

# **ELIGIBILITY & ADMISSIONS POLICY FOR** **Tenant Based Assistance Program**

## **TBA PROGRAM OBJECTIVES**

This program is created to supplement existing Housing Authority's housing stock by utilizing community housing inventory meeting the Housing Authorities standards and payment policies.

A participant may not receive the benefit of Tenant Based Assistance while receiving the benefit of any other form of housing subsidy for the same dwelling unit or for a different dwelling.

The assisted unit must be the participant's only residence.

## **I. REQUIREMENTS**

### **Fairness and Non- Discrimination**

Eligibility for programs and admission to units operated by the Housing Authority shall be fair at all times and in all respects. Board Members, Staff, and any Sub-grantee of the Housing Authority shall be fair and impartial in selecting people to participate in programs of the Housing Authority. They are prohibited from making determinations based in whole or in part on family ties, political views, or personal bias. Selections made by the staff may be reviewed by the Board of Commissioners for compliance with this Policy and other Housing Authority requirements.

Pursuant to the NAHASDA law and regulations, the Housing Authority will comply with the following nondiscrimination requirements, as applicable:

1. The Age Discrimination Act of 1975 (42U.S.C. 6101-6107) and HUD's Implementing regulations in 24 CFR part 146
2. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD's Implementing regulations at 24 CFR part 8.
3. The Indian Civil Rights Act (Title II of the Civil Rights Act of 1968; 25 U.S.C.1301-1303).

## **II. APPLICATION FOR ASSISTANCE**

### **Written Application**

Any family that wishes to apply for services shall meet with the Intake and Eligibility Staff in order to insure program suitability. The household will submit a completed application provided by the Housing Authority which includes, but is not limited to, the date of application, name and contact information for the applicant, family composition, verification of enrollment in a Federally recognized Tribe, income verification, rental history and notice that we will do background checks on all adults in the household. Families may apply with one application for multiple programs. All applicants will be added to waiting list(s) as of the date their application is complete.

Applications from previous tenants will be accepted as new applicants as of the date the applications are completed. Previous tenants who owe money to the Authority or had their services terminated for any reason must see Reapplying for Service policy. If necessary, any changes to approved applications resulting in a change in head of household will be brought before a committee of not less than three (3) staff members and they will review and recommend action to be taken.

The Authority reserves the right to reject applications for assistance in cases where it has determined that admission of the applicant would be damaging to the health, safety, or welfare of other tenants, or the financial stability or physical environment of the project.

## **III. ELIGIBILITY**

### **Eligibility Criteria**

To be eligible an applicant family must meet all of the following requirements:

1. The head of household must be eighteen years of age or older or be emancipated through the courts.
2. Meet the requirements of "Low-Income" as defined.
3. Demonstrate that they are willing and able to meet the obligations of participating in the program.
4. The Housing Authority will evaluate each application and deny admission to any applicant whose habits and practices may be expected to have a detrimental effect on other residents. In order to determine whether the admission of an applicant would

have such an effect, the Housing Authority will take into consideration the following factors:

- a. Applicants past performance in meeting financial responsibilities, especially rent obligations.
- b. Any record of disturbance, destruction of property, or living or housekeeping habits at past residences which may be damaging to the health, safety, or welfare of other tenants.
- c. Any history of criminal activity involving crime or criminal drug-related activity, crimes of physical violence to persons or property and other criminal acts, which would be damaging to the health, safety or welfare of others.

In the event of the receipt of unfavorable information about an applicant, a committee of not less than three (3) staff will review and recommend action to be taken. Consideration will be given to the time, nature, and seriousness of the applicant's behavior and to factors, which might show a reasonable chance of favorable future behavior for social or financial stability. Written references from previous landlords or persons in a professional capacity may be requested at this time. Additional criteria may be required and conditions applied to encourage and assist the applicant family to change adverse behavior as a condition of tenancy.

### **Verification of Eligibility**

Information provided on the application will be verified through the agency providing the information. Information to be verified includes, but is not limited to:

1. Application Data and Supporting Documentation
2. Income verification
3. Criminal Records
4. Any other documentation that the Housing Authority deems necessary

### **Non-Low Income Families**

Pursuant to the conditions outlined in 24 CFR 1000.110, the Housing Authority may choose to provide assistance to non low-income families.

### **Non- Indian Families**

1. The Housing Authority may provide housing or housing assistance to a non-Indian family within the reservation/Indian area if it determines that the presence of the family on the

reservation/Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance; and,

2. The determination described in part (1) shall be made by written resolution of the Board of Commissioners before the family may be determined to be eligible

### **Notification of Rejected Applicants**

All applicants who are determined to be ineligible for a program shall be promptly notified in writing. The notice shall contain a brief description of the reason(s) they were determined to be ineligible and will explain the applicant's right to request, by submitting a Customer Request Form or a letter, within ten (10) working days, a hearing in accordance with the Grievance Policy in order to object or to receive further explanation from the Housing Authority.

### **IV. PRESENT HOMEOWNER SEEKING HOUSING ASSISTANCE**

An applicant or household member who currently is buying or owns his/her home must meet one or more of the following exceptions to be considered:

1. Owns or is buying a home that has been declared condemned or non-rehabitable.
2. Cannot live in their home due to a medical condition that is related to the home and the home cannot be rehabilitated to accommodate the medical condition.
3. Can provide documentation from an authorized agency that the home is held in undivided interest and cannot be sold or lived in by the applicant.
4. Must provide documentation that the home is being sold or transferred out of the applicant's or the family member's name. The sale or transfer must be completed six (6) months from the date of occupancy of an Housing Authority unit. If the sale or transfer has not occurred within six months from the date of occupancy the Housing Authority may elect to terminate the lease.

### **V. APPLICATION UPDATE**

Applicants shall provide to the Housing Authority any changes in family composition or income as they occur. Applicants are required to update their application at least every six months in order to be considered for assistance.

If the household composition changes, upon documentation, the Housing Authority may place the applicant on appropriate sized list as of their original date.

Failure to update within the required timeframe, the applicant will be removed from all waiting lists. To be reconsidered, must submit a new application.

## **VI. SELECTION**

### **Waiting List**

When demand for a particular program or for units is anticipated to exceed anticipated availability, eligible applicants shall be placed on a written waiting list according to preference. Selection for assistance will be determined from the waiting list by application date.

Applicants shall provide to the Housing Authority any changes in family composition or income as they occur. Applicants are required to update their application not less than every six months in order to be considered for assistance with recommendation of Review Committee.

Separate waiting lists will be maintained for the Low Rent and Tenant Based Assistance Programs.

### **Preferences**

1. Enrolled Confederated Salish and Kootenai Tribal Members.
2. Enrolled Indians from other Federal or State recognized Tribes.
3. Non-Indian head of household with minors enrolled in CS & KT.

Tribal member veterans will have priority over all other applicants. Applicant must provide Form DD-214 showing discharge date and status showing discharge under honorable conditions in order to be considered for veterans preference.

### **Notification**

The Housing Authority shall select from the waiting list without discrimination against applicants or display special preference for any reason other than those stated above. The Housing Authority will deliver by mail to each family selected for services, a written notice of selection. For available assistance, a written notice will be sent which will include the following statements:

1. That the family has been selected;
2. That the family must respond and accept the assistance within seven (7) days or forfeit the assistance;

3. What additional documentation must be provided prior to the file handoff to Occupancy for execution of the-Housing Assistance Payment Agreement.
4. If an applicant is offered assistance and declines within the allotted timeframe, the applicant's name will be placed at the bottom of the waiting list. If an applicant is offered assistance and fails to respond to the Housing Authority or accept the assistance, the applicant will be removed from that program waiting list unless an adequate reason relating to hardship or inopportune timing of the move, etc., can be shown.

**VII. TBA REQUIREMENTS**

**Payment Standards**

The Housing Authority will utilize the Fair Market rent for Lake County as determined by HUD as the payment standard.

**Occupancy Standards**

<u>Number of Bedrooms</u>	<u>Number of Occupants</u>	
	<u>Minimum #</u>	<u>Maximum #</u>
0	1	1
1	1	2
2	1	4
3	3	6
4	6	8
5	8	10

Two persons shall normally occupy each bedroom, except in the following circumstances:

4. A child of less than two years of age may occupy the same bedroom as the parents.
5. Except for husband and wife, and children up to the age of five years of age, persons of the opposite sex will not occupy the same bedroom.

In determining the number of bedrooms a participant is eligible to rent, the Housing Authority will give consideration of sex and age of family members, and to the physical health problems of any family member.

**Formula for determining Assistance Amount**

The assistance amount a Participant will be eligible to receive will be the rent charged by the landlord (for the size of unit the family is eligible to rent according to the occupancy standard) minus 30 percent of the family's adjusted monthly income, but cannot exceed the fair market rent.

If 30 percent of the Participant's income meets or exceeds the fair market rent, the participant is not eligible for assistance.

TBA for Full Time Students.

If Participant(s) are enrolled as a student at an institution of higher education one of the following will apply:

1. If listed as the head of household then assistance will be provided for all members of the household and payment standard will be according to section V. Occupancy Standards.
2. If listed as a member of a household (roommate) the amount of assistance will be one fraction of the number of adult in the household i.e.  $\frac{1}{4}$  if there are four adult members however if there are couples in the household then the couple is considered as one member for this purpose.

### **Service Area**

The participant can lease anywhere in the service area of the Housing Authority. The service area of this Housing Authority is the Flathead Reservation. Requests for assistance outside this area will be approved for Missoula or Kalispell only and only for cases where the need is demonstrated and verified by a physician for medical reasons or for full time students with verified acceptance and attendance in college in Missoula or Kalispell and are approved by the Housing Authority.

### **Adding an unrelated adult(s) to the household**

If an unrelated adult is allowed to be added to the household, the person being added will not be counted to increase assistance amount or bedroom size. Number 5 of the Eligibility Criteria required by the Housing Authority for certification will apply.

### **The family must**

1. Supply the Housing Authority with any information that the Housing Authority determines to be necessary for use in a regularly scheduled certification of family composition and income.
2. Disclose and verify Social Security numbers.
3. Supply any information requested by the Housing Authority to verify the family is living in the unit or information related to family absence from the unit.
4. Use the assisted unit for residence by the family only. The unit must be the family's only residence.
5. Request Housing Authority and landlord approval to add any other family members as occupants of the unit.

All participants that list children that are 18 years of age or younger must provide documentation on why they are not receiving child support or are not eligible to receive child support.

All participants that list children that are 18 years of age or younger must provide a copy of Income Tax Returns that have been filed showing who claimed the children for tax purposes.

**The family must not**

1. Own or have any interest in the unit.
2. Commit fraud, bribery or any other corrupt criminal act in connection with the program.
3. Participate in illegal drug activity or other criminal activity as defined in the Housing Authority's Drug and Criminal Activity Policy.
4. Receive any other housing subsidy for the same unit or a different unit from any state, federal or local housing program.
5. If the Tenant or any member of the Tenant's household has a payback agreement with the Housing Authority on a previous or current accounts receivable, the Tenant must adhere to the payback agreement until paid in full. If the payback agreement is breached, a termination of this assistance will be processed.

**VIII. REAPPLYING FOR SERVICES**

All applicants must follow the Reapplying for Services Policy

Update Approved by the Salish and Kootenai Housing Authority Board of Commissioners at a Regular Meeting Held January 17, 2017.