

**Cheyenne Housing Authority  
Indian Hills Manor (IHM)  
Pine Bluffs (PB)  
Tenant Selection Plan**

**ELIGIBILITY REQUIREMENTS**

**Population Served (Elderly/Disabled)**

To qualify, the household must meet HUDs definition of an Elderly and/or Disabled Family at move-in:

**Elderly Family**

1. Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
2. The surviving member or members of a family described in paragraph (1) living in a unit assisted under 24 CFR part 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death;
3. A single person who is 62 years of age or older; or
4. Two or more elderly persons living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be

**Disabled Family**

1. Families of two or more persons the head of which (or his or her spouse) is a person with disabilities;
2. The surviving member or members of any family described in paragraph (1) of this definition living in a unit assisted under 24 CFR 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death;
3. A single person with disabilities (handicapped person) over the age of 18; or
4. Two or more persons with disabilities (handicapped person) living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

**Citizenship Requirements**

All family members must declare their citizenship or immigration status regardless of age. Assistance in subsidized housing at IHM and PB is restricted to:

1. U.S. Citizens or nationals; and
2. Noncitizens who have eligible immigration status;

Mixed households must comply with all applicable HUD regulations.

### **Social Security Number Requirements**

All applicant and tenant household members must disclose and provide verification of the complete and accurate SSN assigned to them except for those individuals who do not contend eligible immigration status or tenants who were age 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.

An applicant may not be admitted until SSNs for all household members have been disclosed and verification provided.

1. The applicant who has not disclosed and provided verification of SSNs for all household members must disclose and provide verification of SSNs for all household members to the owner within 90 days from the date they are first offered an available unit.
2. If the owner has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of disclosing and providing verification of the SSN, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation.
3. After 90 days, if the applicant has been unable to supply the required SSN and verification documentation, the applicant shall be determined ineligible and removed from the waiting list.

### **Income Limit**

The annual income of the household must not exceed the Very Low (50%) Income Limit of the Median Family Income for Laramie County. Income Limits are updated annually by HUD. Current income limits will be made available upon request and can be found online at [huduser.gov](http://huduser.gov) – data sets.

If needed, preference will be given to Extremely Low (30% AMI) income applicants in order to meet HUDs income targeting requirement that during a fiscal year at least 40% of the units that become available, together with initial certifications of in-place tenants, serve Extremely Low-income families.

### **Student Restrictions**

1. Section 8 assistance shall not be provided to any individual who is enrolled part time or full time at an institution of higher education (as defined by HUD regulations) to obtain a degree, certificate, or other program leading to a recognized educational credential; and
  - a) Is under the age of 24; and
  - b) Is not married; and
  - c) Is not a veteran of the U.S. Military; and
  - d) Does not have a dependent child; and
  - e) Is not a person with disabilities (defined in 3 (b) (3) (E) of the U.S. Housing Act of 1937 (42 U.S.C 1437 a (b) (3) (E) and was not receiving Section 8 assistance as of November 30, 2005 Figure 3-6, definition E; and
  - f) Is not living with his/her parents who are receiving Section 8 assistance;

and

- g) Is not individually eligible to receive Section 8 assistance or has parents (individually or jointly) who are not income eligible to receive Section 8 assistance.

## 2. Definition of an Independent Student

The student must meet the following criteria to be eligible for Section 8 assistance as an independent student. The student must:

- a) be 24 years of age or older by December 31 of the award year;
- b) 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;
- c) is or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- d) is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes;
- e) is a graduate or professional student;
- f) is a married individual;
- g) has legal dependents other than a spouse;
- h) 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;
- i) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

To determine that the students' parents' income is not relevant in determining the student's eligibility for assistance by doing all of the following:

- a) Review and verify previous address information to determine evidence of separate household verifying the student meets the U.S. Department of Education's definition of independent student;
- b) Review a student's prior year income tax returns to verify the student is independent or verifying the student meets the Department of Education's definition of independent student;
- c) Verify income provided by parent by requiring written certification from an individual providing the support. Financial assistance that is provided by persons not living in the unit is part of the annual income.
- d) Certification is also required if the parent is providing NO support to the student.

## APPLICATION AND WAITING LIST PROCESS

### Taking Applications

Applications for housing assistance can be completed on-line or by filling out a paper pre-application. Applicants may call the Cheyenne Housing Authority (CHA) to confirm

what waiting lists they are active on, the date of the application and confirmation of their mailing address. The applicant must keep the CHA informed of their current mailing address at all times. If any notice sent by the CHA is returned as undeliverable, the applicant's name will be removed from all waiting lists. The CHA will notify the applicant by mail and/or email if any additional information is needed and when their name is approaching the top of the waiting list to begin the eligibility determination process.

### **Preferences**

The CHA will select families based on the following preferences. After preferences, CHA will determine priority based upon the date and time of application. A family may qualify for a preference at any time they are on the waiting list, but must qualify for the preference at the time of selection from the waiting list. At the time eligibility for the program is determined, all preferences must be documented by evidence, which must include verification by a reputable and professional third party.

Applicants not eligible for the preference will be placed on the regular waiting list as of the date and time of their pre-application. Preference-qualified applicants will be offered housing assistance before other applicants.

1. The following preference applies only to elderly and disabled households.

Person(s) who reside in the CHA jurisdictional service area or who are working or have been hired to work in the CHA jurisdictional service area.

### **Income-targeting**

If needed, preference will be given to Extremely Low (30% AMI) income applicants in order to meet HUDs income targeting requirement that during a fiscal year at least 40% of the units that become available, together with initial certifications of in-place tenants, serve Extremely Low-income families.

### **Screening & Suitability Criteria**

Applicant families will be evaluated to determine whether, their recent behavior could reasonably be expected to result in noncompliance with the lease. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the property, other tenants, CHA employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the following suitability criteria:

1. History of meeting financial obligations, especially rent and utilities;
2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
3. History of criminal activity by any household member involving crimes of physical violence against persons or property including drug-related criminal activity that would adversely affect the health, safety, or well-being of other

- tenants or staff or cause damage to the property;
4. History of disturbing neighbors, destruction of property, or leaving a lease or federally assisted housing program under unfavorable conditions;
  5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived therefrom; and
  6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

The CHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The CHA will require third party verification of the information provided. Such verification may include but may not be limited to the following:

1. A credit check for all adult household members;
2. A rental history check of all adult family members;
3. A criminal background check: The CHA will conduct criminal background checks on all adult household members, including live-in aides, through an FBI authorized channeler accessing the FBI's National Crime Information Center (NCIC) or similar method of accessing that database. If the background check report includes background information that suggests that the individual may be disqualified from admission but lacks sufficient information to make a qualified/disqualified determination, the CHA will request additional documentation from the applicant and other sources required to determine the individual's eligibility. Criminal background checks will be conducted and evaluated for eligibility prior to move-in. The CHA will deny assistance to an applicant family because of disqualifying criminal activity, as set forth by this plan or by law, on the part of any adult household member including a live-in aide.
4. Sex Offender Registry Checks: The CHA will perform sex offender registry checks on all adult household members, including live-in aides, through the Department of Justice (Dru Sjodin) National Sex Offender Public Website (NSOPW) or similarly comprehensive sex offender database. Sex offender registry checks will be conducted and reviewed for eligibility prior to move-in. The CHA will permanently ban from program participation any individual, including any live-in aide, subject to registration as a lifetime sex offender in any state. The CHA will deny assistance to an applicant family if any household member, including a live-in aide, is subject to registration as a lifetime sex offender in any state.

### **Grounds for Denial**

The CHA is not required or obligated to assist applicants who:

1. Do not meet any one or more of the eligibility requirements;
2. Do not meet Suitability Criteria
3. Do not supply information or documentation required by the application process;
4. Have failed to respond to a written request for information or a request to declare their continued interest in the program (including mail that is returned

- as undelivered or undeliverable);
5. Have any household member who has currently engaged in, or has engaged in during a reasonable time before the admission decision:
    - a. Drug related criminal activity;
    - b. Violent criminal activity;
    - c. Other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
    - d. Other criminal activity that would threaten the health or safety of the CHA or any of its employees, agents, contractors, or subcontractorsIn making the determination whether this section is applicable to conduct by a household member, the following guidelines shall be used:
    - a. A household member is “currently engaged in” criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.
    - b. If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past three years, the family will be denied admission. Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug. Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. Criminal activity that may threaten the health, safety, or welfare of other tenants. Criminal activity that may threaten the health or safety of CHA staff, contractors, subcontractors, or agents. Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse. Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past three years. A conviction for such activity will be given more weight than an arrest or an eviction. A record or records of arrest will not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity
    - c. Different criminal acts over a period of time may be considered individually and/or collectively in determining whether a member of the household has engaged in criminal activity covered by this section. In determining whether a series or pattern of different criminal acts constitutes criminal activity covered by this section criminal acts which are beyond the determined “reasonable time” may be considered if they are part of that series/pattern, as long as there are criminal acts in the series/pattern which also fall within the period of “reasonable time.” In the event that a series or pattern of criminal acts is determined to be subject to this section, the date of the commission of the last act in the series/pattern shall be used to determine whether it falls into the period of “reasonable time” and for the determination of eligibility for reapplication.

- d. Consideration shall be given to the following factors relevant to the decision to provide or deny assistance: the resulting effect on the community if a decision to assist (or deny assistance) is made; the demand for assisted housing by families who meet assistance eligibility requirements; and the effect of the decision on the integrity of the CHA's housing programs.
  - e. Consideration may be given to other circumstances relevant to the decision to provide or deny assistance, including, but not limited to, such factors as the seriousness of the criminal activity; the extent to which the household member has taken (or has not taken) responsibility for the criminal activity; the extent to which the household has taken all reasonable steps to prevent or mitigate the criminal activity; the effect of a potential decision to deny assistance on household members not involved in the criminal activity; and mitigating circumstances causing or relating to the criminal activity. If a determination is made that a household is ineligible for assistance under the terms of this section, that household shall remain ineligible and may not be eligible for assistance until the period of "reasonable time" since the offending criminal activity has expired.
6. Have a history of disturbing neighbors or destruction of property;
  7. Currently owes rent or other amounts (including community service hours) to any other federally assisted housing programs;
  8. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
  9. Have any household member who was ever evicted from federally-assisted housing for drug-related criminal activity. However, the CHA may admit the household if it determines:
    - a. That the evicted household member who engaged in drug related criminal activity has successfully completed a supervised drug rehabilitation program approved by the CHA; or
    - b. That the circumstances leading to the eviction no longer exist (for example, the criminal household member had died or is imprisoned).
  10. Were ever evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled 19 Substances Act, 21 U.S.C. 802;
  11. Have any household member who is currently engaging in the illegal use of a drug; or if any household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or if any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. In determining whether to deny assistance for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such abuse, or for

abuse or a pattern of abuse by a household member who is no longer engaging in such abuse, the CHA may consider whether the household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated.

12. Have engaged in or threatened abusive or violent behavior towards any CHA staff or residents;
13. Have a household member who has ever been terminated unfavorably and/or evicted from public housing or any other federally assisted housing program;
14. Have a family household member who has been terminated under the voucher program;
15. **Denied for Life:** Have any household member who has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
16. **Denied for Life:** Have any household member who is subject to a lifetime registration requirement under any state’s sex offender registration program.

**Dual Subsidy & Use of EIV**

Within 120-days prior to move-in, CHA will use the EIV Existing Tenant Search to determine if the applicant or any member of the applicant’s household are being assisted under a HUD rental assistance program at another location.

**Opening & Closing the Waiting List**

The waiting list will remain continually open.

**OCCUPANCY STANDARDS**

**Determining Unit Size**

The CHA will reference the following standards to determine the appropriate unit bedroom size for a family:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4

To ensure appropriate use of needed resources, CHA will use these occupancy standards and the following guidelines. This will serve to ensure that families have the appropriate amount of space and are neither over housed nor under housed. CHA will use the occupancy standards, as follows:



- Generally, there is a minimum of one person and a maximum of two persons per bedroom. CHA does not determine who shares a bedroom.
- The family is given the choice of which bedroom size is appropriate for their family, as long as the number of family members is within the range listed in the chart above.
- Once the family has selected an eligible bedroom size they will be placed on the waiting list for that bedroom size. If the family wishes to change the bedroom size requested for the waiting list, the request must be in writing. Approval of the request will be based on the number of members in the household.
- Authorized live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.
- Single person families will be allocated either a zero (efficiency) or one-bedroom unit.
- Foster children will be included in determining unit size only if they will be in the unit for at least six (6) consecutive months.

A household that contains a family member (not the head of household or spouse) enrolled as a full-time student at an institution of higher learning and on the lease will be counted for the purposes of establishing occupancy standards for unit size if:

- The family member is enrolled and actively attending a two-year or four-year college or university; and
- The family member resides in the unit during school breaks and holidays.

A household in which the parent shares joint custody of a dependent child shall include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:

- The head of household is legally entitled to physical possession of the child more than 50% of the time; and
- The child actually physically resides in the unit with the head of household more than 50% of the time; and
- If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

In cases where there are no appropriately sized households on the waiting list for a particular unit size, CHA may offer that unit to household on the waiting list for a different sized unit (example: If there is a vacant 2-bedroom apartment and no applicants on the 2-bedroom waiting list, CHA will begin offering the unit to applicants on the 1 bedroom waiting list).

## **UNIT TRANSFERS**

### **Objectives of the Transfer Policy**

The objectives of the Transfer Policy include the following:

1. To address emergency situations, including victims of domestic violence.
2. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies an appropriately sized unit.
3. To facilitate a relocation when required for modernization or other management purposes.
4. To facilitate relocation of families with inadequate housing accommodations.
5. To facilitate a transfer to best meet the needs of families in need of accessible or adaptable features.
6. To provide an incentive for families to assist in meeting the CHA's de-concentration goal.
7. To eliminate vacancy loss and other expense due to unnecessary transfers.

#### Categories of Transfer

##### Category 1

###### Emergency medical transfers:

These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

##### Category 2

###### Administrative

###### Transfers:

These transfers are made to offer incentives to families willing to help meet certain CHA occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the CHA when a transfer is the only or best way of solving a serious problem.

If a tenant resides in a CHA dwelling unit with accessible or adaptable features, and that tenant does not require those accessible or adaptable features, then that tenant must transfer to another CHA unit if another tenant has need of those accessible or adaptable features.

Units will be chosen based on the accessibility need of the person with a disability. If all units have the same accessibility, then the tenant who lived there the longest will be asked to transfer into a non-accessible unit so that the person with a disability can move into the accessible unit.

##### Exceptions

The CHA will grant exceptions to the transfer policy for persons with disabilities requesting a transfer as a reasonable accommodation. In these instances, the Reasonable Accommodation policy will take precedence. The CHA will grant exceptions to the transfer policy for victims of domestic violence in accordance with the VAWA procedures.

### **Documentation**

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

### **Processing Transfers**

Upon offer and acceptance of a unit by virtue of transfer, the family will be allowed thirty (30) days to complete a transfer and execute all lease up documents. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owed) must be paid at the time of lease execution.

Generally, tenant-caused damages or other amounts owed must be paid prior to the transfer being approved. The security deposit on the old unit will be refunded and/or applied towards damages/other amounts owed and a security deposit for the new unit will be required.

The following is the policy for the rejection of an offer to transfer:

- A. If the transfer is being made at the request of the CHA and the family rejects one offer without good cause, the CHA will take action to terminate their tenancy/lease. If the reason for the transfer is that the current unit is too small to meet the CHA's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room. If the transfer is being made at the family's request, and the offer is turned down, the family's name will be removed from the transfer list.
- B. For medical transfers requested by the tenant, the tenant must accept the next available unit that is offered, regardless of location, so long as the unit offered meets the requested transfer needs of the tenant, or they will be removed from the transfer waiting list.

### **Good Standing Requirement**

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the CHA. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection.

### **Transfer Requests**

A tenant may request a transfer (Non-Administrative Transfer) at any time by completing a transfer request form. In considering the request, the CHA may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The CHA will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting. Generally, only medical transfers qualify to be requested by the tenant.

The CHA will grant or deny the transfer request in writing within ten (10) business days after receipt of all information required to be considered relative to the transfer request. The Security Deposit will not be transferred. The CHA will treat the leasing of the new unit as a new lease-up, and the tenant will be required to pay pro-rated rent and security

deposit for the new unit prior to issuance of keys and execution of the lease, in addition to all other standard lease-up requirements.

If the transfer is approved, the family's name will be added to the transfer waiting list.

**Policy for Filling Vacant Units**

Vacant units will be filled with tenants who have been approved for a necessary transfer prior to applicants on the property waiting list.

**VIOLENCE AGAINST WOMEN ACT (VAWA)**

The Violence Against Women and Justice Department Reauthorization Act of 2005 provides important protection for victims of domestic violence, dating violence, sexual assault or stalking as those terms are defined in Section 3 of the of the United States Housing Act of 1937, as amended by VAWA (U.S.C. 13925), cannot be a reason for being denied Federal Public Housing, a Section 8 voucher or, privately owned Project-Based Section 8 Housing for Multifamily Housing.

This same law also prohibits the eviction of, and removal of assistance from certain persons living in Public or Section 8 assisted housing, if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA (U.S.C. 13925). The U.S. Department of Housing and Urban Development (HUD) has provided to Public Housing Agencies (PHA's) and Agents and Owners of Public Housing and Section 8 housing a HUD form labeled HUD-91066 for the purpose of victims of domestic violence, dating violence, sexual assault or stalking to certify that he or she is the victim of domestic violence, dating violence, sexual assault or stalking. The purpose of this certification is to verify that the victim falls under the protection of the Violence Against Women Act. The CHA will accept other forms of certification, in lieu of Form HUD-91006 if necessary.

Any information provided to a service provider, an Owner or Housing Agency that an individual is a victim of domestic violence, dating violence sexual assault or stalking must be kept confidential.

CHA's VAWA policies are in accordance with the current guidance in the HUD 4350.3 Handbook and other applicable Federal, State and Local laws.

**IHM and PB policies comply with**

Section 504 of the Rehabilitation Act of 1973

- prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance

The Fair Housing Act Amendments of 1988

- prohibits discrimination in housing and 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 on the basis of race, color or national origin in any program or activity receiving (HUD) federal financial assistance

HUD's Equal Access Rule

- housing across HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

### **Housing Opportunities Through Modernization Act (HOTMA)**

#### **CHA Policies – Effective Date To Be Determined**

**(A full description of HUD Mandated HOTMA Policies can be located in Notice H 2023-10 and possible subsequent notices)**

#### **Net Family Assets**

1. Restrictions on Assistance based on Assets  
24 CFR 5.618

New admission:

There are two circumstances under which a family is ineligible for the program based on asset ownership.

First, assistance may not be provided to any family if the family's net asset exceeds \$100,000 (adjusted annually by HUD)

Second, the family has real property that is suitable for occupancy by the family as a residence and the family has:

- a present ownership interest in the real property;
- a legal right to reside in the real property; and
- effective legal authority to sell (based on the state or local laws of the jurisdiction where the property is located) the real property.

A property is considered *suitable for occupancy* unless the family demonstrates that:

- the property does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability -related need for additional bedrooms, proximity to accessible transportation, etc.);
- is not sufficient for the size of the family:

*CHA Policy:*

*Current occupancy standards will be used for this determination.*

- the property is geographically located so that it creates 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),

*CHA Policy:*

*If the property is located within the Cheyenne Metropolitan area for Indian Hills Manor or the Pine Bluffs area for Pine Bluffs Apartments, a commuting hardship generally will not be considered. CHA may consider any specific circumstances provided by the family in making this determination.*

- is not safe to reside in because of the physical condition of the property (e.g., property's physical condition poses a risk to the family's health and safety and

- the condition of the property cannot be easily remedied); or
- the family does not have the legal right to reside in the property.

## 2. Asset Limitation at Annual and Interim Reexaminations

24 CFR 5.618

At annual and interim reexaminations, MFH Owners may choose not to enforce the asset limitation, if they establish a written non-enforcement policy. MFH Owners may establish a total non-enforcement policy for all families at reexaminations, which would mean that they will not initiate termination or eviction proceedings for a family for non-compliance with the asset limitation. Where the MFH Owner exercises this discretion to allow families who would otherwise fail to comply with the asset limitation to continue renting their units, the families will continue to receive assistance.

### *CHA Policy:*

*For all families that are determined at the annual or interim reexamination to be non-compliant with the asset limitation, CHA will not enforce the asset limitation. Such families will not be subject to termination or eviction proceedings due to non-compliance with the asset limitation at reexamination.*

## 3. Self-Certification of Net Family Assets Equal to or Less than \$50,000 (adjusted annually for inflation)

24 CFR §§ 5.603; 5.609; 5.618; 5.659; 891.105; and 891.415(a)(2)

### *CHA Policy:*

*CHA will determine net family assets and anticipated income earned from assets at new admission by fully verifying the information reported by the family, regardless of the family having assets that are equal to or less than \$50,000. After fully verifying the family's net family assets at new admission, CHA will accept self-certification of assets that are equal to or less than \$50,000 until the third annual reexam following the most recent full verification.*

*After a family's assets of \$50,000 or less have been self-certified for two consecutive years, at the next annual reexamination, CHA will fully verify net family assets and anticipated income earned from assets. If net family assets are greater than \$50,000, assets will be fully verified at new admission and at every annual reexamination thereafter.*

*When fully verifying assets, CHA will obtain a minimum of one of the most recent account statement(s) to verify the balance and any interest on accounts, including any checking and savings accounts.*

## 4. Non-necessary Personal Property

Examples of non-necessary personal property:

- Recreational car/vehicle not needed for day-to-day transportation (campers, motorhomes, travel trailers, all-terrain vehicles (ATVs))
- Recreational boat/watercraft

If the family's total non-necessary personal property is valued under \$50,000 (as adjusted), then non-necessary personal property is excluded from net family assets. Further, when accepting self-certification, no breakdown between necessary and non-necessary is required - it can all be excluded (even if it is all non-necessary).

If the family's non-necessary personal property has a combined net value over \$50,000, CHA will ask the family to report a full list of their non-necessary personal property. The PHA will assess the list to determine if any of the items are necessary personal property. CHA will make a determination as to each item identified, based on HUD guidance, and if the item is determined to be necessary, or otherwise excluded from net family assets, like a retirement account, educational savings account etc, it will be excluded from the family's net assets.

### **De Minimis Errors in Income Determinations**

24 CFR 5.609 (C)(4); 5.657(f); 891.105; 891.410(g); and 891.610(g) Notice H 2023 – 10 / Attachment B

De minimis errors occur when MFH Owner's determination of a family's income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (or \$360 in annual adjusted income). MFH Owners will not be issued a finding by HUD or the Contract Administrator for de minimis errors in income calculation.

As MFH Owners become aware of the existence of an income calculation error, they are obligated to correct the error(s) retroactive to the effective date of the action the error was made regardless of the dollar amount associated with the error. MFH Owners must take corrective action to credit or repay a family if the family was overcharged tenant rent, including when MFH Owners make de minimis errors in the income determination.

Families will not be required to repay the MFH Owner in instances where the MFH Owner miscalculated income resulting in a family being undercharged for rent.

#### ***CHA Policy:***

*Once CHA becomes aware of the existence of an income calculation error, the error(s) will be corrected retroactive to the effective date of the error regardless of the dollar amount associated with the error. Any credit due to the tenant will be applied to future charges unless the tenant requests a lump sum refund. If a lump sum refund is requested by the tenant or the tenant is paying zero rent, then payment from the CHA will be issued to the tenant within 30 days. CHA will send a letter to the family informing them of the credit. If the participant has vacated the unit, the payment will be mailed to the tenant's last known address within 30 days.*

### **Hardship Exemptions**

24 CFR 5.611 (c)(1); 24 CFR 5.611 (c)(2); 24 CFR 5.611 (d); and Notice H 2023-10 /  
Attachment C

### **1. Hardship Exemptions For Health/Medical Care Expenses & Reasonable Attendant Care & Auxiliary Apparatus Expenses – GENERAL RELIEF**

There are two types of hardship exemptions to the ten percent threshold for deducting unreimbursed health and medical care expenses (for elderly and disabled families) and reasonable attendant care and auxiliary apparatus expenses (for families that include a person with disabilities).

- The first category, Phased In Relief, defined in § 5.611(c)(1), is for families eligible for and taking the unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses deduction in effect prior to January 1, 2024.
- The second category, General Relief, defined in § 5.611(c)(2), is for families that can demonstrate that the family's health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination.

If the MFH Owner determines that a family is eligible for general relief, the family will receive a deduction for the sum of the eligible expenses that exceed 5 percent of annual income. The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier.

#### *CHA Policy*

*CHA will not continue the phased-in relief if a family moves from one assisted housing program to another and will be treated as a new admission.*

#### *CHA Policy:*

*General Relief - CHA defines the type of circumstances that allows a family to qualify for a financial hardship under General Relief as:*

*The family's income decreased because of the death of a family member or due to a natural or federal/state declared disaster.*

- *With a qualifying hardship, CHA will deduct eligible expenses in excess of 5 percent of the family's income for a period of up to 90 days. No extensions will be provided.*
- *All hardship requests must be submitted to the CHA office in writing.*

### **2. Hardship exemption to Continue Child Care Expense Deduction**

#### ***24 CFR 5.611(d) and Notice PIH 2023-27***

A family whose eligibility for the child care expense deduction is ending may request a financial hardship exemption to continue the child care expense deduction under 24 CFR 5.611(a)(4). The PHA must recalculate the family's adjusted income and continue the child care deduction if the family demonstrates to the PHA's satisfaction that the family is unable to pay their rent because of loss of the child care expense deduction, and the child care expense is still necessary even though the family member is no longer employed or furthering his or her education.



*CHA Policy:*

*CHA will extend the child care expense deduction for one (1) 90-day period if the family demonstrates that they are unable to pay their rent because of loss of the child care expense deduction, and the child care expense is still necessary even though the family member is no longer employed, looking for work, or furthering his or her education.*

- *A hardship will be considered if there has been a death in the assisted family. In order to qualify under this provision, a family must describe how the death has created a need for child care.*
- *A family is considered to have a hardship when the household's family share of total housing costs exceeds 50 percent of adjusted household income.*
- *All hardship requests must be submitted to the CHA office in writing.*

*For all Hardship Exemptions that are granted:*

- *The family must report to the CHA within 15 business days if the circumstances that made the family eligible for the hardship exemption are no longer applicable.*
- *CHA will provide the family with 30 days advance notice of any rent increase, and such rent increase will be effective the first day of the month beginning after the end of that 30-day notice period.*
- *If the family does not report the change in a timely manner, the adjustment will be made retroactive to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement.*

**Additional Permissive Deductions**

*CHA Policy:*

*CHA has opted **not** to use permissive deductions.*

**Interim Reexaminations**

24 CFR 960.257(b)(6); 982.516(c)(4); and 882.515(b)(4) - (b)(5)

**1. Timely Reporting of Changes**

24 CFR 960.257(b)(4); 982.516(d); 882.515(b)(5); and 882.808(i)(4)

*CHA Policy:*

*Families must report all changes in family income or composition within 15 business days from the effective date of the change to be considered "timely."*

- *Timely reporting related to an increase in rent: When a family reports a change in family income or composition that will result in*

*an increase in tenant rent, the family must be provided a minimum of 30 calendar days' notice of the rent increase. The rent increase will be effective on the first of the month following the end of the 30-day notice.*

- *Timely reporting related to a decrease in rent: Families that report changes in family income or composition within 15 business days from the effective date of the change that results in a decrease in tenant rent, the decrease will be effective the first day of the month after the date of the actual change leading to the interim reexamination of family income.*
- *Untimely reporting related to an increase in rent: Families that do not report changes in family income or composition within 15 business days from the effective date of the change, that will result in an increase to tenant rent, will have the rent increase implemented retroactively to the first of the month following the date of the change leading to the interim reexamination. The family will owe a one-time payment equal to the difference in the rent paid and the new increased rent for each monthly rental period from the time of the change in circumstances through the date of the interim reexamination.*
- *Untimely reporting related to a decrease in rent: When a family does not report a change in a timely manner that will result in a decrease in tenant rent, CHA will implement the decrease no later than the first of the month following completion of the reexamination.*
- *In all cases, a retroactive rent decrease may not be applied prior to the later of either the first of the month following the date of the actual decrease in income, or the first of the month following the most recent previous income examination.*

## **2. Decreases in Adjusted Income**

24 CFR 5.657(c)(2); 882.515(b)(2); 891.105; 891.410(g)(2); 891.610(g)(2); 960.257(b)(2); and 982.516(c)(2)

A family may request an interim reexamination of family income for any change since the last determination, however, the Owner may decline to conduct an interim reexamination of family income if the Owner estimates the family's adjusted income will decrease by an amount that is less than 10% of the family's annual adjusted income (or a lower amount established by HUD through notice), or a lower threshold established by the Owner. Owners are required by HUD to process interim reexaminations for all decreases in adjusted income when a family member permanently moves out of the unit.

### *CHA Policy:*

*An interim reexamination will be conducted when CHA becomes aware that the family's adjusted income has changed by an amount that is estimated to result in a decrease of at least 10% of the family's annual adjusted income.*

### 3. Increases in Adjusted Income

24 CFR 5.657(c)(2); 882.515(b)(2); 891.105; 891.410(g)(2); 891.610(g)(2)  
960.257(b)(2); and 982.516(c)(2)

Owners must conduct an interim reexamination of family income when the PHA becomes aware that the family's adjusted income has changed by an amount that the PHA estimates will result in an increase of 10% or more in annual adjusted income or another amount established through a HUD notice. A series of smaller increases reported in adjusted income may cumulatively meet the 10% increase threshold, at which point the PHA must conduct an interim reexamination. However, Owners may not consider any increases in earned income when estimating or calculating whether the family's adjusted income has increased, unless the family had a previous interim examination where the family's income decreased during the same reexamination cycle (earned, unearned, or combined). PHAs do not have the discretion to disregard increases in unearned income for the purposes of conducting an interim reexamination.

*CHA Policy:*

*CHA will perform an interim reexamination when the family reports a change in adjusted income that will result in an increase of 10% or more in annual adjusted income. CHA will take into consideration not only changes to income but must also consider changes to eligible expenses, if applicable, to determine if an interim reexamination will be completed.*

*CHA will not consider any increases in **earned income** when estimating or calculating whether the family's adjusted income has increased.*

*No interim reexaminations will be conducted due to increases in annual adjusted income in the 3 months before the next regular annual examination.*

### Authorization for the Release of Information – HUD 9887 Form

24 CFR 5.230; 5.232; 891.105; 891.410(b)-(c); and 891.610(b)-(c)

In accordance with the final rule, all applicants must sign the consent form at admission, and participants must sign the consent form no later than their next interim or regularly scheduled income reexamination. After an applicant or participant has signed and submitted a consent form either on or after January 1, 2024, they **do not** need to sign and submit subsequent consent forms at the next interim or regularly scheduled income examination except under the following circumstances:

- When any person 18 years or older becomes a member of the family;
- When a member of the family turns 18 years of age; and
- As required by HUD or the PHA in administrative instructions.

*CHA Policy:*

*CHA requires that each applicant or participant family member 18 years or older sign a HUD 9887 form to authorize the release of certain information*

*to the CHA on admission.*

*At each annual or interim reexamination, CHA will determine if any family member turned 18 and has not yet signed the HUD-9887 form. Such a family member will be required to sign the appropriate form at the reexamination.*

*The executed consent form (Form HUD-9887) will remain effective until the family is denied assistance, the assistance is terminated, or if the family provides written notification to the CHA to revoke consent. Families have the right to revoke consent by written notice to CHA, however, revoking consent will result in termination or denial of assistance. CHA will explain to families the consequences of revoking their consent and notify the local HUD office of a family's revocation of consent.*

**Determination of Income Using Other Means Tested Public Assistance (i.e., “Safe Harbor”) Regulation:**

24 CFR 5.609(c)(3) and 891.105; 891.410(b)-(c) and (g); and 891.610(b)-(c) and (g)

*CHA Policy:*

*CHA **will not** accept or use income determinations from other federal means-tested forms of assistance.*

**Enterprise Income Verification (EIV) Usage**

24CFR 5.233; Notice H 2023-10/Attachment J

The regulation clarifies that MFH Owners must use EIV to verify tenant employment and income information at annual and streamlined reexaminations of family composition and income. However, MFH Owners are no longer required to use EIV to verify tenant employment and income information during an interim reexamination of family composition and income. MFH Owners are still required to use EIV in its entirety, including using all of the required reports, such as the Existing Tenant Search and Income Reports, to verify tenant employment and income information at all other times.

*CHA Policy:*

*Income and IVT reports will only be used for interim reexaminations as necessary. For example, EIV may be used to verify that families claiming zero income are not receiving income from any sources listed in EIV.*

*Income and IVT reports will be retained in resident files with the applicable annual documents or interim reexamination documents (if applicable) for the duration of tenancy.*

***New Hires Report***

***[Notice PIH 2023-27]***

The New Hires Report identifies participant families who have new employment within the last six months. The report is updated monthly. MFH Owners must review this information at annual reexamination except when the Owner uses Safe Harbor verification from another

means-tested federal assistance program to determine the family's income.

Owners that do not require families to undergo interim reexaminations for earned income increases after an interim decrease are not required to review this report between a family's annual reexamination. If the Owner requires an interim for increases in earned income after an interim decrease, then the Owner must review the report quarterly after the family's interim decrease.

*CHA Policy:*

*The CHA will not process interim reexaminations for families who have increases in earned income. CHA will only review the New Hires Report at annual reexamination.*

The most current version of the Tenant Selection Plan is posted on CHA's website.