremely Low Preference

40% of The Hilarita Section 8 subsidized vacancies each year must be set aside for households whose income does not exceed 30% of the area median income ("extremely low-income") as published by HUD. Therefore, people lower on the waiting list could be offered an apartment first to satisfy this 40% regulation. Extremely low income is defined as very low-income families whose income does not exceed 30% of the area's median income or the federal poverty level.

To implement this preference, we will select the first extremely low-income applicant on the waiting list (which may mean "skipping over" some applicants with higher incomes) for the available unit, then select the next eligible applicant at the top of the waiting list (regardless of income level) for the next unit. This alternating process continues until the 40% target is reached.

Where preferences apply, applicants with a verified preference will be moved to the top of the waiting list above persons without a choice.

UNIT TRANSFER POLICY

A Unit Transfer List is maintained and processed in the following priority order for those residents who have been approved for transfer to another unit:

- A victim of domestic violence, dating violence, sexual assault, or stalking.
- To accommodate a disability (a medical reason certified by a third-party professional or need for an accessible unit).
- To address over-or-under-utilization of a unit (a change in household size or household composition).

The Hilarita cannot guarantee that a transfer request will be approved or how long it will take to process it. However, we will act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to the availability and safety of the unit. Transfers for these reasons will take priority over all other transfer requests, including those made to accommodate a disability and to address over- or under-utilization of a unit.

Transfers for accessibility or medical reasons will have priority over those for changes in household composition. Residents on the Unit Transfer List will be prioritized over the waiting list applicants.

The property will alternate between the internal and external waiting lists to fill Section 8 vacancies. The first Section 8 vacancy will be filled from the internal resident waiting list, and in the case that no existing resident qualifies for or is interested in the Section 8 program, secondly, the Section 8 vacancies from the applicant wait list. Residents occupying units modified for accessibility for persons with disabilities who do not meet the definition of a disabled

household will be transferred to a vacant, non-modified unit if a household with members meeting the definition of a disabled household and requiring the features of the accessible unit applies for housing and meets the eligibility criteria for The Hilarita.

Section 8 Only: If a determination is made by management that a transfer is required, the resident will be given the option to remain in the unit and pay the HUD-approved market rent, or must move within 30 days after written notification that a unit of the required size is available within the property. Depending upon the circumstances of the transfer, a resident may be obligated to pay all costs associated with the move. However, if a resident is transferred as a reasonable accommodation for a household with a disability, management must pay the costs associated with the transfer unless doing so would be an undue financial and administrative burden.

OCCUPANCY STANDARDS

Occupancy standards are the criteria for matching a household with the most appropriate apartment size and type. **We follow the “two plus one” occupancy guidelines to avoid under- or over-utilization of units:**

Bedroom	Household Minimum	Household Maximum
1	1	3
2	2	5
3	3	7
4	4	9

The proper bedroom size for which a household may qualify is determined by including the following household members

1. All full-time members of the household
2. Live-in attendants
3. Foster children
4. Children whose custody is being obtained by an adult family member;
5. Children in joint custody arrangements are present in the household 50% or more of the time.
6. Unborn children and children in the process of adoption

SOCIAL SECURITY NUMBERS

All applicants for assistance and program participants must disclose the SSNs assigned to themselves and all household members (including live-in aides and foster members).

Exemptions are provided for:

- Non-citizens who do not contend with eligible immigration status. Assistance to these household members will be prorated.
- Current participants who are 62+ as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
 - Qualifying seniors are exempt from the SSN disclosure mandate for all future examinations, even if they move to a new HUD-assisted property.

All household members receiving or applying for HUD housing assistance must provide a SSN and adequate documentation to verify that number.

Note: An Individual Tax Identification Number is not the same as a Social Security Number and will not be accepted instead of a Social Security Number.

This rule applies to all household members, including live-in aides, foster children, and foster adults. **Adequate documentation includes a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:**

- Original Social Security card
- Driver's license with SSN
- Identification cards are issued by a federal, state, or local agency, medical insurance provider, employer, or trade union.
- Earnings statements on payroll stubs

- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

If the applicant cannot provide any of the above, the applicant will advise the owner. The owner may accept self-certification of SSN and at least one third-party document, such as a bank statement, utility or cell phone bill, benefit letter, etc., that contains the individual's name. When none of the other accepted methods is available, and if verifying an individual's SSN using this method, the owner must document why the other SSN documentation was not available. No further verification is required if the resident's SSN becomes verified in HUD's Enterprise Income Verification System (EIV). If the resident's SSN fails the SSA identity match, then the owner must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The resident family's assistance must be terminated if any member fails to provide the required documentation (some exceptions apply).

New household members under the age of six who already have an SSN are subject to the same disclosure and verification requirements as new members who are at least six years of age; for new members who have not been assigned an SSN, 90 days for verification is allowed. If the household does not provide

the SSN and verification within 90 days due to unforeseen circumstances outside the resident's control, The Hilarita will grant an extension of one additional 90-day period.

If a child under the age of six years is added to the household within six months before the household's move-in date, the assistance applicant may become a resident so long as the SSN documentation is provided to The Hilarita within 90 calendar days from the date of admission. The Hilarita will grant an extension of one additional 90-day period if it is determined that failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant's family fails to produce the SSN documentation within the required time, the household will lose its tenancy or assistance even if only one household member does not comply with the SSN disclosure requirements.

The owner must deny and/or terminate HUD assistance following the program's provisions if the assistance applicant does not meet the applicable SSN disclosure, documentation, and verification requirements.

The SSN provided will be compared to the information recorded in the SSA's database (through HUD's Enterprise Income Verification System) to ensure that the SSN, birth date, and last name match. If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated, and any assistance paid in error must be returned to HUD. If the applicant/resident deliberately provides an inaccurate SSN, the

owner and/or HUD may pursue additional penalties due to attempted fraud.

ASSISTANCE RESTRICTIONS

Non-Citizens

By law, only U.S. citizens and eligible non-citizens are eligible for rental assistance. Regardless of age, all family members must declare their citizenship or immigration status.

The following documents are required:

- Family Summary Sheet and Owner Summary Sheet (lists all household members who will reside in the assisted unit).
- Citizenship Declaration (Each household member listed must complete. Parents will complete and sign for household members under 18).
- Forms and/or evidence of citizenship/immigration status.

Applicants who are U.S. Citizens must sign a declaration of citizenship and provide acceptable documents such as a birth certificate, U.S. passport, certificate of citizenship, or naturalization certificate.

Applicants who are non-citizens claiming eligible status must sign a declaration of eligible immigration status and consent form and provide a Department of Homeland Security (DHS)-approved document. Acceptable documents as proof of eligible immigration status include Form I-551 - Permanent Resident Card, Form I-94 - Arrival-Departure Record, a receipt issued by the Immigration and Naturalization Service (INS)

indicating that an application for issuance of a replacement in one of the above-listed categories has been made. The applicant's entitlement to the document has been verified or other acceptable evidence if the DHS determines the documents to constitute sufficient evidence of eligible immigration status.

Non-citizens not claiming eligible immigration status must sign a declaration that they are not claiming eligible immigration status.

The manager must verify the validity of documents submitted by the applicant with the DHS through their automated verification system. An applicant who provides documentation but is later determined by the DHS to be invalid documentation will have the assistance removed for that household member. Non-citizens aged 62 and older must provide proof of age and declare that they have eligible immigration status.

Mixed families, which contain both eligible and non-eligible members, may receive prorated assistance. Applicants who hold non-citizen student visas and non-citizens living with the student are considered ineligible for assistance.

Applicants who cannot provide documentation of eligible immigration status at the time of the applicant interview will be given a 14-day period to provide this documentation if they provide a certification that the documentation is temporarily unavailable. If at least one family member has provided documentation, the family may move in with prorated assistance provided

they are otherwise eligible. Families found to be ineligible have the right to appeal against the decision. The notice of ineligibility will describe the applicants' options.

Students (Section 8 only)

Student's eligibility for Section 8 assistance will be determined at move-in, annual recertification, initial certification (when in-place residents begin receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported that a household member is enrolled as a student.

A student enrolled part-time or full-time in an institute of higher education as defined by the Higher Education Act of 1965-Amended 1998 will be deemed eligible for assistance if the student meets all other eligibility requirements, passes screening criteria, and is:

1. Living with parents/guardians
2. 24 years of age or older
3. A veteran of the United States armed services
4. Married
5. Has a dependent child
6. **Can prove the independence of parents including:**
 - a. Being of legal contract age under state law.
 - b. Having lived separately from parents or legal guardians for at least one year or meeting the U.S. Department of Education's definition of an independent student.
 - c. Certification that parents or legal

guardians did not claim the student as a dependent according to IRS regulations and certification of the financial assistance provided by parents and signed by the individual providing the support, even if no assistance is provided.

7. Disabled and was receiving Section 8 assistance as of November 30, 2005.
8. Having parents who are income-eligible for the Section 8 program.
9. Is individually eligible to receive Section 8 assistance or has parents (separately or jointly) who are income eligible to receive Section 8 assistance.

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 over amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

Definition of an Independent Student

Owners must use, and the student must meet, the following criteria to be eligible for Section 8 assistance as an independent student. **The student must:**

1. Be 24 or older by December 31 of the

award year.

2. Is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court at any time when the individual was 13 years of age or older.
3. Is or was immediately before attaining the age of majority, an emancipated minor, or in legal guardianship as determined by a court of competent jurisdiction in the individual's legal residence.
4. Is a veteran of the Armed Forces of the United States or is currently service on active duty in the Armed Forces for other than training purposes.
5. Is a graduate or professional student.
6. Is a married individual.
7. Has legal dependents other than a spouse.
8. Has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth or as unaccompanied, at risk of homelessness and self-supporting.
9. A student for whom a financial aid administrator makes a documented determination of independence because of other unusual circumstances.

Owners must verify the student's independence from their parents. **To determine that the student's parent's income is not relevant in determining the student's eligibility for assistance by doing all the following:**

1. Review and verify previous address information to determine evidence

of a separate household verifying the student meets the U.S. Department of Education's definition of independent student.

2. Review a student's prior year income tax returns to verify the student is independent or meets the Department of Education's definition of independent student.
3. Verify income provided by parents by requiring written certification from an individual providing the support. Financial assistance provided by people not living in the unit is part of the annual income.
4. Certification is also required if the parent provides no support to the student.

The rule does not apply to students residing with their parents in a Section 8-assisted unit or with parents applying to receive Section 8 assistance.

GROUND'S FOR DENIAL

1. Total family income exceeds the applicable income limits published by HUD or does not meet the minimum income limit.
2. Households cannot pay the full security deposit at move-in.
3. The household refuses to accept the second offer of an apartment.
4. Households fail to respond to interview letters or otherwise fail to cooperate with the certification process, including failing to sign consent forms.
5. ANY adult household member fails to attend an eligibility interview.
6. Blatant disrespect or disruptive behavior

toward management, the property, or other residents by an applicant or family member at any time before move-in.

7. The applicant has failed to provide adequate income verification, or we are unable to verify income and/or income sources adequately.
8. Providing or submitting false or untrue information on your application or failing to cooperate with the verification process.
9. The unit assignment will NOT be the family's sole place of residency. Qualification for a unit includes occupying it continuously and as a primary residence. Residents may not be absent from the unit for more than 60 consecutive days or for longer than 180 continuous days for medical reasons.
10. Family members failed to provide proof of a social security number.
11. Household does not meet the "Restriction on assistance to students" section of this plan.

LANDLORD REFERENCE

Rental history screening waived. Rental history, beyond non-payment of rent or eviction is not considered when determining eligibility.

CREDIT CHECK

For applicants who are not applying for project-based Section 8 units or who are recipients of a tenant-based voucher, the owner reviews each adult applicant's credit history for the last three years.

When reviewing credit history, the owner does not consider medical bills/expenses.
When reviewing credit history, the owner does not consider student loans and/or expenses.

Bankruptcy: The owner will reject any applicant family that includes a member with a discharged bankruptcy (Chapter 7 or Chapter 13) within the last three years. The owner will consider the applicant if the bankruptcy was dismissed and other credit information is “positive.”

Foreclosure: The owner will reject any applicant that includes a family member named in foreclosure, including foreclosure of reverse mortgages, within the last three years.

Collections: The owner will reject any applicant family that includes a member currently paying or being pursued to pay any collectible amount above \$2500 when such collections began within the preceding three years. If the applicant is paying amounts due and such collections started more than three years before the eligibility determination, the collection status must be current (no outstanding balances more than ninety (90) days old). **The owner will use a screening company to assist with credit screening. Records to be reviewed include, but are not limited to:**

- Civil Judgement
- Child Support
- Federal Tax Lien
- State Tax Lien
- Forcible Detainer
- Garnishment
- Utility Lien (Power, Water, Sewer, Gas)

Credit history will be reviewed to determine if there is any debt owed to a prior landlord or HUD. **Any applicant family that includes a member owing prior landlords or HUD will be rejected unless:**

- Such debt has been paid.
- The applicant has entered into a repayment agreement and can demonstrate that payments toward the principal amount(s) have been on time for six months.

Other credit history will be reviewed. **The following discoveries will be the reason for the rejection of the applicant’s family:**

- Any applicant has one or more outstanding judgments over \$1000 within the last three years.
- Any applicant has a record of two or more checks returned for insufficient funds in the last year.
- Any applicant has a current credit score below 350.
- Any applicant has defaulted on any loan/ payment agreement over \$500 within the last three years.
- Any applicant has a record of failure to pay child support owed within the last 12 months.
- Any applicant has received an overpayment of federal assistance due to misrepresentation and/or fraud within the last three years.

The credit screening will be considered “positive if an applicant has no credit history.”

Subsidized PBV or TOV

The owner will not conduct credit screening for applicants of government-subsidized housing, such as project-based Section 8 or tenant-based Section 8 voucher holders.

BACKGROUND CHECK

Screening is performed reasonably, consistently, and compliant with fair housing laws. It helps ensure that households admitted to a property abide by the lease terms, pay rent on time, take care of the property and unit, and allow all residents to enjoy their homes peacefully.

This includes, but is not limited to, live-in aides, security/police officers, or additional household members wishing to move in after the initial move-in. Certain exceptions apply to children and minors. The current screening guidelines for when the new household member applies will be used to determine eligibility for admission.

HUD has established standards that prohibit the admission of:

1. Any applicant family in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity.
2. An applicant family in which any member is currently engaged in the illegal use of drugs or for which the owner has reasonable cause to believe that a member’s illegal use or pattern of unlawful use of a drug may interfere with the health, safety, and right to peaceful

enjoyment of the property by other residents. (The owner has implemented a policy to address the term “currently engaged.” Current will be indicated and investigated if there is a record of arrest or conviction within the last two years).

3. Any applicant family member, if there is reasonable cause to believe that member’s behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.
4. Any applicant family that includes a household member who is subject to any state lifetime sex offender registration requirement.

In addition to HUD requirements, the owner has established a policy to reject all applicant families when any member of the applicant family has engaged in criminal activity, as described in this document.

The owner will reject Pre-Applications or Applications if any household member’s criminal history includes one or more of the following:

1. Criminal activities resulting in felony conviction involving violence, potential violence, destruction of property, human trafficking, terrorist activities, weapons charges, or the illegal distribution or manufacture of an illicit or controlled substance. Applicant families that include members with this type of criminal history will be automatically

- denied. The owner will meet with the applicant and the applicant's family and consider extenuating circumstances if the conviction or exit from incarceration (whichever is later) occurred no less than seven years before the date of Pre-Application or Application and when no additional criminal activity is indicated.
2. Criminal activities resulting in other felony convictions if the conviction or exit from incarceration occurred no less than seven years before the date of Pre-Application or Application. The owner will consider extenuating circumstances when no additional criminal activity is indicated.
 3. A record of three or more separate instances where the applicant is involved in criminal activities resulting in a felony conviction.
 4. Criminal activities resulting in misdemeanor convictions involving violence, potential violence, destruction of property, human trafficking, terrorist activities, weapons charges, or the illegal distribution or manufacture of a controlled substance within five years of conviction or exit from incarceration, whichever is later. The owner will meet with the applicant and the applicant's family and consider extenuating circumstances if the conviction or exit from incarceration (whichever is later) occurred no less than three years before the date of Pre-Application or Application and when no additional criminal activity is indicated.
 5. Criminal activities result in other misdemeanor convictions within three years of conviction or exit from incarceration, whichever is later. When no additional criminal activity is indicated, the owner will consider extenuating circumstances.
 6. A record of three or more separate instances where the applicant is involved in criminal activities resulting in misdemeanor convictions where the last conviction or exit from incarceration is within five years.
 7. United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. Residents may be required to provide proof of citizenship or legal immigration status.
 8. Any member of the applicant's family is currently subject to registration under a state sex offender registration program. If the owner determines that a registered sex offender is part of the applicant's family, they will allow the applicant's family to remove the sex offender from the Pre-Application or Application. Removal must be documented using a signed, notarized copy of the owner's form. The applicant's family will have ten business days to verify that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in the rejection of the applicant's family. In this case, the owner reserves the right to monitor household composition after move-in. Suppose the owner discovers that a sex offender has moved into the unit. Assistance will be terminated, and the household will be

evicted following HUD requirements. Any assistance paid in error must be returned to HUD.

If the owner cannot complete the required criminal or sexual offender screening because the applicant failed to provide the necessary information or release forms, the applicant's family will be rejected.

If a resident or applicant has requested VAWA protections and such protections have been justified based on owner investigation, the alleged abuser/perpetrator will not be approved to live on the property.

Based on HUD recommendations, the owner will review the criminal history of all adult household members at each location.

Consideration of Extenuating Circumstances

In deciding whether to exercise discretion to admit an individual or applicant family that has engaged in prohibited criminal activity, the owner will, upon request, consider all of the circumstances relevant to the particular admission or eviction decision, including but not limited to the seriousness of the offending action; the effect that denial of the entire applicant family would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when explicitly considering whether to deny admission for illegal drug use by a household member who is no longer

engaged in such activity, the owner will, upon request, consider whether the household member is participating in or has completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

VOLENCE AGAINST WOEMEN ACT

The Violence Against Women Act of 2013 applies to project-based Section 8 units (The Hilarita) and offers the following protections against eviction or denial of housing based on domestic violence, dating violence, sexual assault and stalking:

1. An applicant's or program participant's status as a victim of domestic violence, dating violence, sexual assault, and stalking is not a basis for denial of admission if the applicant otherwise qualifies for admission.
2. This must support or assist victims of domestic violence, dating violence, sexual assault, and stalking. It must protect victims, as well as members of their families, from being denied housing or from losing their HUD-assisted housing.
3. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, and stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
4. Criminal activity directly related to domestic violence, dating violence, sexual assault, and stalking, engaged in by a member of a tenant's household or any guest or other person under the

tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.

5. Assistance may be terminated or a lease "bifurcated" to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and a lawful tenant, if they engages in a criminal act of physical violence against family members or others, they stands to be evicted, removed, or have their occupancy rights terminated. This action allows the victim, a tenant or a lawful occupant, to remain.
6. The provisions protecting victims of domestic violence, dating violence, sexual assault, and stalking engaged in by a member of the household may not be construed to limit The Hilarita, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
7. The authority to evict or terminate assistance is not limited to a victim who commits unrelated criminal activity. Furthermore, if The Hilarita can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. The Hilarita will not subject victims to more demanding standards than other tenants.

The VAWA protections shall not supersede any provision of any federal, state, or local law

that provides more excellent protection for victims of domestic violence, dating violence, sexual assault, and stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence, sexual assault, and stalking.

The Notice of Occupancy Rights and Certification form will be provided to applicants when assistance is denied or at the time of move-in.

Nonretaliation

The owner will not discriminate against anyone who has opposed any act or practice made unlawful by the Violence Against Women Act or who testified, assisted, or participated in any matter related to the Violence Against Women Act or a VAWA crime.

Noncoercion

The owner shall not coerce, intimidate, threaten, interfere with, or retaliate against any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any rights or protections under the Violence Against Women Act including:

1. Intimidating or threatening any person because that person is assisting or encouraging a person entitled to claim the rights or protections under the VAWA.
2. Retaliating against any person because that person has participated in any

investigation or action to enforce the Violence Against Women Act.

Protection to Report Crimes from Home

Owner, residents, occupants, service providers, guests, and applicants:

1. Shall have the right to seek law enforcement or emergency assistance on their behalf or behalf of another person in need of help.
2. They shall not be penalized based on their requests for assistance or criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities.

Prohibited penalties include:

- Actual or threatened assessment of monetary or criminal penalties, fines, or fees.
- Actual or threatened eviction.
- Actual or threatened refusal to rent or renew tenancy.
- Actual or threatened refusal to issue occupancy permit or landlord permit.
- Actual or threatened closure of the property, or designation of the property as a nuisance or a similarly negative designation.

Termination of Tenancy or Assistance

The VAWA allows owners to deny, evict, or terminate assistance for violations unrelated

to domestic violence, dating violence, sexual assault, or stalking.

The owner will not subject the resident/applicant, who is a survivor of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is a survivor of domestic violence, dating violence, sexual assault, or stalking, to a more demanding standard than other resident/applicants in determining whether to evict or terminate assistance.

The VAWA does not limit an owner's authority to deny, terminate assistance to, or evict a resident or applicant under a covered housing program when the owner can demonstrate an actual and imminent threat (to other resident/applicants or those employed at or providing service to property of the covered housing provider) would be present if that resident/applicant or lawful occupant is not evicted/terminated. In this context, words, gestures, actions, or other indicators will be considered an "actual and imminent threat" if they meet the standards provided in the definition of "actual and imminent threat."

Determinations about the presence of imminent danger will not be based on stereotypes. Instead, they will be tailored to individual residents' concerns.

The owner will take into account individual circumstances when deciding to terminate the tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer,

took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

Any eviction or termination of assistance will be initiated only when no other actions can be taken to reduce or eliminate the threat.

Examples of such action include, but are not limited to:

- Transferring the survivor to a different unit when doing so would reduce or eliminate the threat. Also see Addendum A for information about VAWA emergency transfers.
- Barring the perpetrator from the property.
- Contacting law enforcement to increase police presence.
- Develop other plans to keep the property safe.
- Seeking other legal remedies to prevent the perpetrator from acting on a threat.

Lease Addendum

The HUD approves the lease addendum, which will be implemented and provided per HUD guidance.

VAWA Emergency Transfers

The owner is concerned about the safety of residents and applicants, and such concern extends to residents and applicants who are survivors of domestic violence, dating violence, sexual assault, or stalking, which are collectively referred to as VAWA crimes. The

owner has developed a VAWA Emergency Transfer (VET) Plan that allows survivors of VAWA crimes or people associated with survivors of VAWA crimes to request a VET. Please refer to the property's VAWA and VET policies for more detailed information.

Internal VAWA Emergency Transfer refers to an emergency relocation of a resident to another unit where the resident would not be categorized as a new applicant (usually referred to as a unit transfer); that is, the resident may reside in the new unit without having to undergo an application process. If a unit is available, the resident must be eligible for the unit based on the requirements set forth by the governing agency. The resident should discuss unit transfer eligibility requirements with the owner and/or property staff to understand the requirements fully.

When a resident qualifies for an internal VAWA Emergency Transfer, and when no unit is immediately available (vacant and ready for occupancy), the owner will add the resident to the property's waiting list with a preference. The resident may remain on the property waiting list even if the resident decides to pursue an External VAWA Emergency Transfer.

External VAWA Emergency Transfer refers to an emergency relocation of a resident to another unit where the resident would be categorized as a new applicant; that is, the resident must undergo, apply, and be eligible to reside in the new unit. The applicant may be required to meet the eligibility requirements and/or screening requirements set forth by the agencies governing the

housing program and the property's owner. Safe unit refers to a unit that the survivor of domestic violence, dating violence, sexual assault, or stalking believes is safe.

GRIEVANCE/APPEAL PROCOESS

Failure to meet one or more screening criteria may be grounds for denial. However, each application is considered a whole, and the above factors are considered part of a weighted formula. If the applicants fail to meet the screening criteria, they will receive a written notice indicating they have the right to appeal the decision. This notice must indicate that the applicant has 14 days to dispute the decision.

An appeal meeting with the Property Supervisor or the Compliance staff will be held within 10 business days of receipt of the applicant's request.

Within five days of the appeal meeting, the property will advise the applicant in writing of the final decision regarding eligibility. Apartments will not be held for those applicants in the appeal process.

WAIT LIST PROCESS

The property is required to maintain a Waiting List of all eligible applicants. Applicants must be placed on the Wait List and selected from it even in situations where there are vacancies, and the application is processed upon receipt. This procedure is necessary to ensure the complete and accurate processing of all documentation for all applicants.

The property has one Wait List established and maintained in lottery ranking order, then based on the date and time of receipt of the Application when the wait list is reopened.

The waiting list contains the following information for each applicant:

- Applicant name
- Address and/or contact information
- Phone number(s)
- Unit type/size
- Household composition
- Preference/Accessibility requirements
- Preference/City and County
- Income level
- Date/Time of application (re-open)

Applicants must report changes in writing to any of the information immediately.

Applicants will have the opportunity to decline the first apartment offered and retain their place on the wait list. If they decline the offer of the next available unit, they will be removed from the wait list.

Purging the Wait List

The wait list will be purged annually. Each applicant will receive a letter from the property requesting updated information and asking about their continued interest. This letter must be returned within the specified time, or their application will be removed from the Wait List. The applicant is responsible for maintaining a current address with the office to receive wait list correspondence. Undeliverable mail will result in removal from the wait list.

Opening & Closing the Wait List

The Hilarita will monitor the vacancies and waiting lists regularly to ensure that there are enough applicants to fill the vacancies and that the waiting lists do not become excessive.

The wait list may be closed for one or more unit sizes when the average wait is excessive. When the wait list is closed, The Hilarita will advise potential applicants that it is closed and refuse to take additional applications. The Hilarita will publish a notice stating that the wait list is closed in a publication likely to be read by potential applicants. The notice will state why it refuses to accept additional applications.

When The Hilarita agrees to accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner as the notification that the waiting list was closed.

Advertisements will include where and when to apply and will conform to the advertising and outreach activities described in the Affirmative Fair Housing Marketing Plan for The Hilarita.

RESIDENT SELECTION PLAN

The Resident Selection Plan (RSP) shall be posted in a conspicuous and public area. Changes to the plan will be sent via U.S. mail to all persons on the active Wait List. When the Wait List opens, the RSP will be distributed with applications and available at

management's request.

If the RSP or House Rules is revised or updated, applicants will receive a copy of the updated plan and current residents will receive a copy of the updated House Rules.

ANNUAL RECERTIFICATION

All residents must be re-certified annually. Residents are also required to report all interim changes to management that occur between annually scheduled re-certifications.

Interim Recertification

The resident's family composition, income, and expenses are reviewed annually.

Residents must report changes between Annual Recertification based on requirements outlined in the HUD Model Lease and the House Rules. Changes that result in an income increase or removal of a member must be reported within ten days.

Adding a new resident must be approved before the new member moves into the unit. Failure to notify the owner/agent before a new member is added is a material lease violation and may result in termination of tenancy.

The owner will process an interim reexamination when there is a change to household composition. When a family member permanently moves out of the unit, the owner will process an interim reexamination for all decreases in adjusted income.

If the change reported decreases family income, the owner will process an Interim Recertification (IR), adjusting rent, when that reduction lowers the family's Annual Adjusted Income by ten percent or more.

Based on the rules below, the owner will submit an Interim Recertification if the resident reports one or more changes, resulting in a ten percent increase in the annual adjusted income.

If the reported change includes an increase in income, but an IR reducing income has not been completed since the last AR, the owner will document the resident file and will consider income changes (earned and unearned income) when determining if the annual adjusted income has increased by ten percent or more.

If an IR reducing income has been completed since the last AR, the owner will complete an IR, not including any increase to earned income, when determining whether the annual adjusted income has increased by ten percent or more unless the change is reported within three months of the next annual recertification date.

If all adult family members comply with reporting requirements, rent changes will be implemented as follows:

1. Rent increases: If the rent increases, the owner will give the tenant 30 days advance notice. The effective date of the increase will be the first of the month after the end of the 30 days of completing the interim recertification.

2. Rent decreases: If the rent decreases, the change in rent is effective on the first day of the month after the date of action. A 30-day notice is not required for rent decreases.

Suppose all adult family members do not comply with the reporting requirements, and the owner discovers the tenant has failed to report changes as required. **In that case, the owner will implement rent changes as follows:**

1. Rent increases: owners must implement any resulting rent increase retroactively to the first of the month following the date that the action occurred.
2. Rent decreases: any resulting rent decrease must be implemented effective in the first rent period following completion of the recertification.

The owner will make rent decreases retroactive under certain circumstances. **If extenuating circumstances exist, the retroactive decrease is applied:**

- The first of the month following the date of the change that led to the decline.
- The first of the month following the effective date of the most recent full certification.

Consent and Verification Forms (9887s)

All adult applicants must sign HUD's 9887 and 9887A before being admitted to the housing program and at each annual recertification.

On January 1, 2024, or when HUD releases an updated 9887, applicants must sign HUD's

consent forms at admission. **After an applicant or resident has signed and submitted these consent forms, they do not need to sign and submit subsequent consent forms except under the following circumstances:**

- **When a new member is added to the unit if:**
 - The new member is 18 years of age or older.
 - The new member, regardless of age, is the HOH, co-HOH/spouse.
- **When a member of the family turns 18 years of age:**
 - If the family's assistance is terminated and the family wishes to reinstate housing assistance.
 - As required by HUD in administrative instructions.

These consent forms authorize HUD and the owner to obtain necessary information, such as income and tax returns, to verify applications or maintain assistance. They remain valid until aid is denied or assistance is terminated. If a family leaves a HUD program, the forms are no longer effective.

Any adult family member may notify the owner in writing to revoke consent. Doing so makes the family ineligible, and housing assistance will be terminated before the next annual or interim recertification. The resident will receive a 30-day Notice of Rent Increase, as required.

If the family wishes to reapply for assistance, and when such aid is available, the HOH, co-HOH/spouse, and all adult members must submit the signed 9887/9887A documents

with any documentation necessary to determine eligibility. Failure to do so will result in denial of assistance under HUD's program rules.

When a household member turns 18, they must meet with the management staff and sign appropriate forms when the first recertification notice is submitted. Failure to do so will result in termination of assistance for the entire household.

Verification

The owner shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development. After the preliminary eligibility determination, no decision to approve a Pre-Application or Application shall be made until the information provided on the Pre-Application or Application form and during subsequent interviews has been collected. Any necessary follow-up interviews have been performed.

All information about the following items must be verified as described in these procedures.

Information to be Verified

Information to be verified includes, but is not limited to:

- **Eligibility for Admission**
 - Income
 - Assets and Asset Income
 - Identification
 - Age

- Household Composition
- Social Security Numbers
- Student Status
- Current HUD Assistance
- **Allowances**
 - Age
 - Disability
 - Full-Time Student Status
 - Child Care Expenses
 - Disability Assistance Expenses
 - Medical Expenses (For Elderly/Disabled Households Only)
- **Preferences**
 - Status as a Victim of a Presidentially Declared Disaster
- **Compliance with Resident Screening Guidelines**
 - Criminal History
 - Credit History
 - Rental/Residence History
- The Need for an Accessible Unit

Methods of Verification

Verifications will be attempted as follows:

1. **Means-tested verification (also known as Safe Harbor):** The owner will not accept Means-tested Verification.
2. Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system.
3. UIV using non-EIV resources (e.g., Work Number, web-based state benefits system, etc.).
4. Written, third-party verification from the source, also known as "tenant-provided verification." An original or authentic document generated by a third-party source dated within 120 days of the date

received by the owner. A statement for the appropriate benefit year is acceptable documentation for fixed-income sources. Owners may also accept third-party verification directly from the verification source. For example, owners may, but are not required to, obtain verification of disability directly from a medical care provider (e.g., physician, physical therapist, etc.) or may accept a letter provided by the provider to the resident.

5. **EIV with Self-Certification (Employment or Unemployment Income):** The EIV Income Report may verify and calculate income if the family self-certifies that the amount is accurate and represents current income. The family will be provided with the information from EIV.
6. Written Third-party Verification Form.
7. **Oral verification:** When verifying information over the telephone or via the Internet, it is essential to be sure that the person is the party they claim to be. **When verifying information by phone, the owner must record and include in the tenant's file the following information:**
 - a. Third-party's name, position, and contact information
 - b. Information reported by the third party
 - c. Name of the person who conducted the telephone/internet interview
 - d. Date and time of the call
8. **Family Self-Certification:** In the absence of any of the above or as provided in HUD guidance, notarized or witnessed self-certification from the household member (the owner is not required to accept family/self-certification.) Except

when accepted based on HUD guidance (e.g., Streamlining, Assets Disposed, etc.), when the owner accepts Family Self-Certification, the tenant file will be documented, when appropriate, to show that staff attempted other acceptable verification before relying on family self-certification.

Sources of Information

Sources of information may include, but are not limited to:

- Any Member of the Applicant Family
- Present And Former Housing Providers/Landlords
- Present And Former Employers
- Banks
- Insurance Companies
- Any Asset Manager
- Family Members
- Any Person or Organization Providing Gifts/Regular Contributions to Any Member
- Social Workers/Parole Officers
- HUD's Enterprise Income Verification System (EIV)
- The Work Number
- Court Records
- Health Providers
- Physicians
- Clergy
- Schools/Institutes of Higher Education
- Department Of Homeland Security
- Department of Health and Human Services (HHS)
- The Internal Revenue Service (IRS)
- The Social Security Administration (SSA)
- Medicare/Medicaid

- Representative Of The United States Armed Forces
- Any Federal/Local Benefit Providers
- Pharmacies
- Utility Providers
- The World Wide Web (Internet)

The owner will be the final judge of the credibility of any verification submitted by an applicant. If the owner questions the validity of a document or the validity of the information provided, management staff will review it and rule on its acceptability.

Period for Verification

Except where HUD allows, only verified information less than 120 days old may be used for verification. This does not apply to means-tested verification, which may be used for up to 12 months.

Income from federal programs may be verified using an award letter for the award year until the cost-of-living adjustment (COLA) is announced.

Verified information not subject to change (such as a person's date of birth) will not be re-verified.

Consent and Verification Forms (9887s)

All adult applicants must sign HUD's 9887 and 9887A before being admitted to the housing program and at each Annual Recertification. When HUD releases the HOTMA compliant 9887/9887A, the HOH, co-HOH/spouse (regardless of age), and all adult applicants must sign HUD's consent forms no later than

the final eligibility interview. Applications for assistance (MI/IC) will not be considered until an executed 9887/9887A has been received from all family members, as indicated above.

After an applicant or resident has signed and submitted these consent forms, they do not need to sign and submit subsequent consent forms except under the following circumstances:

- **When a new member is added to the unit if:**
 - The new member is 18 years of age or older.
 - The new member, regardless of age, is the HOH, co-HOH/spouse.
- When a member of the family turns 18 years of age.
- If the family's assistance is terminated and the family wishes to reinstate housing assistance.
- As required by HUD in administrative instructions.

These consent forms authorize HUD and the owner to obtain information, including income and tax data, to verify applications or maintain assistance. The forms remain valid until aid is denied or terminated. If a family leaves a HUD program, the assistance ends, and the consent forms become invalid.

Any adult family member may write to the owner to revoke their consent. Upon receiving such notice, the owner will notify HUD. Revoking consent makes the family ineligible, and housing assistance will be terminated before the next annual or interim recertification. The resident will receive a 30-day Notice of Rent Increase as required.

If the family reapplies for assistance when available, all adult members, including the HOH and co-HOH/spouse, must submit signed 9887/9887A forms and required documents to determine eligibility. Failure to comply will result in denial of assistance under HUD rules.

When a minor in the unit turns 18, they will have ten days to meet with the management staff and sign appropriate forms. Failure to do so will result in termination of assistance for the entire household.

Owner Created Verification Forms

The owner may create verification forms for specific verification needs, including the language required by HUD.

Applicants who refuse to sign consent forms are subject to rejection, and residents who refuse to sign consent forms are subject to termination of assistance.

Owner-created verification forms must clearly state that the applicant or resident is not required to sign the form if it does not indicate who will provide the requested information and who will receive it. The owner will retain a copy of the verification form and provide a copy to the applicant or resident upon request.

Streamlining

The owner has implemented the following streamlining processes. The owner will not adopt Streamlined Determination of Fixed Income except for January to April certifications. Once the Social Security

Cost-of-Living Adjustment (SS COLA) is announced, it will be applied to any certifications for the award year that were not completed on the announcement date.

Verification of Assets

At move-in and at least every three years, the owner will verify the cash value of not expressly excluded assets and verify the income from those assets when possible. In years two and three, the owner will conduct such verification only if the net cash value of all family assets exceeds the current asset threshold. If the net cash value of all family assets (except those expressly excluded) is equal to or less than the current asset threshold, the owner/ will accept the family's notarized or witnessed self-certification, providing the net cash value of assets not explicitly excluded, and any known income from those assets.

The owner will accept self-certification of assets at move-in if the net cash value is \$50,000 or less, and the resident will provide anticipated income for those assets.

Streamlined Certification for Fixed Income Families

The owner will not implement Streamlined Certification for Fixed Income Families.

Enterprise Income Verification (EIV)

To ensure proper assistance is provided to the right people, HUD has provided property managers access to a verification database called the Enterprise Income Verification System (EIV). The Hilarita utilizes EIV during

the certification process for applicants and residents. All adult applicants, residents, and co-heads (even those under 18) must consent to release this information by signing HUD Forms 9887 and 9887A.

The Hilarita will utilize the EIV Existing Tenant Search when applications are processed to determine if household members currently reside at another Multifamily Housing or Public and Indian Housing (PIH) location. The EIV Existing Tenant Search is required for all household members, including minors, live-in aides, and foster members. EIV allows The Hilarita to query the Tenant Rental Assistance Certification System (TRACS) and PIH's Information Center databases.

Nothing prohibits a housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any project-based Section 8 voucher assistance before HUD assistance on this property will begin.

If the applicant or a member of the applicant's household resides at another location, The Hilarita will discuss this with the applicant, allowing the applicant to explain any circumstances relative to the applicant being assisted at another location.

Depending on the outcome of the discussion, The Hilarita may need to follow up with the respective PHA or Owner/Applicant (O/A) to confirm the individual's program participation status before admission. The Existing Tenant Search report allows The Hilarita to coordinate move-out and move-in dates with the PHA or O/A of the property at the other location.

If the applicant or any member of the applicant's household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.

SECTION 8 ASSIGNMENT

The Hilarita has a HAP contract for 91 Section 8 units. The Hilarita maintains an internal waiting list to fill Section 8 vacancies. Applicants on the external waiting list may also be eligible for a Section 8 vacancy. The property will alternate between the internal and external waiting lists to fill Section 8 vacancies. The first Section 8 vacancy will be filled from the internal resident waiting list, and in the case that no existing resident qualifies for or is interested in the Section 8 program, secondly, the Section 8 vacancies from the applicant waiting list.

Residents of The Hilarita interested in the Section 8 program must write a request letter to the office and request placement on the waiting list. The internal resident Section 8 waiting list will be operated on a first-come, first-served basis.

Section 8 vacancies, whether from the internal or external waiting list, will be filled per the preferences section of this plan. Residents on the internal waiting list must meet the eligibility criteria for the Section 8 program at the time of the initial interview to determine eligibility.

LIMITED ENGLISH PROFICIENCY

The Hilarita will determine, as part of its

obligation to take reasonable steps to ensure meaningful access to the Development and its programs by persons with Limited English Proficiency (LEP), those Oral Language Services (i.e., Interpretation) and HUD-provided written translated documents (i.e., Translation) that may be required in connection with the implementation of this plan.

PETS

No pets of any description are allowed on the property. Service or Assistance animals are not considered pets and are not required to comply with the provisions of the Pet Policy. Service or Assistance animals are specifically required to assist individuals with documented disabilities. Please notify management if you need a Service or Assistance animal.

UNIT INSPECTION REQUIREMENT

Before signing the lease, The Hilarita and the resident must jointly inspect the unit. The resident has five days to report any additional deficiencies to The Hilarita, which will be noted on the move-in inspection form.

The Hilarita performs annual unit inspections. Agencies providing funding have the right to inspect the unit to ensure the property is physically well-maintained and that the residents are provided with decent, safe, and sanitary housing. Residents will receive prior written notification for all unit inspections.

When a resident moves out, a final inspection will be completed. Residents are encouraged to attend the move-out inspection. However,

if the resident does not wish to participate, The Hilarita management may conduct the inspection alone.

EQUAL HOUSING OPPORTUNITY

The Hilarita does not discriminate based on disability status in admission to, access to, treatment, or employment in its federally assisted programs and activities.

EMERGENCY TRANSFER

The Hilarita is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking.

In accordance with the VAWA, The Hilarita allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of The Hilarita to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether Silver Oak has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants

on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees The Hilarita's subsidy programs to ensure they are in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer if:

1. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit.
2. The tenant may transfer if they face imminent harm from violence or if they are a victim of sexual assault that occurred on the premises within the past 90 days.

A tenant requesting an emergency transfer must expressly request the transfer using the procedures described in this plan. Tenants not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request

To request an emergency transfer, tenants must notify The Hilarita's management office and submit a written request to **The Hilarita, 100 Ned's Way, Tiburon, CA 94920**. If not previously provided, documentation of domestic violence, dating violence,

sexual assault, or stalking must be included. Reasonable accommodations will be provided for individuals with disabilities.

The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under The Hilarita Apartments' program.
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Acceptable documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking must be provided if the tenant has not provided such documentation.

Acceptable documentation includes any one of the following forms of verification:

1. A complete HUD-approved certification Form 5-382.
2. **A document:**
 - a. Signed by the resident and an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse.
 - b. That specifies, under penalty of

perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 C.F.R. § 5.2003.

3. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency.
4. At the discretion of The Hilarita, the resident should provide a statement or other evidence.

If The Hilarita receives conflicting evidence of domestic violence, dating violence, sexual assault, or stalking (e.g., certification forms from household members accusing each other), it may request third-party documentation within 30 days to resolve the conflict. Failure to provide this documentation may result in denial of protections under this notice.

Confidentiality

The Hilarita will keep confidential any information that the tenant submits in requesting an emergency transfer and information about the emergency transfer unless the tenant gives The Hilarita written permission to release the information on a time-limited basis or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping

confidential the new location of the dwelling unit of the tenant if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act for All Tenants for more information about The Hilarita's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Internal Emergency Transfer Timing and Availability

Internal emergency transfers refer to an emergency relocation of a resident to another unit where the resident would not be categorized as a new applicant. The resident may reside in the new unit without undergoing an application process. Internal emergency transfers are only available within the community in which the tenant is living. The Hilarita cannot guarantee that a transfer request will be approved or how long it will take to process it. However, The Hilarita will act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to the availability and safety of the unit. Transfers for these reasons will take priority over all other transfer requests, including those made to accommodate a disability and to address over- or under-utilization of a unit.

If a tenant believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the

terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The Hilarita may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If an internal safe unit is not immediately available, a tenant is allowed to seek an internal and external emergency transfer concurrently.

External Emergency Transfers

External emergency transfers refer to an emergency relocation of a resident to another unit where the tenant would be categorized as a new applicant. The tenant must apply to reside in the new unit.

While EAH Housing may manage other communities within the area, each is (1) owned by different entities, which are the actual housing providers at those communities for whom EAH Housing is acting as an agent, (2) has its wait lists, and (3) is subject to its regulatory agreements. As such, except in rare circumstances where the Owner owns another community, EAH Housing must process transfers to other communities, even those managed by The Hilarita, as external transfers. In most circumstances, The Hilarita cannot prioritize such external transfers even if The Hilarita manages the property or EAH Housing manages the property for the other owner. External transfers will require the transferring tenant to go on any pending waitlist in the same position as any other new applicant at the other property.

Additional Assistance

If The Hilarita lacks safe, available units for an eligible tenant in need, it will help the tenant find other housing providers with suitable options.

At the tenant's request, The Hilarita will also assist tenants in contacting the local organizations aiding victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Safety and Security of Tenants

The transfer and the actual transfer are pending processing, and the tenant is urged to take all reasonable precautions to be safe if it is approved and occurs.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at (800) 799-7233 or a local domestic violence shelter for assistance in creating a safety plan. That hotline can be accessed for persons with hearing impairments by calling (800) 787-3224 (TTY).

Tenants affected by sexual assault can call the National Sexual Assault Hotline at (800) 656-HOPE or visit [Rainn.org](https://www.rainn.org).

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 [Victimsofcrime.org](https://www.victimsofcrime.org).