

Chapter 3

ELIGIBILITY

INTRODUCTION

The DMMHA is responsible for ensuring that every individual and family admitted to the HCV program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the DMMHA to confirm eligibility and determine the level of the family's assistance.

To be eligible for the HCV program:

- The applicant family must:
 - Qualify as a “family” as defined by the DMMHA herein.
 - Have income at or below HUD-specified income limits.
 - Qualify on the basis of citizenship or the eligible immigrant status of family members.
 - Provide social security number information for family members as required.
 - Consent to the DMMHA's collection and use of family information as provided for in DMMHA-provided consent forms.
- The DMMHA must have determined that the current or past behavior of household members does not include activities that are prohibited by HUD or the DMMHA.

This chapter contains three parts:

- Part I: Family and Household Members. This part contains HUD and DMMHA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.
- Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.
- Part III: Denial of Assistance. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause the DMMHA to deny assistance.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. FAMILY AND HOUSEHOLD MEMBERS

“Head of Household” - an individual who is 18 years old or older, and who has the legal capacity to sign legal contracts/documents. The adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household and all adult household members age 18 or older are responsible for ensuring that the family fulfills all of its responsibilities under the program.

“Family” - A family is defined as one or more persons who desire to share residency and whose co-habitation shall not be in violation of applicable city rental codes, and which includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, (1) a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or (2) a group of persons residing together. Such group includes, but is not limited to, a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family.

“Household” includes a family and additional people who, with the DMMHA’s permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

3-I.B. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-up [24 CFR 982.315; **Notice PIH 2017-08**]

Applicant Family Break Up

If a family on the waiting list breaks up, the family member who is listed as the head of household at the time of application will retain the original application date position on the waiting list and the other family member(s) must make a new application when the waiting list is open

Resident Family Break Up

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted. Other former family members may submit new applications.

In the case of a divorce, legal separation or other family break-up where a court has not made a determination, DMMHA in its sole discretion, will determine which family member(s) will retain the Housing Choice Voucher, in accordance with Part B, Section 4(b) of the Housing Payments (HAP) Contract, which states:

If the family breaks up, the DMMHA may terminate the HAP contract, or may continue housing assistance payments on behalf of family members who remain in the contract unit. In the event that all family members have moved from the unit (i.e. in the middle of a relocation with assistance), the determination will be made based on the family member who was head of the household at the time of application unless the family made a decision to request, in writing, that a different eligible household member become the head of the household throughout the course of tenancy. If no such request was made, the head of household at the time of application will retain the housing choice voucher.

If a court determines the disposition of property and HCV assistance between members of the assisted family, the DMMHA shall follow the court's determination of which family members continue to receive assistance.

In the case of domestic violence, the adult member of the household who is the victim of domestic violence, dating violence, sexual assault, or stalking, or has custody of a minor child who has been the victim of domestic violence, dating violence, sexual assault, or stalking by an affiliated individual may be eligible to retain housing assistance provided they are in good standing with DMMHA and notify the DMMHA of their victim status under the Violence Against Women Act of 2013.

Adult members of the household as listed on the Lease are required to contact DMMHA in writing if a family member (victim) is forced to leave the unit as a result of domestic violence, dating violence, sexual assault or stalking by an affiliated individual. The family member forced to leave the unit due to domestic violence, dating violence, sexual assault or stalking (victim) must provide documentation including the HUD Certification form 5382 or submitting third-party documentation, such as a no contact order or restraining order in addition to documentation from Police Department, public or private facility that provides counseling on domestic violence, Social Service Agency, Physician or Clergyman. The family member receiving the assistance in this instance will be required to sign a statement that the individual who engaged in the violent activity may not and will not reside in the subsidized unit.

In accordance with Notice PIH 2017-08, for HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers, when the veteran is the perpetrator of domestic violence, dating violence, sexual assault, or stalking, the victim must continue to be assisted. Upon termination of the perpetrator’s HUD–VASH voucher, the victim should be given a regular HCV if one is available, and the perpetrator’s HUD–VASH voucher should be used to serve another eligible family. If a regular HCV is not available, the victim will continue to use the

HUD–VASH voucher, which must be issued to another eligible family upon the voucher’s turnover.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

In the instance of non-related family members, the head of household must designate at the time of application which other adult family member would retain the voucher should the head of household pass away.

3-I.C. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

The HUD definition of Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household and all adult household members age 18 or older are responsible for ensuring that the family fulfills all of its responsibilities under the program.

At the time of application, the family must designate which household member will be considered the head of household. The family may designate any qualified family member as the head of household.

The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.D. DEPENDENT [24 CFR 5.603]

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, foster children/adults and live-in aides.

Joint Custody of Dependents

A parent must have physical custody of a child under the age of 18 for at least 50% (183 days or more) of the time for the DMMHA to consider the child as a member of the family. Students living away from the unit to attend school, but living in the assisted unit for a minimum of three months per year, will be considered a family member. Foster children shall be considered in determining dwelling unit size, but shall not be considered as a family member. No Housing Choice Voucher unit size assignments will be made which require use of the living room for sleeping purposes.

When more than one applicant or assisted family (regardless of program) are claiming the same dependent(s) as family member(s), the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependent(s). If there is a dispute about which family should claim the dependent(s) as family members, the

DMMHA will make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

The DMMHA may also honor a notarized affidavit from one biological parent of a child when determining eligibility of other family members under the age of 18 being added to the household (for example – grandmother obtaining custody of grandchild, sister obtaining custody of niece or nephew, etc.).

In instances where no biological parent can be located, and/or when no biological parent will provide a notarized affidavit, the DMMHA will ask the guardian of the minor child to provide additional documentation acceptable to the DMMHA verifying the guardian has custody of the minor child (i.e. court orders granting custody of the child, receiving benefits for the child such as FIP, school records indicating the guardian as the contact person for the child). Sufficiency of the documents is at the sole discretion of the DMMHA.

Persons who reside in the home at least 50% (183 calendar days or more) of the year will be considered for the purposes of determining the number of bedrooms for family eligibility (i.e. joint custody of minors). No child may be on more than one lease.

A child who is temporarily away from the home because of placement in court ordered foster care or the Department of Human Services' Children in Need of Assistance (CINA) Program, is considered a member of the family, provided that there is evidence acceptable to DMMHA that such child will be returning to the home within 180 consecutive calendar days. A family member age 18 or older who is temporarily out of the unit will not be counted as a family member at initial entry or relocation. The family member will be added in accordance with the "Add Family Member" procedures of DMMHA. A family member age 18 or older who is temporarily out of the unit during occupancy, will be considered temporarily absent provided that there is evidence acceptable to DMMHA that such person will be returning to the home within 180 consecutive calendar days.

3-I.E. FULL-TIME STUDENT [24 CFR 5.603]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to determine if attendance is full-time is defined by the educational institution.

3-I.F. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403, FR Notice 02/03/12]

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age.

Elderly Family

An *elderly family* is one in which the head of household, spouse, or sole member is an elderly person.

3-I.G. DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

Disabled Family

A *disabled family* is one in which the head of household, spouse or sole member is a person with disabilities.

3-I.H. GUESTS [24 CFR 5.100]

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has express or implied authority to so consent.

The program participant will be allowed to have overnight guests for a total of up to fourteen (14) consecutive days, for each such guest, within a calendar year. No overnight guest shall be allowed to reside in the unit for more than 30 cumulative days during a calendar year unless one of the below conditions are met. Violations of this Policy are grounds for termination from the program.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a dependent family member because they live outside of the assisted household more than 50 percent of the time (183 days per year), are not subject to the time limitations of guests as described above.

A family may request, in writing, an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last more than 14 consecutive days). An exception will not be made unless the family can identify and provide documentation acceptable to the DMMHA of the residence to which the guest will return.

3-I.I. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609].

A *foster child* is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

Foster children and foster adults that are living with an applicant or assisted family are considered household members but not family members. The income of foster children/adults is

not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603].

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of HQS space standards according to 24 CFR 982.401.

3-I.J. ABSENT FAMILY MEMBERS

Definition of Temporarily Absent

A family member age 18 or older who is temporarily out of the unit may not be counted as a family member at initial entry or relocation. A family member age 18 or older who is temporarily out of the unit during occupancy, may be considered temporarily absent provided that there is evidence acceptable to DMMHA that such person will be returning to the home within 180 consecutive calendar days. DMMHA defines “temporarily absent” as an absence of not more than 180 consecutive calendar days.

Absent Students

Students living away from the unit to attend school, but living in the assisted unit for a minimum of three months per year, will be considered a family member.

Absences Due to Placement in Foster Care [24 CFR 5.403]

A child who is temporarily away from the home because of placement in court ordered foster care or the Department of Human Services’ Children in Need of Assistance (CINA) Program, is considered a member of the family, provided that there is evidence acceptable to DMMHA that such child will be returning to the home within 180 consecutive calendar days.

Absence from Unit

The DMMHA defines a permanently absent family member as a family member who will be away from the unit for more than 180 consecutive days.

1. The entire family may not be absent from the unit for a period of more than 180 consecutive calendar days, except where permitted under federal regulations for members of the armed forces serving in active duty under federally declared hostile action. Absence beyond this length may result in termination of assistance.

Family Members Permanently Confined for Medical Reasons

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted.

The DMMHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person

generally will be considered temporarily absent unless absent from the unit for more than 180 consecutive calendar days. If absent for more than 180 consecutive calendar days, the family member will no longer be considered a family member.

Return of Permanently Absent Family Members

The family must request, in writing, DMMHA approval for the return of any family members that the DMMHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

3-I.K. LIVE-IN AIDE

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The DMMHA will approve a live-in aide if needed as a reasonable accommodation for a person with disabilities in accordance with 24 CFR 8.

A live-in aide is considered a household member but not a family member. The income of the live-in aide is not counted in determining the annual income of the family [24 CFR 5.609(b)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

A family's request for a live-in aide must be made in writing at least ten (10) days prior to the live-in aide moving into the unit to allow DMMHA time to screen and process the request. Applicants or tenants requesting a live-in aide as a reasonable accommodation must provide a statement, from a professional with direct knowledge, certifying that the live-in aide is a medical necessity.

The DMMHA will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 982.316(b)]:

- The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; or

- The person commits drug-related criminal activity or violent criminal activity; or

- The person currently owes rent or other amounts to the DMMHA or to another DMMHA in connection with Section 8 or public housing assistance under the 1937 Act, or to any other federally subsidized program; or

- The person does not meet the DMMHA's additional screening criteria in Part II of this Chapter.

Compliance with the program rules and subsidized lease by a live-in aide are the responsibility of the voucher holder and any violation by the live-in aide is grounds for the client's termination from the program.

DMMHA will allow an additional bedroom for an approved live-in-aide. No additional bedrooms will be allotted for the family of the Live-in-aide.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD is required by law to establish income limits that determine the income eligibility of applicants for HUD's assisted housing programs, including the Housing Choice Voucher program. The income limits are published annually and are based on HUD estimates of the median incomes for families of different sizes.

Types of Low-Income Families [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed the greater of 30 percent of area median income or the federal poverty level.

Using Income Limits for Eligibility and Targeting [24 CFR 982.201]

Income limits are used for eligibility only at admission into the program. Income eligibility is established by comparing a family's documented annual income with HUD's published income limits. To be income-eligible, a family must be one of the following:

- An *extremely low-income family*. At least 75 percent of the families admitted from the DMMHA's waiting list to the DMMHA's HCV program during a DMMHA fiscal year must qualify as *extremely low-income families*.
- A *very low-income family*
- A *low-income family* that has been "continuously assisted" under the 1937 Housing Act. A family is considered to be continuously assisted if the family is already receiving assistance under any 1937 Housing Act program at the time the family is admitted to the HCV program [24 CFR 982.4]

DMMHA will determine the eligibility of continuously assisted applicants in the same manner as all other applicants. DMMHA will follow all applicable Housing Choice Voucher requirements regarding the processing of Continuously Assisted Applicants.

Families continuously assisted under the 1937 Housing Act and families living in eligible low-income housing that are displaced as a result of prepayment of a mortgage or voluntary termination of a mortgage insurance contract are not subject to the 75 percent restriction.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families will be notified of the requirement to submit evidence of their citizenship status when they apply to the program. Where feasible, and in accordance with the DMMHA's Limited English Proficiency Plan, the notice will be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend that their status is eligible are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens, the declaration will be signed personally by the head of household or spouse and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend that their immigration status is eligible (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

The DMMHA requires both current tenants (program participants) and applicants to submit the required citizenship or eligible immigration documentation for every household member in order to receive or continue to receive housing assistance. Documentation is required of all new applicants at the time an application is processed by the Housing Agency. Whenever a new family member is added, documentation must be provided before the new member can be added to the household.

DMMHA will comply with HUD regulation 24CFR Part 5, as applicable and as amended, regarding the eligibility for assistance or continued assistance of all non-citizens.

Eligible Noncitizens

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with DMMHA efforts to verify their immigration status as described in Chapter 7 of this Plan. The documentation required for establishing eligible

noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS.

Ineligible Noncitizens

Those noncitizens who do not wish to contend that their immigration status is eligible are required to have their names listed on a noncontending family members listing, signed by the head of household or spouse (regardless of citizenship status), indicating their ineligible immigration status. The DMMHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance must be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 of this Plan for a discussion of how rents are prorated, and Chapter 16 of this Plan for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

The DMMHA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen.

If after completion of the application the family is determined to be ineligible, the Leasing Administrator or his/her designated representative will prepare and forward a Notice of Ineligibility to the family stating the reason for the ineligibility. The notice also will inform the family that if they do not understand or disagree with the determination, they are entitled to request an informal hearing.

The files for all applicants determined to be ineligible will be maintained for a minimum of three years.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2012-10]

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age 6 has been added to an applicant family within 6 months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 days of the effective date of the initial HAP contract. A detailed discussion of acceptable documentation is provided in Chapter 7 of this Plan.

Note: These requirements do not apply to noncitizens who do not contend eligible immigration status.

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

The DMMHA must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR 5.216.

The social security numbers of all household members, including non-family members such as live-in aids, will be verified for the purpose of conducting criminal background checks.

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household or spouse regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 of this Plan provides detailed information concerning the consent forms and verification requirements.

The DMMHA will deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3)].

3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612, FR Notice 4/10/06, FR Notice 9/21/16]

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility will be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive HCV assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with DMMHA policy (as defined under "Independent Student" below), the income of the student's parents will not be considered in determining the student's eligibility.

The above-referenced law does not apply to students who reside with parents who are applying to receive HCV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

Definitions

In determining whether and how the new eligibility restrictions apply to a student, the DMMHA will rely on the following definitions [FR Notice 4/10/06, FR Notice 9/21/16].

Dependent Child

In the context of the student eligibility restrictions, *dependent child* means a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* in 24 CFR 5.603, which states that the dependent will be a member of the assisted family, other than the head of household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

Independent Student

The DMMHA will consider a student "independent" from his or her parents and the parents' income will not be considered when determining the student's eligibility if all of the following three criteria are all met:

1. The individual is of legal contract age under state law.

2. The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student.
3. The individual must not have been claimed as a dependent by parents or legal guardian.

[PIH Notice September 21, 2016 - Eligibility of Independent Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Additional Supplementary Guidance]

To meet the criteria under number 2. Above, to be considered an *independent student*, a student must meet one or more of the following criteria:

The individual is 24 years of age or older by December 31 of the award year

The individual is an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older

The individual 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

The individual is a veteran of the U.S. Armed Forces or is currently serving active duty for other than training purposes

The individual is a graduate or professional student

The individual is married

The individual has legal dependents other than a spouse

The individual 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 by a local educational agency homeless liaison; the director or designee of the director of a program funded under the Runaway and Homeless Youth Act, or of a program funded under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act; or a financial aid administrator

The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances:

1. The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.

2. The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.
3. If the DMMHA determines that an individual meets the definition of a *vulnerable youth* such a determination is all that is necessary to determine that the person is an *independent student* for the purposes of using only the student's income for determining eligibility for assistance.

The DMMHA will verify that a student meets the above criteria in accordance with the policies in Section 7-II.E of this Plan.

Institution of Higher Education

The DMMHA will use the statutory definition under Section 102 of the Higher Education Act of 1965 to determine whether a student is attending an *institution of higher education*.

Parents

For purposes of student eligibility restrictions, the definition of *parents* includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

Veteran

A *veteran* is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Vulnerable Youth

A *vulnerable youth* is an individual who meets the U.S. Department of Education's definition of *independent student* in paragraphs (b), (c), or (h), as adopted in Section II of FR Notice 9/21/16:

1. The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older; and/or
2. The individual 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; and/or
3. The individual 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 by; or

- a. A local educational agency homeless liason; or
- b. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director;
or
- c. A financial aid administrator.

Determining Student Eligibility

If a student is applying for assistance on his/her own, apart from his/her parents, the DMMHA will determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, the DMMHA will ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from his/her parents or the student's parents are income eligible for the program, and (3) the "family" with which the student is applying is collectively eligible for the program.

For any student who is subject to the 5.612 restrictions, the DMMHA will:

Follow its usual policies in determining whether the student individually and the student's "family" collectively are eligible for the program.

Determine whether the student is independent from his/her parents in accordance with the definition of *independent student* in this section.

Follow the policies below, if applicable, in determining whether the student's parents are income eligible for the program.

If the DMMHA determines that the student, the student's parents (if applicable), or the student's "family" is not eligible, the DMMHA will send a notice of denial in accordance with the policies in Section 3-III.F of this Plan, and the applicant family will have the right to request an informal review in accordance with the policies in Section 16-III.B of this Plan.

Determining Parental Income Eligibility

For any student who is subject to the 5.612 restrictions and who does not satisfy the definition of *independent student* in this section, the DMMHA will determine the income eligibility of the student's parents as follows:

1. Verify the parent's income "individually and jointly".
 - a. If the parents are living together, DMMHA will require a joint certification in the form of the most recent tax return.
 - b. If the parent is widowed or single, DMMHA will require the tax return from the individual parent.
 - c. If the parents are divorced, DMMHA will require the tax return of the parent with whom the student has lived with for the last 12 months.
 - d. If the student lived with each parent for 6 months, collectively and not concurrently, of the last 12 months, DMMHA will require the tax return of both parents.
 - e. In the event that the DMMHA is unable to obtain the verification of

parental income, the DMMHA may, at its sole discretion, accept from the parents a declaration and certification of income in the form of an affidavit from the parent.

In determining the income eligibility of the student's parents, the DMMHA will use the income limits for the jurisdiction in which the parents live.

The DMMHA will require all applicants to notify DMMHA, in writing, within fourteen (14) calendar days of enrolling in or no longer attending an educational institution either part-time or full-time.

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II will be denied assistance. This Part does not apply to the Veteran's Supportive Housing (VASH) Program. See Chapter 18 for screening and eligibility for the VASH Program.

Forms of Denial [24 CFR 982.552(a)(2)]

Denial of assistance includes any of the following:

- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HUD requires the DMMHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity.
- The DMMHA determines that any household member is currently engaged in the use of illegal drugs.
- The DMMHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current 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 reasonable cause, the DMMHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state or federal sex offender registration program. The DMMHA will check the National Sex Offender Public Registry for each applicant age 18 or older.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

The DMMHA may deny an application if the applicant household is currently engaged in, or has engaged in the following activities during a reasonable period of time (1) violent criminal activity, (2) other criminal activity which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents; or (3) other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the DMMHA (including a DMMHA employee or a DMMHA contractor, subcontractor or agent).

DMMHA may also deny an application if the applicant household is currently engaged in, or has engaged in a drug-related criminal activity.

DMMHA Specifically Identified Denials

1. Applications where any household member is currently engaged in or has engaged in a sexually related offense, murder, attempted murder, homicide, or attempted homicide regardless of when the offense occurred.
2. Applications where any household member is currently engaged in, or has engaged in violent acts against another person (see Violent Criminal Activity section below) within a reasonable period of time.
3. Failure to disclose criminal history by an applicant or any household member is grounds for automatic denial of participation in the Section 8 program.
4. Applications where any household member is a sex offender on the sex offender registry at the time of initial eligibility determination or have a criminal record that indicates that such activity has ever occurred regardless of when the offense occurred.

“Reasonable Period of Time” shall mean all criminal activity that has occurred (offense date) within the last ten years before the date that the applicants name is pulled from the waiting list and DMMHA begins the screening process. This period of time shall not apply to mandatory denials or certain specifically identified denials.

- **Drug-related Criminal Activity** – as 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 [24 CFR 5.100]

The DMMHA will determine persons ineligible for the Section 8 Program for any drug-related activity that occurred within the last two (2) years from the date that the applicant’s name is pulled from the waiting list and DMMHA begins the screening process.

The DMMHA will determine persons ineligible for the Section 8 Program for any drug-related activity that occurred while participating in a federally subsidized housing program within a reasonable period of time (criminal activity that has occurred (offense date) within

the last ten years before the date that the applicants name is pulled from the waiting list and DMMHA begins the screening process).

The DMMHA will determine persons ineligible for the Section 8 Program for a pattern of drug-related activity that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents. (See Section 3-III.D Consideration of Circumstances).

- **Violent Criminal Activity**

The DMMHA may determine persons ineligible for the Section 8 Program for violent criminal activity that has occurred within a reasonable period of time (criminal activity that has occurred (offense date) within the last ten years before the date that the applicants name is pulled from the waiting list and DMMHA begins the screening process). Violent criminal activity includes, but is not limited to, 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.

The DMMHA may consider relevant circumstances, as discussed in Section 3-III.D, when deciding whether to deny assistance based on violent criminal activity except in the situations for which denial of assistance is mandated by HUD, or in cases where the applicant family or member thereof has committed a sexually related offense, murder, attempted murder, homicide, or attempted homicide.

- **Pattern of Criminal Activity**

The DMMHA will determine persons ineligible for the Section 8 Program for a pattern of violent criminal activity that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents, or other criminal activity which may threaten the health or safety of persons performing a contract administration function or responsibility on behalf of the DMMHA (including a DMMHA employee or a DMMHA contractor, subcontractor or agent).

The DMMHA may consider relevant circumstances, as discussed in Section 3-III.D, when deciding whether to deny assistance based on a pattern of criminal activity except in the situations for which denial of assistance is mandated by HUD, or in cases where the applicant family or member thereof has committed a sexually related offense, murder, attempted murder, homicide, or attempted homicide.

“**Pattern of Activity**” shall mean activity that happens in a regular and repeated way. “Pattern of activity” may include activity outside the reasonable period of time.

- **Other Criminal Activity**

The DMMHA will review any record of other criminal activity and will determine any applicant and/or family member ineligible if there is reasonable cause to believe that the applicant's activity or pattern of activity may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents or other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the DMMHA (including a DMMHA employee or a DMMHA contractor, subcontractor or agent).

The DMMHA may consider relevant circumstances, as discussed in Section 3-III.D, when deciding whether to deny assistance based on a family's past criminal history except in the situations for which denial of assistance is mandated by HUD, or in cases where the applicant family or member thereof has committed a sexually related offense, murder, attempted murder, homicide, or attempted homicide.

The DMMHA may also deny assistance for the following reasons:

- **Previous Behavior in Assisted Housing [24 CFR 982.552(c)]**

HUD authorizes the DMMHA to deny assistance based on the family's previous behavior in assisted housing:

1. The DMMHA will deny assistance if any family member has been evicted or terminated from federally subsidized housing (including the HOME Tenant Based Rental Assistance Program) for drug-related activity, violent criminal activity or other criminal activity within a reasonable period of time (criminal activity that has occurred (offense date) within the last ten (10) years before the date that the applicants name is pulled from the waiting list and DMMHA begins the screening process).
2. The DMMHA will deny assistance if any family member has been evicted or terminated from federally subsidized housing (including the HOME Tenant Based Rental Assistance Program) for unreported income, HQS or UPCS breach caused by the family, or unauthorized persons within the last five (5) years before the date the applicants name is pulled from the waiting list and DMMHA begins the screening process.
3. The DMMHA will deny assistance if a family member has previously been terminated or evicted from any federally subsidized housing program (including the HOME Tenant Based Rental Assistance Program) for other reasons not previously listed if the eviction or termination was within two (2) years before the date the applicants name is pulled from the waiting list and DMMHA begins the screening process.

4. Applicants who were evicted or terminated from a federally subsidized housing program (including the HOME Tenant Based Rental Assistance Program) for a second time, for any reason, will be denied if the second eviction or termination was within five (5) years before the date the applicants name is pulled from the waiting list and DMMHA begins the screening process.
5. Applicants who were evicted or terminated from a federally subsidized housing program for a third time (including the HOME Tenant Based Rental Assistance Program), for any reason, will be permanently barred from participating in DMMHA programs and their application will be denied.

Adult household members of a family or a previous head of household who have a negative past or current participation with DMMHA or another federally subsidized program (including the HOME Tenant Based Rental Assistance Program) may be held responsible for the negative past or current participation if they were over the age of 18 and a member of the assisted household at the that the assisted household was terminated/evicted by DMMHA or any other federally subsidized program (including the HOME Tenant Based Rental Assistance Program). (See Section 3-III.D Consideration of Circumstances).

- **Negative Current Behavior in Assisted Housing**

The DMMHA may deny assistance to an applicant/participant currently in assisted housing or to an adult household member of an assisted household if information is received by DMMHA during the screening process that indicates that the applicant's current behavior in assisted housing is negative (including, but not limited to, owing money to an assisted housing provider, damages to assisted housing units, etc.).

- **Fraud, Bribery or Corrupt or Criminal acts**

The DMMHA may deny assistance if any family member has committed documented fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

- **Owing Money to the DMMHA or Any Other PHA**

If the applicant owes outstanding funds to DMMHA, his/her application will not be processed further until the balance owed is paid in full. Payment of owed balances by an applicant in order to have an application processed does not guarantee that the applicant will be determined eligible to receive assistance.

In the event that the applicant owes money to DMMHA, the DMMHA will notify the applicant of any outstanding balance owed and allow the applicant 60 calendar days to pay the balance in full or demonstrate that the balance is no longer currently owed. If the applicant fails to repay the balance in full within the 60 day time frame, the applicant will be determined ineligible for assistance and their application for assistance will be denied.

In the event that the applicant owes money to any other Public Housing Authority (PHA), the DMMHA will notify the applicant that it has been determined that the applicant owes money to another PHA and that the applicants application will be denied within 60 calendar days unless the applicant can verify, in writing, acceptable to the DMMHA that they have reimbursed the other PHA for the full amount due or demonstrate that the balance is no longer currently owed prior to the expiration of those 60 days.

Adult household members of a family or a previous head of household who owe money to DMMHA or another PHA may be held responsible for the monies owed if they were over the age of 18 and a member of the assisted household at the time it was determined that the assisted household owed money to DMMHA or any other federally subsidized program. (See Section 3-III.D Consideration of Circumstances).

In instances of a family exercising its right of portability to enter the DMMHA's jurisdiction, the family will NOT be permitted the 60 days to re-pay the monies owed to either DMMHA or another PHA due to HUD required timelines. The DMMHA will permit the family to demonstrate that the balance is no longer currently owed. If the family does not demonstrate that the balance is no longer currently owed to the satisfaction of DMMHA, the portability request will be denied for the monies owed.

The DMMHA will NOT enter into any re-payment agreements with applicants for monies owed.

- **Threatened Violent or Abusive Behavior Toward DMMHA Personnel.**

The DMMHA may deny an applicant if any family member has engaged in or threatened violent or abusive behavior toward DMMHA personnel.

Abusive, Intimidating, or violent behavior towards DMMHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse, intimidate, or commit violence.

- **Abuse of Alcohol**

The DMMHA may deny housing assistance for any person if the DMMHA determines that the person's abuse of alcohol interferes with the health and safety of any other individual or right to peaceful enjoyment of the premises of any other individual. The DMMHA may deny housing assistance if it determines there is reasonable cause to believe that the head of household or household member, or anyone under the control of the household members, has a pattern of abuse of alcohol. Examples of alcohol abuse may include but are not limited to history of:

- a. Police records or court documents regarding an alcohol related activity within the past three years; or
- b. Child Protective Investigation (CPI) report or verification from a credible agency.

- **Fugitive felons, Parole/Probation Violators**

The DMMHA may, at its sole discretion, deem ineligible:

1. Fugitive felons or parole/probation violators, based on police records and criminal background checks.
2. Persons fleeing prosecution, custody, confinement after conviction and parole violators, based on police records and criminal background checks.

- **Misrepresentation**

The DMMHA may, at its sole discretion deny assistance to an applicant family if:

The family does not provide information that the DMMHA or HUD determines is necessary in the administration of the program.

The family does not provide complete and true information to the DMMHA. The determination of misrepresentation is based on, including but not limited to the following: information obtained from the applicant/participant on the application forms or information provided by the applicant or participant at any update or recertification appointment or any public record.

- **Project Based Voucher (PBV) Applicants**

In instances where a PBV applicant was referred by a PBV owner and the owner subsequently determines the PBV applicant no longer eligible to reside in the

PBV property, the DMMHA will deny the PBV applicant due to the PBV determining they are no longer eligible to reside in the PBV property.

In making its decision to deny assistance, the DMMHA will consider the factors discussed in Section 3-III.D. Upon consideration of such factors, the DMMHA may, on a case-by-case basis, decide not to deny assistance.

3-III. D. CRITERIA FOR DECIDING TO DENY ASSISTANCE

Evidence [24 CFR 982.553(c)]

In the event of drug-related criminal activity, violent criminal activity or any other criminal activity, DMMHA will deny assistance if the preponderance of evidence indicates that a family household member is currently engaged in or has engaged in such activity, regardless of whether the family member has been arrested or convicted. In determining whether the family household member engaged in such activity DMMHA will utilize all available evidence including, but not limited to police reports detailing the circumstances of the offense, witness statements, and other relevant documentation to assist in making a determination that the disqualifying conduct occurred. Before DMMHA will deny, the evidence as a whole must show by a preponderance of the evidence that the family household member is currently engaged in or has engaged in such activity.

In reviewing the evidence, DMMHA will not be bound by the Iowa or Federal Rules of Evidence regarding admissibility and may consider evidence that may otherwise be inadmissible under those Rules.

Should the application process reveal that the applicant household member is currently engaged in, or has engaged in any of the above mentioned activities, then DMMHA shall provide the applicant with notification of the opportunity to dispute and/or provide additional information relevant to the cited activity. Should the applicant fail to respond within the specified time period, then the applicant will be denied admission to the Section 8 program. Should the applicant respond, DMMHA may consider relevant circumstances for past criminal history as stated in Section 3-III.D Consideration of Circumstances.

Consideration of Circumstances for Past Criminal History [24 CFR 982.552(c)(2)]

The DMMHA may consider relevant circumstances when deciding whether to deny assistance based on a family's past criminal history except in the situations for which denial of assistance is mandated by HUD or in cases where the applicant family or member thereof has committed a sexually related offense, murder, attempted murder, homicide, or attempted homicide.

The DMMHA may consider the following factors prior to making its decision to deny based on past criminal history:

The seriousness of the case, especially with respect to how it could affect other residents.

The extent of participation or culpability of individual family members, including whether the culpable family member is (as discussed further in section 3-III.F) a victim of domestic violence, dating violence, sexual assault or stalking.

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future.

Any mitigating circumstances related to the disability of a family member.

The effects the denial of assistance would have on other family members who were not involved in the action or failure to act.

In the case of drug or alcohol abuse, whether the culpable household member has successfully completed a supervised drug or alcohol rehabilitation program. The DMMHA may require the applicant to submit evidence of the household member's successful completion of a supervised drug or alcohol rehabilitation program.

Recent participation in a recognized supportive services program.

Removal of a Family Member's Name from the Application

Should the DMMHA's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, the DMMHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the DMMHA must deny admission to the family [Notice PIH 2012-28].

For other criminal activity, the DMMHA may permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 960.203(c)(3)(i)].

3-III. E. NOTICE OF ELIGIBILITY OR DENIAL

If the family is eligible for assistance, the DMMHA will notify the family when it extends the invitation to attend the voucher briefing appointment, as discussed in Chapter 5.

If the DMMHA determines that a family is not eligible for the program for any reason, the family will be notified promptly. The notice will describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 16, for informal review policies and procedures.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault or stalking are contained in Section 3-III.F.

3-III. F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

The Violence Against Women Reauthorization Act of 2013 (VAWA) and the HUD regulations at 24 CFR 5.2005(b) prohibit denial of assistance to an otherwise qualified applicant “on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking”.

Definitions

- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- The term *bifurcate* means, with respect to Section 8 lease, to divide a lease as a matter of law, such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.
- The term *sexual assault* means any nonconsensual act prohibited by Federal, tribal, or state law, including when the victim lacks the capacity to consent.
- The term *stalking* means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
 - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
 - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.
- The term *affiliated individual* means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
 - Any individual, tenant or lawful occupancy living in the household of that individual.

Notification

VAWA 2013 expanded notification requirements to include the obligation of DMMHA to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD-5380) and a domestic violence certification form (Form HUD-5382) at the time the assistance is denied.

The DMMHA will inform applicants of their right to dispute a denial by certifying that they are a victim of domestic violence, dating violence, sexual assault or stalking.

The DMMHA will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VIII.C of this Plan, a notice of VAWA rights, and a copy of the form HUD-5382. The DMMHA will request in writing that an applicant wishing to claim this protection notify the DMMHA within 14 business days.

Victim Documentation

The certification must include but is not limited to:

- The applicant notifying DMMHA in writing of victim status within fourteen (14) business days of the notification of denial of admission.
- The domestic violence, dating violence, sexual assault or stalking must be directly related to the reason for denial of admission.
- Applicants must complete the HUD approved certification form to certify victim status.

- Determination of the sufficiency of the content in the certification is at the sole discretion of DMMHA.

If the certification is acceptable to the DMMHA, the DMMHA will withdraw the denial of admission and continue to process the application for the applicant qualifying as the victim.

If the certification is not acceptable, or not submitted to DMMHA within the required time frame, the DMMHA will continue with the denial of admission and inform the applicant of their right to an informal review regarding the denial.

Perpetrator Documentation

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

1. A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit; or
2. Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

The DMMHA will comply with the confidentiality requirements of the Violence Against Women Act of 2013.