



CITY OF BOULDER

Division of Housing

Rental Compliance Manual

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It is the policy of the Division of Housing that there will be no discrimination on the basis of age, source of income, sex, race, marital status, sexual orientation, national origin, religion or handicap.





PREFACE

PREFACE

This manual is a training and reference guide for the City of Boulder’s Division of Housing Program. The Program is funded by the following sources which are allocated by the City of Boulder, Division of Housing:

- Affordable Housing Fund (AHF)
- Community Development Block Grant (CDBG)
- Community Housing Assistance Program (CHAP)
- HOME Investment Partnership (HOME)

In addition to providing funding to help developers produce affordable housing units, the City of Boulder acquires affordable housing units through the Inclusionary Housing process. The Inclusionary Housing ordinance requires that most new residential development contribute twenty percent of the total number of units as permanently affordable to low income households.

The manual is designed to answer questions regarding the procedures, rules, and regulations that govern the distribution of these funds and the Inclusionary Housing ordinance. It should be a useful resource for owner/managers, developers, management companies, and on-site management personnel. It is important to note that this manual is to be used as a supplement to existing laws and rules.

Ongoing compliance monitoring for the Housing Program will be administered by the Program Compliance & Project Manager at the City of Boulder, Division of Housing. Project specific inquiries should be directed to the Division of Housing Project Manager assigned to the project. All Division of Housing personnel can be reached at (303) 441-3157.



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Intro

INTRODUCTION

The City of Boulder, Division of Housing works with community partners to provide a variety of housing choices to households at all income levels. The Division's Housing Fund Program is composed of several funding sources: CHAP, HOME, CDBG, and the AHF. These revenue sources have been combined to create a pool of grant dollars that fund a variety of housing developments and programs. In addition to the funding sources, units are also acquired through the Inclusionary Housing Ordinance and annexation.

In Boulder, the market provides housing choices for households with higher incomes. The Housing Program focuses its efforts at the lower end of the income spectrum, targeting the following populations:

- Households that live or work in Boulder
- Households with children;
- Households with working members who earn a low or moderate wage;
- Non-student Households; and
- Special population groups including:
 - Physically disabled
 - Chronically mentally ill
 - Frail elderly

City Council supports the goal of the City to have at least ten percent of the overall housing stock be permanently affordable to households earning up to ten percent above the HUD low-income limit. In addition, the City is attempting to create an affordable housing continuum that ensures housing choices at every income level. The preservation of existing affordable units is given importance equal to that of the creation of new units and the purchase of land for future development of affordable units.

Housing units produced or acquired through a grant allocation from the City of Boulder or provided through Inclusionary Housing or annexation are subject to compliance and eligibility requirements in perpetuity. These requirements are formally agreed to by the signing of a Low Income Rental Housing Covenant prior to the drawdown of any funds or issuance of building permits. These covenants run with the land and may only be amended with the agreement of all signing parties.



Chapter 1: Funding Sources

CHAPTER 1

The City of Boulder, Division of Housing currently has four funding sources and one Housing ordinance whereby affordable housing units are acquired. With the exception of the Community Development block Grant program, each fund promotes affordable housing as its primary goal. Different requirements and restrictions apply, yet the potential for complementary uses exists and is often utilized. For example, CHAP funds support housing for persons earning 15 percent to 60 percent of the Area median Income (AMI); HOME and CDBG funds may be used for households with incomes up to the HUD low-income limit. Together, fund sources can be used on a mixed income housing development which provides for households with very low incomes, middle incomes and market rate housing.

1.1 DESCRIPTION OF FUNDING SOURCES

Community Development Block Grant (CDBG)

Since 1975, the Community Development Block Grant (CDBG) program has been available to support many housing and social service solutions. CDBG is a federal grant program which has been one of the primary revenue sources available for affordable housing. Its purpose is fairly broad, in that grants are to be used to benefit low to moderate income households. Activities have included housing assistance, economic development, downtown redevelopment and social service support. Over the years, the City has allocated approximately 50 percent of its CDBG money for housing assistance. The primary requirement for CDBG funds is that persons assisted have earnings that do not exceed the HUD Low Income Limit.

Home Investment Partnership Program (HOME)

HOME is a federally funded grant solely targeted for affordable housing. HOME is more restrictive than the CDBG block grant; most distinctive are the matching fund requirements. For every dollar of HOME funds allocated for a project, there is a \$0.25 match obligation. The funds must be a permanent investment in the project and other federal funds may not be used to match HOME dollars. HOME funds must be used to provide housing in which 90 percent of the assisted units are affordable to households with earnings that do not exceed 60 percent of the AMI and 10 percent of the assisted units are affordable to households that qualify for the HUD Low Income Limit, 80% AMI. A HOME Agreement will be executed as well as a Low Income Rental Housing Covenant.



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Community Housing Assistance Program (CHAP)

In 1991, the process and procedures for allocating grant funds under the Community Housing Assistance Program (CHAP) were adopted. CHAP is a locally administered housing fund designed to increase the supply of affordable housing in the Boulder community. The overall goal is to provide affordable housing to households earning between 15 percent to 60 percent of the Area Median Income (AMI). Revenues to support this fund are derived from an 8/10ths of a mill property tax and a housing excise tax imposed on all new developments in Boulder.

Affordable Housing Fund (AHF)

Inclusionary Housing requires that new residential development contribute at least twenty percent of the total units as permanently affordable. Developers may opt to provide cash in lieu of providing permanently affordable housing. This fund is comprised of cash in lieu payments contributed by developers as well as an annual allocation of \$329,000 over the next several years from the general fund. The fund is targeted to households with incomes that are ten percent above the HUD Low Income Limit.

1.2 DESCRIPTION OF INCLUSIONARY HOUSING

Inclusionary Housing requires that most new residential development contribute something toward permanently affordable housing in the city. Generally speaking, Inclusionary Housing requires that twenty percent of the total number of units be permanently affordable to low income households. There are a variety of ways to meet the Inclusionary Housing requirement, including units on-site, dedicating existing units off-site, land donation and cash-in-lieu contribution. The permanently affordable units are required to be constructed so that they are able to be marketed concurrently with the market-rate units.



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Chapter 2: Responsibilities of Parties

The City of Boulder, Division of Housing allocates funds for the construction, rehabilitation, and/or acquisition of low income housing within the City of Boulder and approves inclusionary housing developments.

A. Project Manager

When an affordable rental housing project is approved, it is assigned to a Division of Housing Project Manager who serves as the contact person for that project. The Project Manager’s responsibility is to assist in problem-solving challenges that arise during the progression of the project. The Project Manager also offers technical assistance. All inquiries or status changes of the project must be directed to the Project Manager until all the funds have been drawn down or the project is finished and has reached a *Project Complete* status. The Project Manager confirms that funding conditions and building permitting requirements have been met. Any significant changes in the use of allocated funds or building plans must be approved by the Project Manager. After reaching a *Project Complete* status, all inquiries should be directed to the Division of Housing Compliance & Project Manager.

B. Compliance & Project Manager

The Division of Housing Compliance & Project Manager is responsible to ensure that all project and programs are in compliance with applicable rules and regulations during the progression of the project through project completion. The Compliance & Project Manager will ensure that all units are in compliance accordance with Covenants and Agreements and meet the City’s property standard requirements. The Compliance & Project Manager receives all documentation which is to be submitted to the Division of Housing for compliance monitoring purposes. The Compliance & Project Manager serves as a primary contact for information and questions related to compliance monitoring as well as questions that may arise from project implementation to lease up and on-going compliance. Risk Assessments, Project/Program Performance Analysis, Desk Monitoring reviews and necessary follow-up reviews will be conducted by the Compliance & Project Manager to ensure all projects and programs maintain long-term sustainability.

Compliance & Project Manager provides training and technical assistance for owner/managers/developers, the management company personnel, and on-site property managers as needed.

C. Compliance Specialist

The Division of Housing Compliance Specialist is responsible to ensure that permanently affordable rental units are leased in accordance with funding conditions, covenants and agreements. The Compliance Specialist works



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directly with property managers to ensure compliance with all programs and projects. The Compliance Specialist sends requests for all documentation which is to be submitted to the Division of Housing for compliance monitoring purposes. The Compliance Specialist also serves as a contact for information and questions about compliance monitoring and questions that may arise as it relates to long term monitoring. Regular on-site monitoring reviews, necessary follow-up reviews and unit/property inspections will be conducted by the Compliance Specialist in order to verify compliance. The Compliance Specialist will assist the Compliance & Project Manager in providing technical assistance for grantees and Property Managers as needed.

D. Property Owner

The owner/manager shall either be the responsible party or designate a responsible party such as an Asset Manager or Property Manager who will maintain compliance with the requirements of the covenants and agreements executed for the property. In order for the City to allocate grant funds to an affordable housing project, the project must meet the following criteria:

- Remain affordable in perpetuity to the established population as defined in the covenant
- Be well maintained and cared for and meet all housing quality standards, rehabilitation standards and City of Boulder housing codes, as applicable.
- Meet Affirmative Marketing & Fair Housing requirements
- Comply with all federal, state and local regulations that may apply to the project.

The Owner/manager is ultimately responsible for assuring compliance with all applicable rules, regulations and policies that govern the development, notwithstanding notification from the Division of Housing as to any changes in such requirements. If the Owner/manager determines that the development is not in compliance with City of Boulder program requirements, the Compliance & Project Manager must be notified immediately.

E. Property Manager

The Property Manager is responsible for ensuring that once the development has been placed in service; it is properly managed so that at all times it is suitable for occupancy. Housing Quality Standards, local health, safety and building codes, fair housing requirements, marketing, and on-going maintenance must be considered.

NOTE: Please see Chapter 5 for additional details related to the Property Owner, Asset Manager and Property Managers responsibilities.



Chapter 3: Compliance Requirements

3.1 GENERAL COMPLIANCE REQUIREMENTS

This section outlines procedures for monitoring projects to ensure compliance with federal and local regulations and policies. Compliance is necessary to ensure that permanent affordability is maintained. Therefore, monitoring each Project is an ongoing activity that extends throughout the life of the Project.

3.2 PERIOD OF AFFORDABILITY

The period of affordability is the length of time during which the project requirements apply to the assisted rental property.

A. Federally Funded Projects

A HOME funded rental project requires a period of affordability that may be 5, 10, 15, or 20 years, depending on the type of HOME project and the average per unit HOME investment. The HOME Agreement for each HOME assisted project outlines the period of affordability that applies to the project. The HOME period of affordability is determined as follows:

Activity	Average Per-Unit HOME \$	Minimum Period of Affordability
Rehabilitation or Acquisition of Existing Housing	<\$15,000/unit - \$40,000/unit > \$40,000	5 years, 10 years, 15 years
Refinance of Rehabilitation Project	Any \$ amount	15 years
New Construction or Acquisition of New Housing	Any \$ amount	20 Years

Upon expiration of the HOME period of affordability, the Low Income Rental Housing Covenant for the property will govern all units specified within the Covenant. All units under Covenant will remain affordable in perpetuity.

B. Locally Funded Projects

All locally funded rental projects remain affordable in perpetuity.

3.3 UNIT MIX

A. Floating Unit

The Division of Housing has determined to allow HOME-assisted and Permanently Affordable units to “Float”. Properties with floating HOME-assisted or Permanently Affordable units do not have specific units that are



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designated HOME-assisted or Permanently Affordable units for the duration of the period of affordability. The owner/manager does not need to maintain specific units as HOME-assisted or Permanently Affordable. Instead, throughout the period of affordability, the HOME-assisted and Permanently Affordable unit designation may change, or “float” among comparable assisted and non-assisted units during the time in order to keep the original mix of assisted and non-assisted units. For example, if a property has an over-income tenant in a HOME-assisted unit, when the next comparable non-assisted unit becomes available, it is re-designated as HOME-assisted and rented to an income-eligible tenant. The unit occupied by the over-income tenant is re-designated as a non-assisted unit.

B. Re-Designated Unit

When re-designating units, in order to maintain the required unit mix, owner/managers/managers must substitute a comparable unit. They may choose to substitute a “greater” unit for a “lesser” unit. A “greater” unit is one that might be considered more preferable because of larger size, additional bedrooms, or amenities. However, owner/managers/managers are never permitted to substitute a “lesser” unit for a greater one.

C. Over-Income Tenants (HOME Units)

When an owner/manager recertifies a tenant’s income, he or she may find that the tenant’s income has increased. A tenant is considered over-income when the tenant occupies a unit and the household income increases over the current area median income limit allowed for its household size

When a tenant is over-income, the owner/manager may re-designate the unit in order to maintain the required unit mix. The rents of tenants whose incomes exceed the limit allowed must also be adjusted as soon as the tenant’s lease permits. However, owners/managers may not evict or terminate the tenancy of a household in a HOME-unit because its income increased.

D. Over-Income Tenants (PA Units)

When an owner/manager finds that a person or household, whose income increases above the limits set forth in the Covenant/Agreement after initial occupancy, the owner/manager may allow the tenant to renew their lease for occupancy of a permanently affordable unit, provided that the combined household gross income does not exceed 140 percent of the applicable income limit for the unit.

3.4 MARKETING

A. General Marketing Requirements

The Owner/manager shall affirmatively further fair housing in addition to



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conducting and administering the project in conformity with the equal opportunity requirements of Title VI of the Civil Rights Act of 1964 and the Fair Housing Act.

Owner/managers and managers of HOME-assisted and Permanently affordable rental housing units must **conduct marketing** and advertising activities in accordance with applicable fair housing laws, **in addition to** specific HOME requirements that relate to affirmative marketing. These fair housing and affirmative marketing requirements ensure that owner/managers and managers provide the opportunity to rent HOME-assisted and Permanently Affordable units to **all** eligible applicants. In addition, owner/managers and managers must take certain additional steps to make accessible units available to persons with disabilities.

Owner/managers and managers of HOME-assisted and Permanently Affordable properties must treat applicants and tenants fairly and equitably by:

- Establishing and following standard tenant selection procedures;
- Using leases that protect tenant’s rights; and
- Using established procedures to resolve conflicts with tenants.

B. Fair Housing Poster

Owner must prominently display and maintain the required Equal Housing Opportunity Poster so it is readily apparent to all persons seeking housing.

C. Affirmative Marketing

The owner/manager and manager of HOME-assisted and Permanently Affordable units must Affirmative Market rental units in accordance with the City of Boulder, Affirmative Marketing Plan which attracts tenants who are not likely to apply for housing without special outreach, such as minorities, families with children, persons with disabilities, or other persons protected by fair housing laws. Affirmative marketing must be made part of the property’s overall marketing activities.

The Owner/manager is required to develop and maintain an Affirmative Marketing Plan specific to the property. The Owner/manager must maintain documentation of all advertising and outreach activities that demonstrate compliance with Affirmative Marketing.

D. Marketing Accessible Units

Every attempt possible should also be made to fill accessible housing units with households who have a need for such housing. At the time of application, determine if the household has a need for an accessible housing unit. Place all of the households on your waiting list in the same order that their application and eligibility is determined, but identify the households needing accessible housing units. When an accessible housing unit becomes available, offer it to



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the households needing an accessible unit first, by the order of the accessible households on your waiting list. If a match cannot be made, then offer the housing unit to the first household on the list.

Owner/managers must take the following required steps when an accessible unit becomes vacant, regardless of the status of the waiting list:

- First offer the unit to a current occupant of the property who might require or benefit from the accessibility feature(s) of the unit;
- Second, offer the unit to an eligible qualified applicant on the waiting list who requires the accessibility feature(s) of the unit; and
- Last, offer the unit to a non-disabled person on the waiting list.

A non-disabled tenant may rent an accessible unit only when the owner/manager or manager has made all reasonable efforts to attract a tenant with a disability and has followed the above steps.

Our recommendation is that the property manager contacts the Center for People with Disabilities (CPWD) at 303-442-8662 or 1-888-929-5519 to let the agency know that an accessible rental housing unit is available to income qualified households. CPWD staff can inform their eligible clients of the limited accessible housing inventory, and counsel them to apply for rental housing and be on your waiting list.

We recommend this approach to optimize our specially designed housing resources by providing them first to households who need them with the goal of making the most of our affordable housing programs.

E. Nondiscrimination in Housing

Federal fair housing laws prohibit discrimination in housing based on a person’s race, color, religion, sex, familial status, national origin, age and disability.

Fair housing laws prohibit discrimination in all housing, housing-related activities and housing programs regardless of whether or not the housing receives Federal financial assistance. Owner/managers and managers cannot discriminate in the rental of units, in establishing terms and conditions of property rentals, or in advertising the availability of rental housing units.

3.4 SCREENING & SELECTING APPLICANTS

The Division of Housing focuses its efforts at the lower end of the income spectrum, targeting the following populations:

- Households that live or work in the City of Boulder



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- Households with children;
- Households with working members who earn a low or moderate wage;
- Non-student Households; and
- Special population groups including:
 - Physically disabled
 - Chronically mentally ill
 - Frail elderly

A. Affordable Rental Housing & Students Policy

Affordable housing is intended to assist low income community members to live and work in Boulder. Community goals for affordable rental housing include assisting low income families, providing workforce housing and assisting those with disabilities. Most post-secondary students are short-term members of the community and have access to resources other than earned income for living expenses and therefore their low incomes are not a primary community concern.

Permanently affordable rental housing *may not* be leased to households that include a person enrolled in post-secondary education. Post-secondary education includes, but is not limited to, university (both undergraduate and graduate programs), college and other courses of study that lead to degrees or equivalent credentials.

Exceptions

The city will consider exception requests using several criteria. An approval or denial will be provided within three full business days of receiving complete documentation supporting the request. This documentation includes:

- Income verification supporting documents.
- A letter from the individual enrolled in post-secondary education requesting the exception and providing a rationale for why granting it is in the community’s interest.
- A description of the educational program including courses taken and hours/credits earned to date.
- Other information requested by staff.

Exception criteria include, but are not limited to:

- Non-traditional student status, including, but not limited to, factors such as: being more than 24 years of age, having one or more dependents other than spouse, and working more than 30 hours per week.



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- Education completion may reduce the individual's/household's need for public services and support such as affordable housing, earned income tax credit, and SNAP.
- Retirement or disability that limits ability to work.
- Involuntary career change that requires additional or new education in order to gain employment.
- At least one person in the household works more than 30 hours per week.
- Only one person in the household at any given time is enrolled in post-secondary education.

B. Tenant Selection Plan & Procedures

Owner/manager is responsible for establishing tenant selection procedures specific to each property. These procedures describe the methods and procedures for taking applications and screening applicants for the property.

The following are the required and recommended elements of tenant selection procedures:

- Tenant selection procedures should identify the criteria that will be used to select tenants.
 - ✓ Tenant should be selected based on objective criteria, related solely to program qualifications and ability to pay the rent and abide by the terms of the lease. These criteria might include household income, housing history, credit history, and/or lack of criminal record. Property owners/ managers must apply the criteria consistently to all applicants, in accordance with fair housing laws.
 - ✓ Tenant selection criteria should expressly prohibit bias in the selection process including discrimination or favoritism toward friends or relatives, or other situations in which there may be a conflict of interest.
 - ✓ Tenant selection criteria can give preference to persons with special needs only if the City of Boulder, Division of Housing has so directed.
- Tenant selection procedures must state that owners/managers will promptly notify an applicant in writing if he/she has been rejected, and will explain the grounds for the rejection. (*required*)
- Owners/managers must maintain a written waiting list and must select the tenants in the chronological order of application, to the extent practicable. The tenant selection procedures should be described how



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the waiting list will be maintained. (*required*)

- The tenant selection procedures should describe the requirements that affect tenants and tenant selection in terms that are clear and easy to understand. Specifically, the procedures should describe:
 - ✓ How vacant units will be filled;
 - ✓ Unit occupancy requirements;
 - ✓ Nondiscrimination policies and the affirmative marketing procedures, including accessibility requirements;
 - ✓ Marketing strategy for accessible units; and
 - ✓ Tenant selection records that must be maintained.

C. Waiting List Requirements

Owner/manager/ must provide applicants with the opportunity to complete an application for an affordable rental unit. Applications must be available through the property management office and available by mail, email or fax. Owner/managers shall accommodate persons with disabilities, who as a result of their disabilities cannot utilize the owner/manager’s preferred application process by providing an alternative method of taking applications. Through the Owner/manager’s screening process the Owner/managers must maintain a waiting list of eligible applicants and select applications from the waiting list in chronological order to fill vacancies.

D. Creating & Maintaining Waiting Lists

Upon receipt of an application for tenancy or assistance, the owner/manager must indicate on the application the date and time received. The owner/manager must either process the applicant for admission, place the applicant on the waiting list, or based on preliminary eligibility determination, reject the applicant.

Owner/managers must collect information about the preferences for which the applicant qualifies so that they are able to select applicants from the waiting list in accordance with preferences established for the property.

E. Opening & Closing Waiting List

Owner/managers should monitor the vacancies in their properties and their waiting list regularly to ensure that there are enough applicants to fill vacancies. Owner/managers should monitor their waiting list to make sure they do not become so long that the wait for a unit becomes excessive.

1. **Opening Waiting Lists:** When the owner/manager agrees to accept applications for a waiting list, a notice of this action must be announced in a publication likely to be read by potential applicants. The notification should be extensive, and the rules for applying and the



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order in which applications will be processed should be stated. Advertisements should include where and when to apply and conform to the advertising and outreach activities described in the Affirmative Fair Housing Marketing Plan.

2. **Closing Waiting Lists:** The waiting list may be closed for one or more unit sizes when the average wait is excessive (e.g., one year or more). When the owner/manager decides to no longer accept applications, the owner/manager must publish a notice to that effect in a publication likely to be read by potential applicants. The notice must state the reasons for the owner/manager’s refusal to accept additional applications.

3. **Lottery:** The owner/manager may choose to utilize a lottery approach to managing their Waiting List. The owner/manager must determine the number of applicants to be managed on the waiting list. The lottery must be advertised in a local newspaper establishing the number of applicants accepted, along with the date, time and location of the lottery. Entry cards should be printed in both English and Spanish. The cards should be distributed through the owner/manager office on the pre-established date and time. Only one card per household should be accepted. Applicants may fill out the cards and return them by mail. The cards must be post-marked on the specified lottery date. All of the accepted cards are held in a pool and the owner/manager conducts the drawing on the specified date and time. The owner/manager will select the pre-determined number of applicants from the lottery. A full application to determine eligibility will be completed for each card selected in the lottery. As units become available, applicants from the waiting list will be notified of the opening.

F. Nondiscrimination When Matching Applicants to Available Units

Although the owner/manager may establish preferences to admit households with specific characteristics from the waiting list, the owner/manager must never base applicant selection or denial of assistance upon any of the following:

1. Membership into a socio-economic class (e.g., welfare recipients, single parent households) or lack of membership in the sponsoring organization;
2. Familial status;
3. Race, color, religion, sex, or national origin of household members;
4. Whether the household has a member with a specific disability (unless restricted by program statute);
5. Family size (However, if the family size requires a unit size that does



not exist in the property, the family must be denied assistance.

6. Age (unless restricted by program statute)

3.5 Tenant Rights & Protections

The owner/manager/manager must develop tenant selection policies and criteria to ensure that all applicants and tenants are treated fairly and equitable.

The Division of Housing protects tenant rights in a number of ways:

- Written notification should be given to all rejected applicants;
- Every tenant must have a written lease;
- The lease term must be for at least twelve (12) months, unless otherwise approved by the City of Boulder, Division of Housing;
- The lease term may never be for less than 30 days;
- The HOME Agreement & Low Income Rental Housing Covenant specifies certain prohibited lease clauses; and
- The City must approve all leases.

A. Lease Requirements & Prohibited Lease Terms

The owner/manager must enter into a one year (12 months) lease with all tenants of the household 18 years of age and older. A month to month lease may be executed upon mutual agreement of the owner/manager and the tenant(s).

No residential lease for the Property or any part thereof may contain any of the following provisions:

- 1) Agreement by the tenant to be sued, admit guilt, or to a judgment in favor of the Owner/manager in a lawsuit brought in connection with the lease;
- 2) Agreement by the tenant that the owner/manager may take, hold or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This prohibition does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The Owner/manager may dispose of this personal property in accordance with state law;
- 3) Agreement by the tenant not to hold the Owner/manager or the Owner/manager's agents legally responsible for any action or failure to act, whether intentional or negligent;



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- 4) Agreement of the tenant that the Owner/manager may institute a lawsuit without notice to the tenant;
- 5) Agreement by the tenant that the Owner/manager may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;
- 6) Agreement by the tenant to waive any right to a trial by jury;
- 7) Agreement by the tenant to waive the tenant's right to appeal or to otherwise challenge in court a court decision in connection with the lease; and
- 8) Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the Owner/manager against the tenant. The tenant may be obligated to pay costs if the tenant loses.

The Owner/manager may not terminate the tenancy or refuse to renew the lease of a tenant of the Property except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable federal, state or local law; or for other good cause. Any termination or refusal to renew must be preceded by not less than 30 days by service upon the tenant of a written notice from the Owner/manager specifying the grounds for the action.

B. Conflict of Interest

With the exception of on-site managers and maintenance workers that reside in a unit, owners of HOME-assisted properties, and their officers, employees, agents, or consultants, may not occupy a HOME-assisted unit. The City may grant exceptions to this rule on a case-by-case basis.

C. Terminating the Lease

Owners/managers can only terminate the tenancy or refuse to renew the lease of a tenant of a HOME-assisted or Permanently Affordable unit for good cause, Good cause includes:

- Serious or repeated violation of the terms and conditions of the lease;
- Violation of applicable Federal, state, or local law;
- Completion of the tenancy period for transitional housing; or
- Other good cause, as defined by the lease.

An increase in tenants income is not considered good cause and an owner/manager cannot terminate or refuse to renew a lease because a tenant is



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over-income. Section 3.3(c) describes steps an owner must take when a tenant becomes over-income.

When good cause exists, an owner/manager may terminate or refuse to renew tenancy by:

- Serving written notice upon the tenant at least thirty (30) days before the termination of tenancy. This notice must specify the grounds for the termination or refusal to renew the lease.
- Documenting the property files with a justification for terminating the lease and a copy of the 30-day written notice to the tenant.

D. Dispute Resolution

Owners/managers should have written procedures in place that address the following situations:

- Disputes between individual tenants or households; and
- Tenant grievances against management.



Chapter 4: Tenant Eligibility

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At the time of a potential tenant’s application, it is the owner/manager’s responsibility to obtain sufficient third-party income information for all members of the household 18 years of age and older, in order to determine eligibility for an affordable housing unit.

Potential tenants applying for affordable-rent units should be advised early in their initial visit that there are maximum income limits which apply for these units. The owner/manager should explain to the applicants that the income of *all* persons over eighteen who will occupy the unit must be included and verified prior to occupancy.

Upon each anniversary of the tenant’s move-in date, all tenant income must be re-verified in writing.

If a tenant’s income increases above the maximum AMI percent for their household size as stated in the covenant the tenant may be asked to vacate the affordable unit when the current lease agreement expires. If the project has affordable units and market units, and a tenant’s income increases above the income limits which apply for the affordable unit, that unit is no longer considered an affordable unit. In this case, the tenant may remain in the unit but the next available unit of comparable size in the development must be rented to a resident having an eligible income. That unit then becomes an affordable housing unit.

4.1 APPLICANT/BENEFICIARY ELIGIBILITY

A. Area Median Income

“Area Median Income” means the Area Median Income reported annually for single persons and households of various size by the United States Department of Housing and Urban Development, or by any successor United States Government department, agency, or instrumentality, for the Primary Metropolitan Statistical Area “PMSA” which includes the City of Boulder, Colorado. The AMI limits are published annual by HUD and submitted to Community Partners by the Compliance & Project Manager.

B. Definition of Annual Income

The City has the responsibility for treating applicants equitably and must use the same income definition within a particular program or activity. For this reason, the City has chosen income as defined in 24 CFR Part 5 to determine income eligibility for all applicants.



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The definition of annual income as defined in 24 CFR Part 5, including income inclusions, exclusions. Use this definition for household income to determine applicant eligibility.

4.2 INCOME ELIGIBILITY

Owner/managers may not refuse to lease HOME-assisted units to a certificate or voucher holder under the Section 8 Program, or to a holder of a comparable document evidencing participation in a HOME tenant-based rental assistance (TBRA) program, because of the status of the prospective tenant as a holder of such certificate, voucher or comparable HOME TBRA document.

A. Minimum Income Policy

It is in the city’s interest that permanently affordable rental housing be financially sustainable so that it may continue to serve the community’s needs.

Leasing to households without sufficient income to reliably pay rent creates financial risk for affordable properties. While the preferred standard is that a low-income household pay no more than 30% of its income for housing costs, the city recognizes that may limit many low-income households’ access to affordable housing.

Permanently affordable rental housing may not be leased to households that would be extremely cost burdened, which means the rent exceeds 50% of the verified household income.

The city will consider exception requests using several criteria. An approval or denial will be provided within three full business days of receiving complete documentation supporting the request. This documentation includes:

- Income verification supporting documents.
- A letter from the household explaining how it will pay the rent consistently.
- Other information requested by staff.

Exception criteria include, but are not limited to:

- Household’s current housing status
- Potential near-term changes to the household’s income
- Availability of alternative housing in the community
- All household members over the age of 18 work more than 32 hours per week
- Availability of liquid assets



B. Third Party Income Verification

At the time of initial occupancy and every third year thereafter, the owner/manager must verify the combined household income through third party source documentation. Acceptable sources of documents may include:

- Wage statements for the preceding 60 days;
- IRS Tax Returns
- Unemployment compensation statements;
- Third party verification from employers or banks;
- Verification of Social Security; and
- Verification of Public Assistance.

For intervening years, the owner/manager may use an alternative recertification process as outlined below:

- **Tenant Written Statement & Certification:** The Owner/Manager obtains a written statement from the tenant. The statement must:
 1. Specifies household size and anticipated annual income, and
 2. Certifies that the information is complete and accurate; acknowledging that source documentation is available upon request.
- **Government Program Written Statement:** The Owner/Manager obtains a written statement from the administrator of a government program under which the tenant receives benefits, and who examines the annual gross income of the tenant’s household each year. The statement must:
 1. Indicates the household size;
 2. Specify the current income limit for the program
 3. Verify that the household income does not exceed that limit; and
 4. Acknowledge that the household income is examined each year

C. Effective Term of Verification

Written verifications of income are valid for ninety- (90) days. If the applicant has not moved in within the 90-day period, the information may be verbally updated from the source for an additional thirty (30) days. If the tenant has not moved in within this 30-day period, a new written verification must be obtained. Verbal updates must be documented in the applicant’s file.



D. Increase in Tenant Income

A person, or family, whose income increases above the limits set forth above after he, she, or they become occupants of one of the units may be allowed to renew the lease for occupancy of the unit, provided that his, her, or the family's, gross income does not exceed 140 percent of the applicable income limit for each affordable housing unit.

4.3 DECLARATION OF CITIZENSHIP

Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Department of Housing & Urban Development (HUD) from providing financial assistance available to persons who are other than United States citizens, nationals, or certain categories of eligible noncitizens either applying to or residing in HOME-assisted units.

The owner/manager is required to have each household member of a HOME-assisted unit complete a Declaration of Citizenship and provide a copy of a State issued photo I.D.

4.4 RACE & ETHNICITY

Owners/managers are required to offer tenants the option to complete the Race and Ethnicity Data Reporting form (HUD-27061-H). This form is to be completed at the initial application or at lease signing. Once the form is completed it does not need to be completed again unless the head of household or household composition changes. There is no penalty for persons who do not complete the form. However, the owner/manager may place a note in the tenant file stating the applicant/tenant refused to complete the form. Parents or guardians are to complete the form for children under the age of 18.

4.5 DETERMINING RENTS

Each covenant specifies how the maximum rents are determined based on the targeted Area Median Income (AMI) for the affordable unit unless otherwise stipulated in the Agreement or Covenant.

The total rent paid by the tenant *including* the established monthly utility allowance may not exceed the maximum CHFA or HOME rents established for the unit as outlined in the Covenant recorded on the property.

A. Maximum HOME Rents

Properties funded with HOME Investment Partnership (HOME) funds are subject to rent limits designed to help make rents affordable to low income households. These maximum rents are referred to as "HOME Rents". HOME units are subject to the HUD High or Low HOME rents unless otherwise determined by the Division of Housing. At no time can a tenant be charged more than HOME rent limits even in conjunction with another program. The



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total rent paid by the tenant including the established monthly utility allowance may not exceed the High or Low HOME rents established annually by HUD. Current limits are available from the Division of Housing Compliance & Project Manager.

Properties must implement new income and rent limits within 45 days of the date they are released by HUD.

B. Permanently Affordable Unit Maximum Rents

The maximum rents charged for each specified permanently affordable housing unit are to be set at amounts published annually by the Colorado Housing Finance Authority (CHFA) for Boulder. CHFA releases income and rent tables annually based on current area median income data from HUD. The total rent paid by the tenant *including* the established monthly utility allowance may not exceed the maximum rent established annually by CHFA.

This information is released in February of each year and provided by CHFA via the website at:

http://www.chfainfo.com/multifam/Multifam_asset_management/tax_credit_compliance/Rent_and_income_limits.icm

Properties must implement new income and rent limits within 45 days of the date they are released by the City of Boulder.

C. Tenants Receiving Subsidy

When a household receives rental assistance such as Section 8 or project based rental assistance, the maximum allowable rent for the unit cannot exceed the applicable published rent limit provided annually by the Division of Housing. This means that the tenant’s rental assistance payment plus the tenant’s contribution toward rent cannot exceed the published rent limit.

D. Utilities

Utilities represent the average monthly cost of services for electricity and heating. Utilities do not include water, sewer, and trash services. Annually, the City will establish monthly utility allowances for Boulder.

E. Utility Allowance

Generally, tenants of permanently affordable rental units in Boulder should not pay more than 30 percent of their income for rent and utilities. Because many residents pay utilities directly, the amount that they are required to pay for rent is adjusted by a “utility allowance.” The utility allowance is a reasonable estimate of the cost of utilities in the area, given the type of building, and the size of the unit. Annually, the City will establish monthly utility allowances for



Boulder.

F. Rent Increases

Rent may be increased no more than once each year up to the applicable CHFA maximum rents for Boulder. The Owner/manager must provide tenants with at least thirty days written notice before rent increases are implemented.

4.6 RECORD KEEPING & RECORD RETENTION

As for all program activities, the City requires documentation for rental projects to show that all program and project regulations have been met. Because of the long-term monitoring required for rental projects, record-keeping responsibilities are slightly more substantial.

Owner/managers are responsible to keep adequate records that demonstrate compliance with all applicable requirements. The Owner/manager must maintain both project and tenant records. Project records should include documentation to back-up rent and utility allowance calculations.

Tenant files should include the documentation necessary to demonstrate that each unit is properly occupied by an income-eligible tenant. Such documentation includes: the tenant’s application, initial income verification documents, subsequent income recertification documents and the tenant’s lease. Owner/manager must keep individual tenant income, rent, and inspection records for the most recent five during the period of affordability.

A. Maintaining Tenant Records

In order to have the necessary information for reporting, owner/managers of affordable housing units are required to maintain a tenant file for each household occupying an affordable housing unit. The file must contain the following information:

1. The unit number of the housing unit.
2. The number of bedrooms in the unit.
3. Name of the tenant or owner/manager occupying the unit.
4. Third-party income verification documentation for each household member 18 years and over.
5. The gross rent the tenant pays.
6. Utilities the tenant pays.
7. Tenant subsidy type and amount.
8. A copy of the current lease or Amendment to the original lease.
9. Household Area Median Income (AMI).
10. Household size.



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11. Names and birthdates of all members of the household.
12. Self-identified race/ethnicity of the head of household.
13. Status of the head of household.
14. Beginning and ending dates of tenant’s occupancy.
15. Reasons unit occupancy has changed.
16. Disability Household status.

The documentation retained shall be sufficient to support the information provided by the Owner/manager to the City.

The Owner/manager will allow access to these records at any time during normal business hours by the City. These records will be kept in the Owner/manager’s local office.

B. Quarterly Progress Reports

The Owner/manager will provide comprehensive development information with evidence of overall economic feasibility and production on a quarterly basis. The responsible party may use their own forms in place of Part II, if they include and highlight the requested categories. The responsible party is responsible for meeting the Progress Report time lines as follows:

Quarterly Report	Reporting Period
First Quarter	January – March (Due 4/30)
Second Quarter	April – June (Due 7/30)
Third Quarter	July – September (Due 10/31)
Fourth Quarter	October – December (Due 1/31)

Prior to the drawdown of funds, the Owner/manager must demonstrate to the Project Manager that all funding conditions have been met. Funds will not be released if the funding conditions have not been satisfied.

C. Annual Tenant Report

After project completion and all funds have been drawn, the Property Manager must provide tenant information on an annual basis by submitting an Annual Tenant Report by January 31st every year.

The property manager should keep all records that are necessary to demonstrate compliance with the project Covenant. In order to monitor compliance for project requirements, records must be retained for a minimum of five years.



4.7 PROPERTY STANDARDS

The Owner/manager shall maintain the Property in good, safe, and habitable condition in all respects, except for normal wear and tear, and in full compliance with all applicable laws, ordinances, rules, and regulations. The owner/manager is responsible to conduct annual unit inspections and maintain documentation of such inspection in the tenant file. The Compliance Specialist will conduct regular unit and property inspections to assure compliance with property standards.

HOME-assisted and permanently affordable rental units must meet the City of Boulder, Division of Housing property standards, including rules related to the control and abatement of lead-based paint and the Uniform Federal Accessibility Standards for accessible units. The property standards apply for the entire period of affordability regardless of who manages the property and/or whether the property's ownership is transferred.

A. Minimum Property Standards

The following minimum property standards apply by specific activity type:

Acquisition:

- Applicable state or local housing quality standards and code requirements; and
- Uniform Federal Accessibility Standards for accessible units, as applicable.

Rehabilitation:

- Local written rehabilitation standards;
- State and local code requirements; and
- Uniform Federal Accessibility Standards for accessible units, as applicable.

New Construction:

- State and local code requirements;
- International Energy Conservation Code; and
- Uniform Federal Accessibility Standards for accessible units, as applicable.

B. Lead-Based Paint Disclosure

The owner/manager must understand lead-based paint disclosure and ongoing maintenance obligations.

1. **Disclosure Requirements:** Prior to leasing a unit, owners/managers of pre-1978 rental properties must:



- Provide prospective tenants the lead hazard information pamphlet, *Protect Your Family in Your Home*.
- Disclose any known lead or lead hazards in the property, including the location of lead-based paint and/or lead hazards, and the condition of the painted surfaces.
- Provide the prospective tenants any records and reports on lead-based paint and/or lead-based paint hazards which are available to the owner, including records and reports concerning common areas and other units, when such information is obtained as a result of a building-wide evaluation; and
- Attach to the lease, or insert language in the lease, a *Lead Warning Statement*, that confirms the owner has compliance with all notification requirements. If an attachment is used, owners and tenants must sign and date the attachment.

C. Standards for Accessible Units

Owners/managers of certain HOME-assisted and Permanently Affordable rental properties are required to provide units that are accessible for persons with mobility or sensory impairments.

- 1. Maintaining Accessible Units:** For properties that have units that are accessible to persons with mobility and/or sensory impairments, these units must be maintained as accessible throughout the period of affordability. This means that the units must continue to meet the Uniform Federal Accessibility Standards (UFAS) during this time.



Chapter 5: Property Owner’s Responsibilities for Managing Affordable Rental Property

5.1 OVERVIEW

This chapter summarizes the key asset and property management functions that impact the property’s financial and physical viability. This chapter explains the owner’s responsibility to monitor the property’s overall well-being and for meeting the compliance requirements for permanently affordable rental properties, even when the owner contracts out rental management functions to staff or a third party.

5.2 ASSET & PROPERTY MANAGEMENT

By securing effective asset and property management, owners can influence how well a property meets compliance requirements and remains financially viable.

A. Asset Manager

The asset manager plans for and monitors the financial health of the property. This entails establishing and monitoring the operating, maintenance, and capital expenditure budgets for the property; and ensuring that the property’s rental income covers the property’s expenses. The owner typically retains the overall responsibility for asset management. In addition to the owner’s interest in maintaining a profitable and reputable property, asset management is important to ensuring compliance because the long-term financial and physical viability of the property affects the owner’s ability to comply with long-term compliance requirements to keep the property affordable.

B. Property Manager

The property manager carries out the day-to-day operations of the property, which involve leasing, marketing, and unit maintenance functions. These functions are often carried out by staff or a professional property management entity. If the owner hires a property manager, it is critical that the property manager understands the rental compliance requirements and obligations that apply to the property, in order to monitor the property manager’s work.

The owner must monitor as frequently as necessary in order to ensure that the property manager is carrying out property management functions in accordance with rental compliance requirements. The owner should ensure that the property manager has systems in place to track rents, incomes, marketing, property repairs, and property maintenance. These systems can be developed by the owner, asset manager, or the property manager.



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5.3 REPORTING, RECORD-KEEPING & RETENTION

Reports and records are the key way that owners demonstrate to the Division of Housing that they are in compliance with rental compliance requirements, including applicable property standards and affordability and occupancy requirements.

The reporting and record-keeping requirements are clearly stated in the written agreement and Covenant with the owner. Owners, in conjunction with their property managers, are encouraged to develop a tracking system to track the information that must be reported to the Division of Housing to demonstrate compliance.

A. Reporting Requirements

The Division of Housing requires owners to submit annual tenant report on an annual basis. This report is due by January 31st each year. The Division of Housing may also require owners to submit additional reports as well, to help assess a variety of issues, such as the property’s operation, its financial status, its liabilities and loans, and its physical maintenance.

The Division of Housing does not prescribe the specific reports that the owner must require the property manager to submit. However, owner are encouraged to imposes the reporting requirements on the property manager.

In general, the owner needs to require that the property manager submit all reports that may be required in order to demonstrate compliance with the rental compliance requirements, and to demonstrate continued financial viability of the property.

B. Record-Keeping Requirements

Organized records and effective record-keeping systems help the owner with:

- Preparation of the required annual tenant report that must be submitted to the Division of Housing.
- Compliance with the Covenant requirements; and
- Identification and remedy of problems in a timely manner.

The same records that help the owner or property manager make day-to-day decisions that enable the Division of Housing to evaluate the property manager’s performance and the properties compliance with Covenant requirements.

The property manager should keep all records that are necessary to



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demonstrate compliance with the rental compliance requirements, and any additional records related to the financial well-being of the property that are required by the Division of Housing or desired by the owner.

C. Record Retention

Owners are required to maintain records for the most recent five years as outlined in the written agreement and Covenant. In order to monitor compliance with rental compliance requirements, the Division of Housing retains the right to access tenant and unit records to monitor tenant income verifications, unit rents, and property inspections.



Chapter 6

Chapter 6: Monitoring Compliance & Property Performance

When the Division of Housing invests federal and local funds or acquires units through Inclusionary Housing, it incurs an obligation to monitor the properties to ensure it is in compliance with all applicable rules and regulations throughout the period of affordability, and to ensure that the property is maintained in accordance with applicable property standards.

There are several key compliance areas that the Division of Housing monitors during the period of affordability, including:

- Rent limits;
- Income limits;
- Property standards;
- Tenant selection;
- Tenant income verification & annual recertification;
- Affirmative marketing;
- Tenant leases and protections; and
- Unit mix.

Minimum compliance monitoring activities include:

- **Reporting:** Owners/managers must submit an annual tenant report on rents and occupancy. This report provides data to the Division of Housing on the affordability requirements that limit occupancy to low-and-very low-income households and restrict rents to affordable levels.
- **Unit & Property Inspections:** Owners/managers must conduct annual inspections of units to verify that the property is maintained in standard condition and meet applicable housing quality standards, including lead-based paint notification and on-going maintenance requirements, as applicable.
- **Record-Keeping:** Owners/managers must maintain sufficient records to enable Division of Housing staff to determine whether the owner/manager has met all requirements.
- **Review of Records:** The Division of Housing will review records maintained by the owner/manager to verify the accuracy of reports and ascertain compliance.



6.1 MONITORING PLAN

The Compliance & Project Manager will ensure that every rental project in the Division of Housing portfolio will be monitored during the period of affordability. The Compliance & Project Manager will develop an annual monitoring plan utilizing Risk Assessment and develop a corresponding monitoring schedule for the year.

A. Risk Assessment

The Compliance & Project Manager will also conduct additional oversight of rental projects by conducting a Risk Assessment. This assessment will determine the program and property performance. The Compliance & Project Manager will analyze each property and program for financial stability, management capacity and other long-term viability issues. This type of oversight will be held to identify financial or management issues before they affect the project’s ability to remain a viable component of the City’s affordable housing stock. The Risk Assessment results will be part of determining the monitoring schedule for the year.

6.2 TYPES OF MONITORING

B. Desk Monitoring Review

A desk review is a review of reports and other documents that the owner/manager submits to the City. A review of reports is conducted by the Compliance & Project Manager on a quarterly and annual basis. Reports may include: property compliance, overall performance, and financial health, physical condition of the property, rent & occupancy reports.

C. On-Site Monitoring Review

The Compliance Specialist, or other designated representative of the Division of Housing, shall conduct on-site monitoring reviews and unit/property inspections. During the review the general physical condition of the units and property will be inspected along with an analysis of randomly selected tenant files and review of supplemental information. A written summary of the on-site review will be sent to the owner/manager within thirty days of the on-site review.

The City is required to conduct on-site inspections of HOME-assisted and Permanently Affordable properties throughout the property’s period of affordability. The on-site visit has two components:

1. Review records and files retained on-site that document the owner/manager’s compliance with HOME and Permanently Affordable requirements and to verify the accuracy of information submitted on



the owner/manager's rent and occupancy reports.

2. Conduct a physical inspection of a sample of units at the property to be sure the property is maintained in standard condition.

A review of records may include but not limited to the following:

- **General administrative files:** generated in the administration of the property as a whole, including marketing activities, tenant selection plan, wait list, policies and procedures.
- **Tenant Files:** Related to the tenant and the unit he/she occupies
- **Unit Files:** Reflect which units are HOME-assisted units at any given point in time.
- **Maintenance Files:** Documentation of all physical improvements made to the property.

NOTE: The City may conduct monitoring or inspections more frequently as needed.

6.3 MONITORING LONG-TERM VIABILITY

Many difficulties in a rental project first appear in the form of financial problems. For this reason, the Compliance & Project Manager will review property financial reports to assess whether or not the property has had a reduction in revenue collections. An assessment of cash flow will be determined to identify risks which result in failure to invest in route maintenance or replacement reserves, leading to property deterioration.

Owners/managers are required to submit annual property financial reports to the Division of Housing by January 31st.

6.4 NONCOMPLIANCE

Any determination of noncompliance will be communicated to the owner/manager. A letter to the owner/manager will be written notifying them of noncompliance, corrective actions required and the resolution period. If issues of noncompliance are not resolved within the period of time allotted, the Compliance & Project Manager will investigate and may visit the site to determine the extent of noncompliance. The Compliance Specialist and Compliance & Project Manager will make every effort possible to provide technical assistance and guide the owner/manager towards compliance with the project/property. The City Attorney's office may be notified if full compliance within the allotted resolution period is not satisfied. The City Attorney's Office may pursue whatever legal action is necessary to correct the situation.



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6.4 TERMS OF ENFORCEMENT

When issues of noncompliance are identified, a range of corrective actions or remedies may be imposed. The type of corrective action depends on the severity of noncompliance. Some examples of remedies may include:

- Correcting deficiencies, such as repaying tenants for overcharging rents;
- Making improvements to bring properties into compliance with applicable property standards;
- Making management changes or requiring submission and approval of management plan or changes to staffing; or
- Repayment of funds

The severity and extent of the noncompliance with HOME requirements varies. In general, these violations fall into three categories:

- One-time instances of noncompliance that are relatively small and easy to remedy;
- More severe instances of noncompliance that occur on multiple occasions; and
- Instances of gross negligence, fraud, discrimination or physical conditions that pose an imminent threat to the health or safety of the tenants.

It is the City's desire to address issues of noncompliance directly with the Owner/manager and work collaboratively to resolve issues of noncompliance. The City is highly motivated to help Owner/managers keep the property financially viable and in good physical condition. In doing this, the supply of high quality affordable rental housing units is retained within the City and the risk of repayment of HOME funds to HUD is minimized. The Division of Housing will seek to provide technical assistance as needed. Technical assistance will be provided by the Compliance & Project Manager upon request.

EXHIBIT A



EQUAL HOUSING OPPORTUNITY

We Do Business in Accordance with the Federal Fair Housing Law

(The Fair Housing Amendments Act of 1998)

- In the sale or rental of housing or residential lots
- In the provision of real estate brokerage services

***It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin***

- In advertising the sale or rental of housing
- In the appraisal of housing
- In the financing of housing
- Blockbusting is also illegal

Anyone who feels he or she has been
discriminated against may file a complaint of
housing discrimination: 1-800-669-977 (Toll
Free) 1-800-927-9275 (TTY)

U.S. Department of Housing and Urban
Development Assistant Secretary for Fair
Housing and Equal Opportunity
Washington, D.C. 20410

EXHIBIT B

**AFFIRMATIVE FAIR HOUSING MARKETING
PLAN AND PROCEDURES**



Equal Housing Opportunity

1300 Canyon Blvd. Boulder, CO. 80302

(303) 441- 4196

www.bouldercolorado.gov

I. STATEMENT

This Affirmative Fair Housing Marketing Plan and Procedures (“Marketing Plan”) is developed for use with the Community Development Block Grant (CDBG) and HOME Investment Partnership (“HOME”) Program regulations and in furtherance of the City of Boulder, Division of Housing (“the City”) commitment to non-discrimination and equal opportunity housing. The City has established procedures to affirmatively market units which have been acquired, rehabilitated, constructed or otherwise assisted under the CDBG and/or HOME Programs. The City is committed to the goals of non-discrimination and equal access. In addition, the City is committed to the goals of increasing the housing opportunities with limited English proficiency, low-income residents and under-represented ethnic and racial groups. These goals will be reached through the implementation of the City Affirmative Marketing Plan. The implementation of this plan should result in a diverse tenant population in each of the affordable housing developments, with a representation of ethnic and racial groups which is consistent with their representation in the City of Boulder.

The Affirmative Marketing Plan is a commitment of the City’s staff, and the CDBG/HOME-funded participant (“Grantee”) to affirmatively further Fair Housing. The Grantee shares responsibility with the City in informing the public about the Federal Fair Housing laws, soliciting eligible persons without regard to race, color, national origin, sex, sexual orientation, source of income, religion, familial status, or disability into the affordable housing market and evaluating the effectiveness of these marketing efforts.

Affirmative marketing differs from general marketing activities because it specifically targets potential tenants and home buyers who are least likely to apply for and/or purchase affordable housing. Efforts must be made to make these persons aware of the available affordable housing. This Marketing Plan is a guide to assist the City and its grantees by summarizing the affirmative marketing procedures required by HUD.

This Plan is documented and maintained in the City of Boulder, Division of Housing files, and shall be included by reference in all federally funded project funding agreements and project files. The Grantee is held to the terms of the Marketing Plan by the requirements in the applicable CDBG/HOME agreement.

II. PURPOSE

In accordance with HUD regulations of the CDBG/HOME Programs and in furtherance of the City’s commitment to non-discrimination and equal housing opportunity, the City establishes procedures to affirmatively market the distribution of its annual CDBG/HOME allocation and housing units acquired, constructed or rehabilitated under the CDBG/HOME Program.

It is the Affirmative Marketing Policy of the City to assure that organizations, non-profit and for-profit, and local units of government which might not normally apply for use of the CDBG/HOME funds because they are unaware of the availability of said funds:

- be informed of /CDBGHOME funding availability
- be encouraged to apply for use of CDBG/HOME funding
- have an equal opportunity to apply for use of CDBG/HOME funding

It is the Affirmative Marketing Policy of the City to assure that individuals who normally might not apply for available affordable housing units because they are socially and/or economically disadvantaged:

- to be informed of available housing units;
- be encouraged to apply for available housing units; and
- have an equal opportunity to rent/own their own housing units

The City of Boulder actively promotes fair housing through:

- ongoing funding of fair housing services;
- adoption and implementation of an “Analysis of Impediments to Fair Housing Choice”;
- adoption of a Consolidated Plan for CDBG/HOME programs, with an analysis and strategy for fair housing every five years, and in the Annual Action Plan; and
- annual monitoring of fair housing activities through monitoring of fair housing services and reporting on ongoing activities in its Consolidated Annual Performance and Evaluation Report (CAPER).

The City of Boulder, Division of Housing is responsible for the implementation of the Affirmative Marketing Plan and all owners, developers, Community Housing Development Organizations and other nonprofits must comply with this policy for all CDBG, HOME and City funded housing developments.

III. METHOD TO DISSEMINATE AFFIRMATIVE FAIR HOUSING MARKETING REQUIREMENTS

The City will use the following methods to inform the public, potential tenants, potential homeowners, potential and existing for-profit developers, potential and existing non-profit developers, and local units of government about Federal Fair Housing laws and Affirmative Fair Housing Marketing Plan and Procedures.

- A. The City staff shall be responsible for implementing the Marketing Plan and evaluating its effectiveness as required by the CDBG/HOME Program.
- B. The City shall inform the community about its Affirmative Marketing Policy through periodic updates at public forums and Fair Housing meetings, as well as training workshops with its CDBG/HOME grantees or other similar forums.
- C. The City shall provide fair housing information/referrals, case investigation services, tenant/landlord information/referrals and mediation services.
- D. The City will collaborate with the office of Human Rights to reduce discrimination in housing.
- E. The City shall refer tenants and rental property owners to the Human Services Division <https://bouldercolorado.gov/child-youth-family> regarding tenant and landlord rights and responsibilities.
- F. The City will provide information about fair housing, fair housing service providers, fair housing brochures and a copy of the City’s Affirmative Marketing Plan shall be

available on the City's Division of Housing, Compliance Management website <https://bouldercolorado.gov/housing/grants-compliance-and-asset-management>.

- G. The City will continue to provide general information and telephone reference numbers to persons contacting the City of Boulder, Division of Housing Office with questions regarding Affirmative Marketing and Federal Fair Housing laws.
- H. The City shall require that Grantees of CDBG and/or HOME funded rental/homebuyer housing provide an annual report describing how their actions have complied with the City's Affirmative Marketing Plan. (see attachment "A")
- I. The City shall periodically post flyers and brochures which describe fair housing laws and services in open public areas.
- J. Grantees of CDBG/HOME funds shall instruct all employees and agents on the policy of nondiscrimination of fair housing both in writing and orally.

IV. CITY'S AFFIRMATIVE MARKETING REQUIREMENTS

The City will, at least annually, adhere to the following, or similar, Marketing Plan policies regarding announcement of availability of CDBG/HOME funds:

- A. Post a notice of CDBG/HOME funding availability on the City's website.
- B. Establish and maintain a database of potentially qualified for-profit and non-profit developers and direct mail/email invitations to apply for funding.
- C. E-mail notices of available funding to the City's Housing distribution list.

V. CITY'S REQUIRED AFFIRMATIVE MARKETING RECORD KEEPING

In order to verify that the City is following Marketing Plan requirements, the following record keeping procedures will be required:

- A. The City will maintain records of how CDBG/HOME funding availability was advertised.
- B. Copies will be maintained of all training materials and meeting agendas where the City's Affirmative Marketing Plan/Policy was discussed.

VI. GRANTEES AFFIRMATIVE FAIR HOUSING MARKETING REQUIREMENTS

It is the City of Boulder's policy to require that each Grantee or owner of rental or homeownership project carried out with CDBG, HOME, and/or City funds:

- A. Incorporate an Equal Housing Opportunity statement or logo in any correspondence associated with rental or home ownership opportunities developed with the use of City's HOME funds.

- B. All marketing of HOME-assisted housing will be jurisdiction-wide and all advertising will be placed in sources of wide circulation. All ads must contain an Equal Housing Opportunity statement or logo.
- C. Media sources should include advertisement to a particular audience (e.g., newspapers or radio stations that serve protected classes).
- D. All advertisements, brochures and other written materials should be published and displayed in at least both English and Spanish, in order to reach non-English speaking audiences.
- E. Contact must be made with organizations whose membership or clientele consists primarily of protected class members.
- F. Notify the Public Housing Authority or Authorities in the City in which units are located when HOME-assisted units are available for rent or purchase.
- G. The project owner must display the Equal Opportunity logo
- H. Grantee must maintain a nondiscriminatory hiring policy
- I. A Fair Housing Poster must be prominently placed in all offices in which sale or rental activities pertaining to the project takes place.
- J. Grantee must post a Equal Housing Opportunity logo or statement on project sites
- K. Grantees should submit the Affirmative Marketing Fair Housing Plan to the City for review within 120 days prior to initiating sales or rental marketing activities. The City will review and consider approval of the plan within 30 days of submission.

VII. GRANTEE'S RESPONSIBILITY TO INFORM PERSONS NOT LIKELY TO APPLY FOR HOUSING WITHOUT SPECIAL OUTREACH

- A. Grantee is encouraged to utilize the City's Affirmative Marketing Plan to organize and develop their own affirmative marketing plan.
- B. Target outreach through a variety of means to ethnic and racial groups that are underrepresented in the housing development based on their representation in the City.
- C. At a minimum, utilize local churches, places of worship, nonprofit and community organizations that serve the underrepresented group(s) to distribute information about housing openings. Grantee may use the City's outreach list to assist in their outreach.
- D. Provide advertising in the language the group is most familiar with and provide a contact person who can answer questions in the language primarily spoken by the targeted group.
- E. Conduct outreach to applicable homeless, advocacy groups and other organizations identified by the City which serve groups that may need special assistance to apply for housing. (see attachment "C")

F. Grantee is encouraged to post a notice of available housing on their website.

VIII. GRANTEE REQUIRED AFFIRMATIVE MARKETING RECORD KEEPING

In order to verify that City's Grantees are following Marketing Plan, the City requires the following record keeping procedures will be required:

- A. Grantee maintains records of how vacancies were advertised (copies of advertisements, etc.).
- B. Copies of all brochures, leaflets, and letters to community contacts shall be maintained in an easily accessible file.
- C. Grantee shall have a written policy that outlines how all applications will be reviewed and processed. Grantee records should show how all completed and filed applications were processed including whether an applicant was accepted or unaccepted and why an applicant was not accepted.
- D. Maintenance of information on the race, sex, ethnicity, and whether the applicant is disabled for all applicants, home buyers, and tenants. The City will monitor the Grantee at least an annual basis.

This information will be gathered when an application is taken for either a tenant or a home buyer and information will be maintained during the entire period of affordability.

IX. CITY'S ASSESSMENT OF ITS AFFIRMATIVE MARKETING POLICY

The following actions will be taken by the City to evaluate the success of its Affirmative Fair Housing Marketing Policy and that of its Grantees:

- A. The City will assess the results of its Affirmative Fair Housing Marketing Plan annually with a summary of "good faith efforts" taken by the City and Grantees.
- B. The City will compare the information compiled in the manner described under Section V and Section VII above and evaluate the degree to which statutory and policy objectives were met. If the required steps were taken, the City will determine that good faith efforts have, in fact, been made.
- C. To determine results, the City may examine whether specific groups in the City's service area applied for or became tenants or owners of HOME units that were affirmatively marketed. If the City finds that specific groups are represented, particularly Hispanics, African Americans, Asians, American Indians, persons with disabilities, and women, the City will assume that the Marketing Plan procedures were effective. If one or more groups are not represented within the context of existing neighborhood composition, the City will review its procedures to determine what changes, if any, might be made to make the affirmative marketing efforts more effective.

- D. The City will take corrective action if it is determined that a Grantee has failed to carry out Affirmative Marketing efforts as required. If a Grantee continues to neglect responsibilities made incumbent by the terms of the CDBG or HOME Agreement, the City will consider taking one or both of the following actions:
1. Declare the Grantee disqualified from any further assistance made available under the CDBG/HOME Program.
 2. Notify the Grantee of the CDBG/HOME Program funds that were in violation of the terms of the CDBG or HOME Agreement and the City may exercise its right to require immediate repayment of the CDBG/HOME funding.
- E. The City will not proceed with corrective action without allowing time and effort by staff to counsel the Grantee in accordance with the terms of the CDBG or HOME Agreement.

EXHIBIT B – continued

Sample Affirmative Marketing Plan

In accordance with the City of Boulder’s administering federally funded programs and to comply with all applicable Federal Regulations, _____, will adopt the following procedures to implement an Affirmative Marketing Plan as specified in the HOME Final Rule § 92.351 for _____ property located at _____.

I. Policy on Nondiscrimination and Accessibility

With respect to the treatment of applicants, _____ will not discriminate against any individual or family because of race, color, national origin, religion, gender, disability, familial status or presence of family in a household. Reasonable accommodations will be offered to all disabled persons who request accommodations due to disability at any time during the application, resident selection and rent up process.

II. Training

- a. _____ shall provide property management staff with all relevant regulations and Fair Housing provisions. All property management staff shall be required to follow the procedures and policies adopted by Boulder Housing Partners and Managing Agent.
- b. On-site training programs shall include marketing, outreach, data collection, reporting, and record keeping. Property management staff shall annually receive instruction regarding fair housing laws and Development’s Affirmative Marketing Plan.

III. Marketing and Outreach

- a. All advertising shall display the Equal Housing Opportunity logo or the phrase “Equal Housing Opportunity”.
- b. Consistent with the resident population this Development was designed to serve, the marketing of _____ property will ensure equal access to appropriate size units for all persons in any category protected by federal, state, and local laws governing discrimination. There will be no local residency requirements for applicants nor will preference be given to local residents for this Development.

Special marketing outreach consideration will be given to the following underserved populations:

- a. African-Americans
 - b. American Indians
 - c. Hispanics
 - d. Asian and Pacific Islanders
 - e. Handicapped and Disable Persons
- c. Marketing shall include the use of newspapers of general circulation in the City of Boulder. The Managing Agent will place notices in newspapers, specialized publications, and newsletters to reach potential residents. Applications, notices and all publications will include a Fair Housing and Equal Opportunity Logo, and the Accessibility Logo. Community media advertisements of the projects will be through the Boulder Daily Camera.

- d. The Managing Agent will contact local civil and community organizations representative of the ethnic and cultural diversity of the area in order to disseminate information about the Development. Groups representing the handicapped and the elderly will also be contacted. Where necessary and in consultation with (OWNER), the Managing Agent will publish its marketing materials in multiple languages in order to better reach potential applicants in the area with language limitations.

To further inform the groups least likely to apply for the available housing, the following local organizations will be contacted with housing information:

Name of Organization	Population Served
	Handicapped, Disabled
	Seniors
	Latino
	Native American

- e. Other neighborhood-based, nonprofit housing agencies that maintain waiting lists or make referrals for below market rate housing will be contacted.

Agency Name	Address	Telephone

IV. Race and Ethnicity Data Collection and Reporting

- a. Any family who asks shall receive an application package containing the following: Instruction sheet; Application; Income Summary; and form HUD-24061-H “Race and Ethnicity Data Reporting Form.” _____ are required to offer each household member the opportunity to complete the form. Parents or guardians are to complete the form for children under the age of 18. Completed documents for the entire household shall be stapled together and placed in the household’s file.
- b. The Managing Agent will serve as coordinator of the marketing of (PROJECT NAME) as well as oversee the admission of residents. The Managing Agent will keep (OWNER) apprised of the occupancy progress through monthly marketing reports which will include the number of applicants to (PROJECT NAME), unit preference, number of actual occupants, ineligible applicants, and cancellations.

V. Compliance Assessment

- a. _____ will review the Affirmative Marketing Plan every five years and update as needed to ensure compliance. The advertising sources will be included in the review to determine if past sources should be changed or expanded.
- b. _____ will annually assess the success of affirmative marketing actions for _____ property. If the demographic

data of the applicants and residents vary by (%) from the jurisdictions population data, advertising efforts and outreach will be targeted to underrepresented groups in an attempt to balance the applicants and residents with the demographics of the jurisdiction.

VI. Record Keeping

- a. _____ property shall establish and maintain an Affirmative Marketing file to hold advertisements, flyers and other public information documents to demonstrate that the appropriate logo and language has been used. Additionally, _____ property shall keep records of its activities in implementing the affirmative marketing plan, including other community outreach efforts and its annual analysis.
- b. _____ property shall keep up-to-date records based on census data, applications and surveys about community residents, applicants, residents of the project, and records about tenant selection or rejection
- c. _____ shall provide HUD, Division of Housing and HOME staff access to any pertinent books, documents, papers or other records of their HOME-assisted properties, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

Owner/CEO or Equivalent Signature

Date

Compliance & Project Manager Signature

Date

EXHIBIT B - continued

GRANTEE AFFIRMATIVE MARKETING REPORT

Property Name:			
Address:			
Report Prepared By:	<input type="checkbox"/> Owner <input type="checkbox"/> Property Manager		
Preparer Name:			
No. of Units in Project:		No. of HOME Units:	

Census Tract:		Household Market Area:		Expanded Housing Market Area:	
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Demographic Characteristics	Census Tract %	Housing Market Area %	Expanded Housing Market Area %	Project Applicant Data %	% of Project's Residents	% of Rejected Applicants
White						
Black or African American						
Asian						
American Indian or Alaska Native						
Native Hawaiian or Other Pacific Islander						
Hispanic or Latino						
Persons with Disabilities						
Families with children under age 18						
Other (specify below)						

Rejected Applicants	
Race/Ethnicity	Reason for Rejection

Questions	Answer
1. Is there an Equal Opportunity Fair Housing Poster prominently displayed in the rental office?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
2. Is there a copy of the owner's Affirmative Fair Housing Marketing Plan (AFHMP) in the office or wherever prospective tenants may apply for rental housing?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
3. Does the owner or property manager review the AFHMP annually or at minimum every five years to ensure it is current and applicable?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

4. What is the date of the last AFHMP updated?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
5. What is the date for when the last Outreach List was reviewed and/or revised?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Tenant Selection Plan	
6. Does the owner or property manager have an approved Tenant Selection Plan on site for applicant and tenant review?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
7. Does the project's Tenant Selection Plan include procedures for taking applications, selecting from the waiting list, and policy for opening, closing and maintaining the waiting list?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
8. Does the Tenant Selection Plan include policies for Fair Housing, Section 504, and assigning accessible units?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
9. Does the Tenant Selection Plan include policies for preferences?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Signage/Brochures/Advertising	
1. Are there any project site signs? If yes, do each of them display in a conspicuous position the HUD-approved Equal Opportunity logo, slogan or statement (24 CFR 200.620(f))?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
2. Is the accessibility logo included?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
3. If human models or characters were used in brochures; did they reasonably represent both majority and minority races?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
4. Are all applicable correspondence, notices and advertising in compliance with advertising?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Owner/Property Management Staff Training	
1. Does the owner/project manager maintain a record of Fair Housing complaints?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Record-Keeping & Reporting	
2. Does the owner/property manager collect and maintain data on race, ethnicity, gender, age, and disability for applicants?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
3. Does the owner/property manager collect data from applicants and tenants with HUD-27061-H (see attachment B of City's AFHMP)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Owner/Property Manager Demographic Analysis	
1. Does any of the demographic data show a low representation of any protected groups in either the project applicants or beneficiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
2. What reasons have you identified for these low numbers?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
3. What actions have you taken to date to correct the reasons for low numbers? Please provide correspondence of action taken.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
4. What actions do you plan to take in the future to correct the low numbers?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
5. Have you set up and maintained records to reflect any study and actions taken?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

Preparer Signature: _____ **Date:** _____

EXHIBIT B - continued

AFFIRMATIVE MARKETING OUTREACH LIST

To further inform the groups least likely to apply for the available housing, the following local individuals and organizations will be contacted with housing information:

Organization	Contact Name	Phone	Email
Acorn Child Development Center	Matt Eldred	303-938-8233	director@theacornschoo.org
Boulder Asian Pacific Alliance	Brenda Pearson	303-499-0108	info@bapaweb.org
Boulder County Aids Project	Celeste LeBlanc	303-444-6121	celeste@bcap.org
Boulder Shelter for the Homeless	Greg Harms	303-468-4311	greg@bouldershelter.org
Bridge House	Isabel McDevitt	303-442-8300	isabel@bouldercarriagehouse.org
Care Connect	Emily Ditty	303-443-1933 x 405	emilyditty@careconnectbc.org
Center for People with Disabilities	Aaron Pasterz	303-442-8662 x119	aaron@cpwd.org
Clinica Family Health Services	Shannon Roquemore	303-412-8180 x5290	cschauffler@clinica.org
Emergency Family Assistance	Liz Shaw	303-951-7679	liz@efaa.org
Imagine	Mathew Barnert	303-926-6479	mbarnert@imaginecolorado.org
Immigrant Legal Center	Laruel Herdon	303-444-1522	laurel@boulderayuda.org
Mental Health Partners	Barb Guastella	303-443-6154 x 21	bguastella@bhpcolorado.org
Native American Rights Fund	Rose Conley	303-447-8760	
New Horizon Preschool	Isolde Stewart	303-442-7434	isoldestewart@gmail.com
Parenting Place	Brittney Kadalenas	303-449-0177	
Safehouse Progressive Alliance	Anne Tapp	303-449-8623	anne@safehousealliance.org
Via Mobility Services	Lenna Kottke	303-447-2848 x103	lenna@specialtransit.org
West Boulder Senior Center	Betty Kilsdonk	303-441-4388	kilsdonkb@bouldercolorado.gov
YWCA of Boulder County	Janet Beardsley	303-443-0419	janet@ywcaboulder.org

EXHIBIT C

Sample TENANT SELECTION PLAN

The property is (is not) limited to specific family types, such as those who are elderly or disabled. However, the owner shall make vacant units in an elderly project generally available to otherwise eligible families who apply for housing, without regard to the preferences if there are an insufficient number of families for whom elderly preference has been given to fill all the vacant units.

Assistance in subsidized housing is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status as determined by HUD. All family members, regardless of age, must declare their citizenship or immigration status. Non-citizen applicants will be required to submit evidence of eligible immigration status at the time of application. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.

Applicants must disclose and provide documentation of Social Security Numbers (SSN) for all family members at least six years of age and older. If a SSN has not been assigned to a particular family member, the applicant must sign a certification. If an applicant does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate. However, the applicant cannot become a participant in the program unless they submit the required SSN documentation. Documentation must be provided within 60 days from the date on which the applicant certified that the documentation was not available.

The apartment unit must be the family's sole residence and under no circumstance may any tenant benefit from more than one subsidy.

All family members who are 18 years of age or older will be required to sign consent and verification forms. All information reported by the family is subject to verification.

Applicants must agree to pay the rent required by the program under which they will receive assistance.

INCOME ELIGIBILITY REQUIREMENTS

HUD establishes and publishes income limits annually based on family size for each county in the United States based on the median income of the geographic area. Income limits for this property are listed below:

- Low-income limit 80% of median income
- Very low-income limit 50% of median income
- Extremely low-income limit 30% of median income

Owners must make at least 40 percent of the assisted units that become available each year (project's fiscal year) available for leasing to families whose income do not exceed 30 percent of the area median income (extremely low-income) at the time of admission. If the owner actively marketed at least 40 percent of the annually available units to extremely low-income families but was unable to fill all of the units with families meeting the requirement, the owner is permitted to

rent to other eligible families after a reasonable marketing period has expired.

OCCUPANCY STANDARDS

Unit Size	Minimum Occupants	Maximum Occupants
0	1	1
1	1	2
2	2	4
3	3	6

A single person cannot occupy a unit with two or more bedrooms unless one of the following applies:

- A person with a disability who needs the larger unit as a reasonable accommodation.
- A displaced person when no appropriately sized unit is available.
- An elderly person who has a verifiable need for a larger unit.
- A remaining family member of a resident family when no appropriately sized unit is available.

A smaller unit size may be assigned upon request; only if occupancy of the smaller unit will not cause serious overcrowding and will not conflict with local codes.

A larger unit size may be assigned upon request if one of the following conditions exists:

- No eligible family in need of the larger unit is available to move into the unit within 60 days, the property has the proper size unit for the family but it is not currently available, and the family agrees in writing to move at its own expense when a proper size unit becomes available.
- The family needs a larger unit as a reasonable accommodation for a family member who is a person with a disability.
- If a family, based on the number of members, would qualify for more than one unit size, the owner must allow the family to choose which unit size they prefer.

PROTECTIONS

The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.

The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.

The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence,

Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

APPLICANT SCREENING CRITERIA

All applicants age 18 or older will be screened for suitability prior to residency. Screening criteria will be applied consistently to all applicants, consideration of extenuating circumstances will be considered in the screening process.

Credit History:

Priority will be given to current credit activity over older activity. All rent and utilities must be paid in full. Poor credit history is grounds for rejection; however a lack of credit history is not.

Rental History:

Past record of destruction, consistent late or unpaid rental obligations, police activity or poor housekeeping habits resulting in health or safety hazards is grounds for rejection. Lack of rental history is not grounds for rejection.

Criminal History:

Applicants will be rejected if any of the following apply: *(Note: The same criteria regarding criminal history applies to live-in aides also.)*

- Any household member has been evicted from Federally-assisted housing for drug-related criminal activity, for three years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household) the Owner may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use.
- Any member of the household is subject to a lifetime registration requirement or is currently registered under a state sex offender registration program. During the admissions screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.
- The Owner determines that there is reasonable cause to believe that a household member's illegal use (or a pattern of illegal use) of a drug or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Screening standards must be based on behavior, not the condition of alcoholism.)
- Any member of the applicant's household has been convicted of the manufacture of methamphetamine on the premises of federally subsidized housing (lifetime).
- Violent criminal activity.

- Any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or any employee who is involved in the housing operations.
- Unlawfully obtaining government assistance.

NOTIFICATION OF APPLICANT REJECTION

If an applicant is denied admission to the property they will receive a written notice stating the reason (s) for the rejection. The applicant has the right to respond in writing or request a meeting to dispute the rejection within 14 days of the notice. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. If admission is denied because criminal background screening indicates the applicant provided false information; the entity making the determination must provide the subject of the record and the applicant a copy of the information the action is based upon. The subject of the record, and the applicant have the opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

EXHIBIT D

DECLARATION OF CITIZENSHIP STATUS (SECTION 214)

NOTICE TO APPLICANTS AND TENANTS:

In order to be eligible to receive the housing assistance you seek, you, as an applicant or current recipient of housing assistance, must be lawfully within the U.S. Please read the Declaration statements carefully, check that which applies to you, and sign and return the document to the Housing Authority Office. Please feel free to consult with an immigration lawyer or other immigration expert of your choosing.

I, _____, certify, under penalty of perjury 1/, that, to the best of my knowledge, I am lawfully within the United States because (please check the appropriate box):

- () I am a citizen by birth, a naturalized citizen or a national of the United States; or
- () I have eligible immigration status and I am 62 years of age or older. Attach evidence of proof of age 2/; or
- () I have eligible immigration status as checked below (see reverse side of this form for explanations). Attach INS document(s) evidencing eligible immigration status and a signed verification consent form.
 - () Immigrant status under §101(a)(15) or 101(a)(20) of the Immigration and Nationality Act (INA) 3/; or
 - () Permanent residence under §249 of INA 4/; or
 - () Refugee, asylum, or conditional entry status under §§207, 208, or 203 of the INA 5/; or
 - () Parole status under §§212(d)(5) of the INA 6/; or
 - () Threat to life or freedom under §243(h) of the INA 7/; or
 - () Amnesty under §245 of the INA 8/.

(Signature of Family Member)

(Date)

- () Check box if signature is of adult residing in the unit who is responsible for child named on statement above.

FOR HA ONLY: INS/SAVE Primary Verification #: _____ Date: _____

1/ **Warning:** 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000, imprisoned for not more than five years, or both.

The following footnotes pertain to noncitizens who declare eligible immigration status in one of the following categories:

- 2/ **Eligible immigration status and 62 years of age or older.** For noncitizens who are 62 years of age or older or who will be 62 years of age or older and receiving assistance under a Section 214 covered program on June 19, 1995. If you are eligible and elect to select this category, you must include a document providing evidence of proof of age. No further documentation of eligible immigration status is required.
- 3/ **Immigrant status under §§101(a)(15) or 101(a)(a)(20) of INA.** A noncitizen lawfully admitted for permanent residence, as defined by §101(a)(20) of the Immigration and Nationality Act (INA), as an immigrant, as defined by §101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 1101(a)(15), respectively [*immigrant status*]. This category includes a noncitizen admitted under §§210 or 210A of the INA (8 U.S.C. 1160 or 1161), [*special agricultural worker status*], who has been granted lawful temporary resident status.
- 4/ **Permanent residence under §249 of INA.** A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under §249 of the INA (8 U.S.C. 1259) [*amnesty granted under INA 249*].
- 5/ **Refugee, asylum, or conditional entry status under §§207, 208 or 203 of INA.** A noncitizen who is lawfully present in the U.S. pursuant to an admission under §207 of the INA (8 U.S.C. 1157) [*refugee status*]; pursuant to the granting of asylum (which has not been terminated) under §208 of the INA (8 U.S.C. 1158 [*asylum status*]; or as a result of being granted conditional entry under §203(a)(7) of the INA (U.S.C. 1153 (a)(7)) before April 1, 1980, because of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity [*conditional entry status*].
- 6/ **Parole status under §212(d)(5) of INA.** A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under §212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) [*parole status*].
- 7/ **Threat to life or freedom under §243(h) of INA.** A noncitizen who is lawfully present in the U.S. as a result of the Attorney General's withholding deportation under §243(h) of the INA (8 U.S.C. 1253(h)) [*threat to life or freedom*].
- 8/ **Amnesty under §245A of INA.** A noncitizen lawfully admitted for temporary or permanent residence under §245A of the INA (8 U.S.C. 1255a) [*amnesty granted under INA 245A*].

Instructions to Housing Authority: Following verification of status claimed by persons declaring eligible immigration status (other than for noncitizens age 62 or older and receiving assistance on June 19, 1995), HA must enter INS/SAVE Verification Number and date that it was obtained. A HA signature is not required.

Instructions to Family Member For Completing Form: On opposite page, print or type first name, middle initial(s), and last name. Place an "X" or "√" in the appropriate boxes. Sign and date at bottom of page. Place an "X" or "√" in the box below the signature if the signature is by the adult residing in the unit who is responsible for Child.

EXHIBIT E

Race and Ethnic Data Reporting Form

U.S. Department of Housing and Urban Development
Office of Housing

OMB Approval No. 2502-0204
(Exp. 5/31/2011)

Name of Property Project No. Address of Property

Name of Owner/Managing Agent Type of Assistance or Program Title:

Name of Head of Household Name of Household Member

Date (mm/dd/yyyy): _____

Ethnic Categories*	Select One
Hispanic or Latino	
Not-Hispanic or Latino	
Racial Categories*	One or More
American Indian or Alaska Native	
Asian	
Black or African American	
Native Hawaiian or Other Pacific Islander	
White	

***Definitions of these categories may be found on the reverse side.**

There is no penalty for persons who do not complete the form.

Signature

Date

Public reporting burden for this collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits and voluntary. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is authorized by the U.S. Housing Act of 1937 as amended, the Housing and Urban Rural Recovery Act of 1983 and Housing and Community Development Technical Amendments of 1984. This information is needed to be in compliance with OMB-mandated changes to Ethnicity and Race categories for recording the 50059 Data Requirements to HUD. Owners/agents must offer the opportunity to the head and co-head of each household to "self certify" during the application interview or lease signing. In-place tenants must complete the format as part of their next interim or annual re-certification. This process will allow the owner/agent to collect the needed information on all members of the household. Completed documents should be stapled together for each household and placed in the household's file. Parents or guardians are to complete the self-certification for children under the age of 18. Once system development funds are provided and the appropriate system upgrades have been implemented, owners/agents will be required to report the race and ethnicity data electronically to the TRACS (Tenant Rental Assistance Certification System). This information is considered non-sensitive and does not require any special protection.

Instructions for the Race and Ethnic Data Reporting (Form HUD-27061-H)

A. General Instructions:

This form is to be completed by individuals wishing to be served (applicants) and those that are currently served (tenants) in housing assisted by the Department of Housing and Urban Development.

Owner and agents are required to offer the applicant/tenant the option to complete the form. The form is to be completed at initial application or at lease signing. In-place tenants must also be offered the opportunity to complete the form as part of the next interim or annual recertification. Once the form is completed it need not be completed again unless the head of household or household composition changes. There is no penalty for persons who do not complete the form. However, the owner or agent may place a note in the tenant file stating the applicant/tenant refused to complete the form. **Parents or guardians are to complete the form for children under the age of 18.**

The Office of Housing has been given permission to use this form for gathering race and ethnic data in assisted housing programs. Completed documents for the entire household should be stapled together and placed in the household's file.

1. The two ethnic categories you should choose from are defined below. You should check one of the two categories.

1. **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic" or "Latino."
2. **Not Hispanic or Latino.** A person not of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

2. The five racial categories to choose from are defined below: You may mark one or more.

1. **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
2. **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
3. **Black or African American.** A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black" or "African American."
4. **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
5. **White.** A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

**Formulario para Reportar
Data sobre Raza y Etnia**

**Departamento de Vivienda
y Desarrollo Urbano de EEUU**
Oficina de Vivienda

OMB Aprobado No. 2502-0204
(Exp. 5/31/2011)

Nombre de la propiedad	No. del Proyecto	Dirección de la propiedad
Nombre del dueño/Agente Manejador		Nombre del programa o tipo de asistencia
Nombre del jefe de familia	Nombre de la persona llenando la hoja	

Fecha (mm/dd/aaaa): _____

Categorías Étnicas*	Escoja una
Hispano o Latino	
No-Hispano o Latino	
Categorías de Raza*	Una o más
Amerindio o Nativo de Alaska	
Asiático	
Negro o Afroamericano	
Nativo Hawaiano u otro Isleño del Pacifico	
Blanco	

***Para definiciones de las categorías mire al dorso.**

No habrá penalidad si usted no completa este formulario.

Firma

Fecha

Public reporting burden for this collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits and voluntary. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is authorized by the U.S. Housing Act of 1937 as amended, the Housing and Urban Rural Recovery Act of 1983 and Housing and Community Development Technical Amendments of 1984. This information is needed to be in compliance with OMB-mandated changes to Ethnicity and Race categories for recording the 50059 Data Requirements to HUD. Owners/agents must offer the opportunity to the head and co-head of each household to "self certify" during the application interview or lease signing. In-place tenants must complete the format as part of their next interim or annual re-certification. This process will allow the owner/agent to collect the needed information on all members of the household. Completed documents should be stapled together for each household and placed in the household's file. Parents or guardians are to complete the self-certification for children under the age of 18. Once system development funds are provided and the appropriate system upgrades have been implemented, owners/agents will be required to report the race and ethnicity data electronically to the TRACS (Tenant Rental Assistance Certification System). This information is considered non-sensitive and does not require any special protection.

Instrucciones para informar los datos de raza y grupo étnico (Formulario HUD-27061-H)

A. Instrucciones generales:

Este formulario debe ser completado por las personas que desean arrendar (solicitantes) y las personas que ya arriendan (arrendatarios) viviendas subvencionadas por el Departamento de Viviendas y Desarrollo Urbano.

Se exige a los propietarios y corredores de bienes raíces que ofrezcan al solicitante/arrendatario la opción de completar el formulario. Se debe completar el formulario al inicio de la solicitud o al momento de firmar el arrendamiento. Los arrendatarios ya ubicados también deben recibir la oportunidad de completar el formulario como parte de la siguiente recertificación pasajera o anual. Una vez que se haya completado, no necesita completarse nuevamente a menos que cambie el jefe de familia o la composición de la familia. No existe sanción para las personas que no completen el formulario. Sin embargo, el propietario o corredor puede colocar una nota en el expediente del arrendatario manifestando que el solicitante/arrendador se rehúso a completar el formulario. **Los padres de familia o tutores deben completar el formulario para los hijos menores de 18 años.**

La Oficina de Vivienda ha recibido autorización para utilizar este formulario para recopilar los datos de raza y grupo étnico en los programas de vivienda subvencionados. Los documentos completados de toda la familia deben presentarse juntos y colocarse en el expediente de la familia.

1. Se definen debajo las dos categorías étnicas entre las que debe elegir: Debe marcar una de las dos categorías.
 3. **Hispano o latino.** Una persona que sea de Cuba, México, Puerto Rico, Sudamérica y Centroamérica, o de otra cultura u origen español, sin considerar la raza. El término “origen español” puede usarse además de “hispano” o “latino”.
 4. **No hispano ni latino.** Una persona que no sea de Cuba, México, Puerto Rico, Sudamérica y Centroamérica, ni de otra cultura u origen hispano, sin considerar la raza.
2. Se definen debajo las cinco categorías raciales entre las que debe elegir: **Debe marcar todas las opciones pertinentes.**
 4. **Indio americano o nativo de Alaska.** Una persona con orígenes en cualquiera de los pueblos oriundos de Norteamérica y Sudamérica (incluyendo Centroamérica), y que mantiene afiliación tribal o adherencia comunal.
 5. **Asiático.** Una persona con orígenes en cualquiera de los pueblos oriundos del Lejano Oriente, Sudeste de Asia o el subcontinente indio, incluyendo, por ejemplo a Camboya, China, India, Japón, Corea, Malasia, Pakistán, las Islas Filipinas, Tailandia y Vietnam.
 6. **Negro o afroamericano.** Una persona con orígenes en cualquiera de los grupos raciales negros de África. El término “haitiano” puede utilizarse además de “negro” o “africano”.
 7. **Nativo de Hawai u otra isla del Pacífico.** Una persona con orígenes en cualquiera de los pueblos oriundos de Hawai, Guam, Samoa u otras islas del Pacífico.
 6. **Blanco.** Una persona con orígenes en cualquiera de los pueblos oriundos de Europa, Medio Oriente o Norte de África.



Protect Your Family From Lead in Your Home



United States
Environmental
Protection Agency



United States
Consumer Product
Safety Commission



United States
Department of Housing
and Urban Development

Are You Planning to Buy or Rent a Home Built Before 1978?

Did you know that many homes built before 1978 have **lead-based paint**? Lead from paint, chips, and dust can pose serious health hazards.

Read this entire brochure to learn:

- How lead gets into the body
- About health effects of lead
- What you can do to protect your family
- Where to go for more information

Before renting or buying a pre-1978 home or apartment, federal law requires:

- Sellers must disclose known information on lead-based paint or lead-based paint hazards before selling a house.
- Real estate sales contracts must include a specific warning statement about lead-based paint. Buyers have up to 10 days to check for lead.
- Landlords must disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a specific warning statement about lead-based paint.

If undertaking renovations, repairs, or painting (RRP) projects in your pre-1978 home or apartment:

- Read EPA's pamphlet, *The Lead-Safe Certified Guide to Renovate Right*, to learn about the lead-safe work practices that contractors are required to follow when working in your home (see page 12).



Simple Steps to Protect Your Family from Lead Hazards

If you think your home has lead-based paint:

- Don't try to remove lead-based paint yourself.
- Always keep painted surfaces in good condition to minimize deterioration.
- Get your home checked for lead hazards. Find a certified inspector or risk assessor at epa.gov/lead.
- Talk to your landlord about fixing surfaces with peeling or chipping paint.
- Regularly clean floors, window sills, and other surfaces.
- Take precautions to avoid exposure to lead dust when remodeling.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe certified renovation firms.
- Before buying, renting, or renovating your home, have it checked for lead-based paint.
- Consult your health care provider about testing your children for lead. Your pediatrician can check for lead with a simple blood test.
- Wash children's hands, bottles, pacifiers, and toys often.
- Make sure children avoid fatty (or high fat) foods and eat nutritious meals high in iron and calcium.
- Remove shoes or wipe soil off shoes before entering your house.

Lead Gets into the Body in Many Ways

Adults and children can get lead into their bodies if they:

- Breathe in lead dust (especially during activities such as renovations, repairs, or painting that disturb painted surfaces).
- Swallow lead dust that has settled on food, food preparation surfaces, and other places.
- Eat paint chips or soil that contains lead.

Lead is especially dangerous to children under the age of 6.

- At this age, children's brains and nervous systems are more sensitive to the damaging effects of lead.
- Children's growing bodies absorb more lead.
- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.



Women of childbearing age should know that lead is dangerous to a developing fetus.

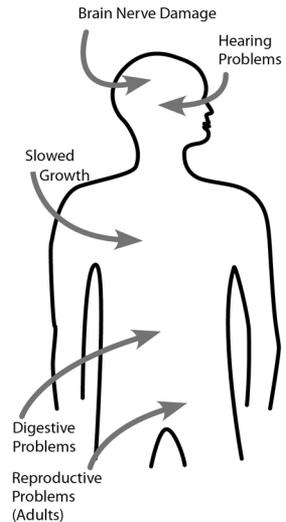
- Women with a high lead level in their system before or during pregnancy risk exposing the fetus to lead through the placenta during fetal development.

Health Effects of Lead

Lead affects the body in many ways. It is important to know that even exposure to low levels of lead can severely harm children.

In children, exposure to lead can cause:

- Nervous system and kidney damage
- Learning disabilities, attention deficit disorder, and decreased intelligence
- Speech, language, and behavior problems
- Poor muscle coordination
- Decreased muscle and bone growth
- Hearing damage



While low-lead exposure is most common, exposure to high amounts of lead can have devastating effects on children, including seizures, unconsciousness, and, in some cases, death.

Although children are especially susceptible to lead exposure, lead can be dangerous for adults, too.

In adults, exposure to lead can cause:

- Harm to a developing fetus
- Increased chance of high blood pressure during pregnancy
- Fertility problems (in men and women)
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

Check Your Family for Lead

Get your children and home tested if you think your home has lead.

Children's blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect lead. Blood lead tests are usually recommended for:

- Children at ages 1 and 2
- Children or other family members who have been exposed to high levels of lead
- Children who should be tested under your state or local health screening plan

Your doctor can explain what the test results mean and if more testing will be needed.

Where Lead-Based Paint Is Found

In general, the older your home or childcare facility, the more likely it has lead-based paint.¹

Many homes, including private, federally-assisted, federally-owned housing, and childcare facilities built before 1978 have lead-based paint. In 1978, the federal government banned consumer uses of lead-containing paint.²

Learn how to determine if paint is lead-based paint on page 7.

Lead can be found:

- In homes and childcare facilities in the city, country, or suburbs,
- In private and public single-family homes and apartments,
- On surfaces inside and outside of the house, and
- In soil around a home. (Soil can pick up lead from exterior paint or other sources, such as past use of leaded gas in cars.)

Learn more about where lead is found at epa.gov/lead.

¹ "Lead-based paint" is currently defined by the federal government as paint with lead levels greater than or equal to 1.0 milligram per square centimeter (mg/cm), or more than 0.5% by weight.

² "Lead-containing paint" is currently defined by the federal government as lead in new dried paint in excess of 90 parts per million (ppm) by weight.

Identifying Lead-Based Paint and Lead-Based Paint Hazards

Deteriorating lead-based paint (peeling, chipping, chalking, cracking, or damaged paint) is a hazard and needs immediate attention. **Lead-based paint** may also be a hazard when found on surfaces that children can chew or that get a lot of wear and tear, such as:

- On windows and window sills
- Doors and door frames
- Stairs, railings, banisters, and porches

Lead-based paint is usually not a hazard if it is in good condition and if it is not on an impact or friction surface like a window.

Lead dust can form when lead-based paint is scraped, sanded, or heated. Lead dust also forms when painted surfaces containing lead bump or rub together. Lead paint chips and dust can get on surfaces and objects that people touch. Settled lead dust can reenter the air when the home is vacuumed or swept, or when people walk through it. EPA currently defines the following levels of lead in dust as hazardous:

- 40 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) and higher for floors, including carpeted floors
- 250 $\mu\text{g}/\text{ft}^2$ and higher for interior window sills

Lead in soil can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. EPA currently defines the following levels of lead in soil as hazardous:

- 400 parts per million (ppm) and higher in play areas of bare soil
- 1,200 ppm (average) and higher in bare soil in the remainder of the yard

Remember, lead from paint chips—which you can see—and lead dust—which you may not be able to see—both can be hazards.

The only way to find out if paint, dust, or soil lead hazards exist is to test for them. The next page describes how to do this.

Checking Your Home for Lead

You can get your home tested for lead in several different ways:

- A lead-based paint **inspection** tells you if your home has lead-based paint and where it is located. It won't tell you whether your home currently has lead hazards. A trained and certified testing professional, called a lead-based paint inspector, will conduct a paint inspection using methods, such as:
 - Portable x-ray fluorescence (XRF) machine
 - Lab tests of paint samples
- A **risk assessment** tells you if your home currently has any lead hazards from lead in paint, dust, or soil. It also tells you what actions to take to address any hazards. A trained and certified testing professional, called a risk assessor, will:
 - Sample paint that is deteriorated on doors, windows, floors, stairs, and walls
 - Sample dust near painted surfaces and sample bare soil in the yard
 - Get lab tests of paint, dust, and soil samples
- A combination inspection and risk assessment tells you if your home has any lead-based paint and if your home has any lead hazards, and where both are located.



Be sure to read the report provided to you after your inspection or risk assessment is completed, and ask questions about anything you do not understand.

Checking Your Home for Lead, continued

In preparing for renovation, repair, or painting work in a pre-1978 home, Lead-Safe Certified renovators (see page 12) may:

- Take paint chip samples to determine if lead-based paint is present in the area planned for renovation and send them to an EPA-recognized lead lab for analysis. In housing receiving federal assistance, the person collecting these samples must be a certified lead-based paint inspector or risk assessor
- Use EPA-recognized tests kits to determine if lead-based paint is absent (but not in housing receiving federal assistance)
- Presume that lead-based paint is present and use lead-safe work practices

There are state and federal programs in place to ensure that testing is done safely, reliably, and effectively. Contact your state or local agency for more information, visit epa.gov/lead, or call **1-800-424-LEAD (5323)** for a list of contacts in your area.³

³ Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8399.

What You Can Do Now to Protect Your Family

If you suspect that your house has lead-based paint hazards, you can take some immediate steps to reduce your family's risk:

- If you rent, notify your landlord of peeling or chipping paint.
- Keep painted surfaces clean and free of dust. Clean floors, window frames, window sills, and other surfaces weekly. Use a mop or sponge with warm water and a general all-purpose cleaner. (Remember: never mix ammonia and bleach products together because they can form a dangerous gas.)
- Carefully clean up paint chips immediately without creating dust.
- Thoroughly rinse sponges and mop heads often during cleaning of dirty or dusty areas, and again afterward.
- Wash your hands and your children's hands often, especially before they eat and before nap time and bed time.
- Keep play areas clean. Wash bottles, pacifiers, toys, and stuffed animals regularly.
- Keep children from chewing window sills or other painted surfaces, or eating soil.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe Certified renovation firms (see page 12).
- Clean or remove shoes before entering your home to avoid tracking in lead from soil.
- Make sure children avoid fatty (or high fat) foods and eat nutritious meals high in iron and calcium. Children with good diets absorb less lead.

Reducing Lead Hazards

Disturbing lead-based paint or removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

- In addition to day-to-day cleaning and good nutrition, you can **temporarily** reduce lead-based paint hazards by taking actions, such as repairing damaged painted surfaces and planting grass to cover lead-contaminated soil. These actions are not permanent solutions and will need ongoing attention.
- You can minimize exposure to lead when renovating, repairing, or painting by hiring an EPA- or state-certified renovator who is trained in the use of lead-safe work practices. If you are a do-it-yourselfer, learn how to use lead-safe work practices in your home.
- To remove lead hazards permanently, you should hire a certified lead abatement contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent control.



Always use a certified contractor who is trained to address lead hazards safely.

- Hire a Lead-Safe Certified firm (see page 12) to perform renovation, repair, or painting (RRP) projects that disturb painted surfaces.
- To correct lead hazards permanently, hire a certified lead abatement professional. This will ensure your contractor knows how to work safely and has the proper equipment to clean up thoroughly.

Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

Reducing Lead Hazards, continued

If your home has had lead abatement work done or if the housing is receiving federal assistance, once the work is completed, dust cleanup activities must be conducted until clearance testing indicates that lead dust levels are below the following levels:

- 40 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) for floors, including carpeted floors
- 250 $\mu\text{g}/\text{ft}^2$ for interior windows sills
- 400 $\mu\text{g}/\text{ft}^2$ for window troughs

For help in locating certified lead abatement professionals in your area, call your state or local agency (see pages 14 and 15), or visit epa.gov/lead, or call 1-800-424-LEAD.

Renovating, Remodeling, or Repairing (RRP) a Home with Lead-Based Paint

If you hire a contractor to conduct renovation, repair, or painting (RRP) projects in your pre-1978 home or childcare facility (such as pre-school and kindergarten), your contractor must:

- Be a Lead-Safe Certified firm approved by EPA or an EPA-authorized state program
- Use qualified trained individuals (Lead-Safe Certified renovators) who follow specific lead-safe work practices to prevent lead contamination
- Provide a copy of EPA's lead hazard information document, *The Lead-Safe Certified Guide to Renovate Right*



RRP contractors working in pre-1978 homes and childcare facilities must follow lead-safe work practices that:

- **Contain the work area.** The area must be contained so that dust and debris do not escape from the work area. Warning signs must be put up, and plastic or other impermeable material and tape must be used.
- **Avoid renovation methods that generate large amounts of lead-contaminated dust.** Some methods generate so much lead-contaminated dust that their use is prohibited. They are:
 - Open-flame burning or torching
 - Sanding, grinding, planing, needle gunning, or blasting with power tools and equipment not equipped with a shroud and HEPA vacuum attachment and
 - Using a heat gun at temperatures greater than 1100°F
- **Clean up thoroughly.** The work area should be cleaned up daily. When all the work is done, the area must be cleaned up using special cleaning methods.
- **Dispose of waste properly.** Collect and seal waste in a heavy duty bag or sheeting. When transported, ensure that waste is contained to prevent release of dust and debris.

To learn more about EPA's requirements for RRP projects visit epa.gov/getleadsafe, or read *The Lead-Safe Certified Guide to Renovate Right*.

Other Sources of Lead

While paint, dust, and soil are the most common sources of lead, other lead sources also exist:

- **Drinking water.** Your home might have plumbing with lead or lead solder. You cannot see, smell, or taste lead, and boiling your water will not get rid of lead. If you think your plumbing might contain lead:

- Use only cold water for drinking and cooking.
- Run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours.

Call your local health department or water supplier to find out about testing your water, or visit epa.gov/lead for EPA's lead in drinking water information.

- **Lead smelters** or other industries that release lead into the air.
- **Your job.** If you work with lead, you could bring it home on your body or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family's clothes.
- **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture. Call your local health department for information about hobbies that may use lead.
- Old **toys** and **furniture** may have been painted with lead-containing paint. Older toys and other children's products may have parts that contain lead.⁴
- Food and liquids cooked or stored in **lead crystal** or **lead-glazed pottery or porcelain** may contain lead.
- Folk remedies, such as "**greta**" and "**azarcon,**" used to treat an upset stomach.

⁴ In 1978, the federal government banned toys, other children's products, and furniture with lead-containing paint (16 CFR 1303). In 2008, the federal government banned lead in most children's products. The federal government currently bans lead in excess of 100 ppm by weight in most children's products (76 FR 44463).

For More Information

The National Lead Information Center

Learn how to protect children from lead poisoning and get other information about lead hazards on the Web at epa.gov/lead and hud.gov/lead, or call **1-800-424-LEAD (5323)**.

EPA's Safe Drinking Water Hotline

For information about lead in drinking water, call **1-800-426-4791**, or visit epa.gov/lead for information about lead in drinking water.

Consumer Product Safety Commission (CPSC) Hotline

For information on lead in toys and other consumer products, or to report an unsafe consumer product or a product-related injury, call **1-800-638-2772**, or visit CPSC's website at cpsc.gov or saferproducts.gov.

State and Local Health and Environmental Agencies

Some states, tribes, and cities have their own rules related to lead-based paint. Check with your local agency to see which laws apply to you. Most agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for your state or local contacts on the Web at epa.gov/lead, or contact the National Lead Information Center at **1-800-424-LEAD**.

Hearing- or speech-challenged individuals may access any of the phone numbers in this brochure through TTY by calling the toll-free Federal Relay Service at **1-800-877-8339**.

U. S. Environmental Protection Agency (EPA)

Regional Offices

The mission of EPA is to protect human health and the environment. Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

Region 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Regional Lead Contact
U.S. EPA Region 1
5 Post Office Square, Suite 100, OES 05-4
Boston, MA 02109-3912
(888) 372-7341

Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

Regional Lead Contact
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 205, Mail Stop 225
Edison, NJ 08837-3679
(732) 321-6671

Region 3 (Delaware, Maryland, Pennsylvania, Virginia, DC, West Virginia)

Regional Lead Contact
U.S. EPA Region 3
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2088

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Regional Lead Contact
U.S. EPA Region 4
AFC Tower, 12th Floor, Air, Pesticides & Toxics
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Regional Lead Contact
U.S. EPA Region 5 (DT-8J)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 886-7836

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribes)

Regional Lead Contact
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-2704

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Regional Lead Contact
U.S. EPA Region 7
11201 Renner Blvd.
WWPD/TOPE
Lenexa, KS 66219
(800) 223-0425

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Regional Lead Contact
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202
(303) 312-6966

Region 9 (Arizona, California, Hawaii, Nevada)

Regional Lead Contact
U.S. EPA Region 9 (CMD-4-2)
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4280

Region 10 (Alaska, Idaho, Oregon, Washington)

Regional Lead Contact
U.S. EPA Region 10
Solid Waste & Toxics Unit (WCM-128)
1200 Sixth Avenue, Suite 900
Seattle, WA 98101
(206) 553-1200

Consumer Product Safety Commission (CPSC)

The CPSC protects the public against unreasonable risk of injury from consumer products through education, safety standards activities, and enforcement. Contact CPSC for further information regarding consumer product safety and regulations.

CPSC

4330 East West Highway
Bethesda, MD 20814-4421
1-800-638-2772
cpsc.gov or saferproducts.gov

U. S. Department of Housing and Urban Development (HUD)

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Contact HUD's Office of Healthy Homes and Lead Hazard Control for further information regarding the Lead Safe Housing Rule, which protects families in pre-1978 assisted housing, and for the lead hazard control and research grant programs.

HUD

451 Seventh Street, SW, Room 8236
Washington, DC 20410-3000
(202) 402-7698
hud.gov/offices/lead/

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IMPORTANT!

Lead From Paint, Dust, and Soil in and Around Your Home Can Be Dangerous if Not Managed Properly

- Children under 6 years old are most at risk for lead poisoning in your home.
- Lead exposure can harm young children and babies even before they are born.
- Homes, schools, and child care facilities built before 1978 are likely to contain lead-based paint.
- Even children who seem healthy may have dangerous levels of lead in their bodies.
- Disturbing surfaces with lead-based paint or removing lead-based paint improperly can increase the danger to your family.
- People can get lead into their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.
- People have many options for reducing lead hazards. Generally, lead-based paint that is in good condition is not a hazard (see page 10).

EXHIBIT G

24 CFR Part 5 Annual Income Definition

The annual income definition found at 24 CFR Part 5 is used by a variety of Federal programs including Section 8, public housing and the low Income Housing Tax Credit program. Annual income is used to determine program eligibility and, in some programs, the level of assistance the household will receive. This definition was formerly commonly referred to as the Section 8 definition.

The Part 5 definition of annual income is the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period. Each of the **bold** phrases in this definition is key to understanding the requirements for calculating annual income:

Definitions:

Gross amount. For those types of income counted, gross amounts (before any deductions have been taken) are used;

Income of all adult household members. The Part 5 definition of annual income contains income “inclusions” - types of income to be counted - and “exclusions” - types of income that are not considered (for example, income of minors); and

Anticipated to be received. The Part 5 annual income is used to determine eligibility and the amount of Federal assistance a family can receive. Therefore, it is important to use a household’s ability to pay, rather than past earnings, when estimating housing assistance needs.

Whose Income to Count

Knowing whose income to count is as important as knowing which income to count. Under the Part 5 definitions of annual income, income earned by the following groups of people is not counted:

- **Earned income of minors.** Earned income of minors (age 17 and under) is not counted. Unearned income attributed to a minor (e.g., child support, AFDC payments and other benefits paid on behalf of a minor) is included; and
- **Income of live-in aides.** If a household includes a paid live-in aide (whether paid by the family or a social service program), the income of the live-in aide, regardless of the source, is not counted. Except under unusual circumstances, a related person can not be considered a live-in aide.

Family members living apart from the family also require special consideration.

- **Temporary absent family members.** The income of temporary absent family members is counted in the Part 5 definition of annual income - regardless of the amount the absent member contributes to the household. For example, a construction worker employed at a temporary job on the other side of the state earns \$600 per week. He keeps \$200 per week for expenses and sends \$400 per week home to his family. The entire amount (\$600 per week) is counted in the family's income;
- **Adult students living away from home.** If the adult student is counted as a member of the household in determining the household size (to compare against the HUD income limits), the first \$480 of the student's income must be counted in the family's income. Note, however, that the \$480 limit does not apply to a student who is the head of household or spouse (their full income must be counted); and
- **Permanently absent family members.** If a family member is permanently absent from the household (e.g., a spouse who is in a nursing home), the head of household has the choice of either counting that person as a member of the household, and including income attributable to that person as household income, or specifying that the person is no longer a member of the household.

Types of Income to be Counted

Exhibits 3.1 and 3.2 provide a comprehensive list of income that is included and excluded from calculation for annual income under Part 5. This list comes directly from the Federal regulations at 24 CFR 5.609. This list is periodically updated by HUD when changes are made by Congress. Program administrators are generally expected to implement changes within 60 days of publication in the Federal Register.

In general, income exclusions fall into the following categories:

- Benefits that should not be counted as income;
- Income of certain household members that should not be counted, including earned income of minors and income attributable to foster children and live-in aides; and
- Amounts that are counted as assets rather than income, such as lump-sum lottery winnings.

EXHIBIT H

Sample Forms of Income Verification

- Verification of Employment – Exhibit E.1
- Verification of Public Assistance – Exhibit E.2
- Verification of Social Security/SSI Benefits – Exhibit E.3
- Verification of Child Support – Exhibit E.4
- Verification of Unemployment Benefits – Exhibit E.5
- Self Employment Affidavit – Exhibit E.6
- Zero Income Certification – Exhibit E.7

EXHIBIT E.1

EMPLOYMENT VERIFICATION

THIS SECTION TO BE COMPLETED BY MANAGEMENT AND EXECUTED BY TENANT

TO: (Name and address of employer) Date: _____

RE: _____
Applicant/Tenant Name Social Security Number Unit No. (if assigned)

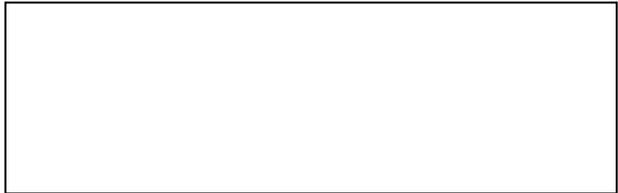
I hereby authorize release of my employment information.

Signature of Applicant/Tenant Date

The individual named directly above is an applicant/tenant of a housing program that requires verification of income. The information provided will remain confidential to satisfaction of that stated purpose only. Your prompt response is crucial and greatly appreciated.

Sincerely

Project Owner/Management Agent



Return Form To:

THIS SECTION TO BE COMPLETED BY EMPLOYER

Employee Name: _____ Job Title: _____

Presently Employed: Yes _____ Date First Employed _____ No _____ Last Day of Employment _____

Current Wages/Salary: \$_____ (circle one) hourly weekly bi-weekly semi-monthly monthly yearly other_

Average # of regular hours per week: _ Year-to-date earnings: \$_____ through / ___/___

Overtime Rate: \$_____ per hour Average # of overtime hours per week: _____

Shift Differential Rate: \$_____ per hour Average # of shift differential hours per week: _____

Commissions, bonuses, tips, other: \$_____ (circle one) hourly weekly bi-weekly semi-monthly monthly yearly other_

List any anticipated change in the employee's rate of pay within the next 12 months: _____

If the employee's work is seasonal or sporadic, please indicate the layoff period(s): _____

Employer's Signature Employer's Printed Name Date

Employer [Company] Name and Address

Phone Fax E-mail

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful, false statements of misrepresentation to any department or agency of the U.S. or to any matter within its jurisdiction.

EXHIBIT E.2

VERIFICATION OF PUBLIC ASSISTANCE

THIS SECTION TO BE COMPLETED BY MANAGEMENT AND EXECUTED BY TENANT

Applicant/Resident: _____ Social Security No.: _____
Unit No.: _____

By signing below I authorize the release of this information.

Participant's Signature Date

The individual named directly above is an applicant/tenant of a housing program that requires verification of income. The information provided will remain confidential to satisfaction of that purpose only. Your prompt response is crucial and greatly appreciated.

Project Owner/Management Agent

Return Form To:

THIS SECTION TO BE COMPLETED BY AGENCY

Benefits:

		<u>Date Began</u>	<u>Date Ended</u>
Amount of assistance received monthly:	\$ _____	_____	_____
Amount of child support received monthly:	\$ _____	_____	_____
Other income in household (list): _____	\$ _____	_____	_____

Names of household members: _____

Address of participant: _____

I certify that this information is accurate.

Signature Name (print)

Title Date

Agency Telephone Number

Address City State Zip

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful, false statements of misrepresentation to any department or agency of the U.S. or to any matter within its jurisdiction.

EXHIBIT E.3

VERIFICATION OF SOCIAL SECURITY BENEFITS

THIS SECTION TO BE COMPLETED BY MANAGEMENT AND EXECUTED BY TENANT

TO: (Name and address of employer) Date: _____

RE: _____
Applicant/Tenant Name Social Security Number Unit No. (if assigned)

I hereby authorize release of my employment information.

Signature of Applicant/Tenant Date

The individual named directly above is an applicant/tenant of a housing program that requires verification of income. The information provided will remain confidential to satisfaction of that stated purpose only. Your prompt response is crucial and greatly appreciated.

Sincerely

Project Owner/Management Agent

[Empty box for return address]

Return Form To:

THIS SECTION TO BE COMPLETED BY AGENCY

AUTHORIZATION: Federal Regulations require us to verify social security benefits for all members of the household applying for participation in the Affordable Housing Program which we operate and to reexamine this income periodically. We ask your cooperation in supplying this information. This information will be used only to determine the eligibility status and level of benefit of the household.

Gross Monthly Social Security Benefit Amount/Type of Benefit: _____

Gross Monthly Supplemental Security Income Payment Amount: _____

The person referenced above is a participant in a low income { } program. { } requires that we verify the disability of program participants if they so request. Please complete all the information below. Thank you for your assistance.

Authorized Representative Representative Signature Date

Agency Address

Phone Fax E-mail

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful, false statements of misrepresentation to any department or agency of the U.S. or to any matter within its jurisdiction.

EXHIBIT E.4

VERIFICATION OF CHILD SUPPORT PAYMENTS

THIS SECTION TO BE COMPLETED BY MANAGEMENT AND EXECUTED BY TENANT

TO: (Name and address of payee) _____ Date: _____

RE: _____
Applicant/Tenant Name Social Security Number Unit No. (if assigned)

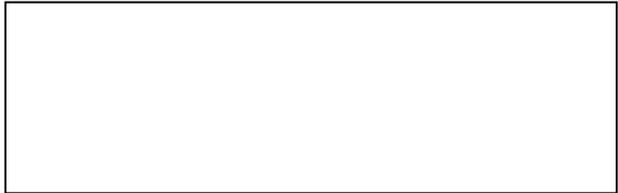
I hereby authorize release of my employment information.

Signature of Applicant/Tenant Date

The individual named directly above is an applicant/tenant of a housing program that requires verification of income. The information provided will remain confidential to satisfaction of that stated purpose only. Your prompt response is crucial and greatly appreciated.

Sincerely

Project Owner/Management Agent



Return Form To:

THIS SECTION TO BE COMPLETED BY AGENCY

Name of Person Paying Child Support: _____

Address: _____

Support is for his/her children. Name(s) of children being supported listed below:

Amount of Support: _____ () Week () Month () Year

Signature of Payee Date: _____

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful, false statements of misrepresentation to any department or agency of the U.S. or to any matter within its jurisdiction.

EXHIBIT E.5

VERIFICATION OF UNEMPLOYMENT BENEFITS

THIS SECTION TO BE COMPLETED BY MANAGEMENT AND EXECUTED BY TENANT

TO: (Name and address of agency) Date: _____

RE: _____
Applicant/Tenant Name Social Security Number Unit No. (if assigned)

I hereby authorize release of my employment information.

Signature of Applicant/Tenant Date

The individual named directly above is an applicant/tenant of a housing program that requires verification of income. The information provided will remain confidential to satisfaction of that stated purpose only. Your prompt response is crucial and greatly appreciated.

Sincerely

Project Owner/Management Agent

[Empty box for return form address]

Return Form To:

THIS SECTION TO BE COMPLETED BY AGENCY

AUTHORIZATION: Federal Regulations require us to verify Unemployment benefits for all members of the household applying for participation in the Affordable Housing Program which we operate and to reexamine this income periodically. We ask your cooperation in supplying this information. This information will be used only to determine the eligibility status and level of benefit of the household.

1. Are Unemployment Benefits being paid now? () Yes () No
2. If yes, what is the Gross Weekly Payment? \$ _____
3. Date of Initial Payment _____
4. Duration of Benefits _____ weeks
5. Is claimant eligible for future benefits? () Yes () No
6. If yes, how many weeks? _____ weeks
7. If no, what is the termination date of benefits? _____

Authorized Representative Representative Signature Date

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful, false statements of misrepresentation to any department or agency of the U.S. or to any matter within its jurisdiction.

EXHIBIT E.6

AFFIDAVIT IN VERIFICATION OF SELF-EMPLOYMENT

Applicant Name _____

Address: _____ being first duly sworn deposes and says that he/she is self-employed, said occupation being _____.

The applicant place of business is located at _____.

I sign the declaration under penalty of perjury and with full knowledge of the repercussions of willful falsification and false swearing under Colorado law.

STATEMENT OF INCOME FROM BUSINESS

Instructions:

- 1. Opposite GROSS INCOME insert total amount earned during the past 12 months or shorter period.
- 2. Add all expenses incurred in the performance of this business and subtract the total of these EXPENSES from the gross income.
- 3. Insert the result in the space NET INCOME.

A. GROSS INCOME: \$ _____ period covered by GROSS income shown:
Beginning date: _____ Ending date: _____

B. EXPENSES:

- 1. Cost of good and material \$ _____
- 2. Rent (business location only) \$ _____
- 3. Heat, light, water, phone, etc. (business only) \$ _____
- 4. License fees \$ _____
- 5. Other (specify) \$ _____
- 6. Number of Employees _____
- 7. Employees' salaries (other than self and family) \$ _____
- 8. Owner's salary (self and family) \$ _____

C. GROSS INCOME \$ _____
 TOTAL EXPENSES "-" \$ _____
 NET INCOME: "=" \$ _____

ATTACH MOST RECENT COPY OF YOUR FEDERAL TAX RETURN

The above information is correct to the best of my knowledge, and I agree to notify _____ annually of any changes.

Signature: _____ Date: _____

In witness whereof, this _____ day of _____.

My commission expires: _____ (Notary Public): _____

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful, false statements of misrepresentation to any department or agency of the U.S. or to any matter within its jurisdiction.

EXHIBIT E.7

CERTIFICATION OF ZERO INCOME

Household Name: _____ Unit No.: _____

Property Name: _____

1. I hereby certify that I do not individually receive income from any of the following sources:
 - a. Wages from employment (including commissions, tips, bonuses, fees, etc.);
 - b. Income from operation of a business;
 - c. Rental income from real or personal property;
 - d. Interest or dividends from assets;
 - e. Social Security payments, annuities, insurance policies, retirement funds, pensions, or death benefits;
 - f. Unemployment or disability payments;
 - g. Public assistance payments;
 - h. Periodic allowances such as alimony, child support, or gifts received from persons not living in my household;
 - i. Sales from self-employed resources (Avon, Mary Kay, Shaklee, etc.); or,
 - j. Any other source not named above.

2. I currently have no income of any kind and there is no imminent change expected in my financial status or employment status during the next 12 months.

3. I will be using the following sources of funds to pay for rent and other necessities: _____

Under penalty of perjury, I certify that the information presented in this certification is true and accurate to the best of my knowledge. The undersigned further understand(s) that providing false representations herein constitutes an act of fraud. False, misleading or incomplete information may result in the termination of a lease agreement.

Signature of Applicant/Tenant Printed Name of Applicant/Tenant Date

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful, false statements of misrepresentation to any department or agency of the U.S. or to any matter within its jurisdiction.



EXHIBIT J

SAMPLE Annual Beneficiary Report

I. GRANTEE INFORMATION	
Grantee Name	Address
Person Completing Report	Phone Number
CDBG Award Amount	Reporting Year

II. BENEFICIARIES & UNITS	
Beneficiaries	Total Number Served
Total Persons or Households Served	
Total Female Head of Households Served	
Housing Projects (rehab, acquisition or construction)	Total Number Served
Total # of units at start of project	
Total # of units expected at project completion	
Total # of units completed	

III. RACE & ETHNICITY		
Race	Non Hispanic/Latino	Hispanic/Latino
American Indian/Alaska Native		
Asian		
Native Hawaiian/Other Pacific Islander		
Black/African American		
White		
Other		

IV. INCOME INFORMATION	
Beneficiaries	Total Number Served
Total # Extremely Low Income Persons (up to 30% AMI)	
Total Very Low Income Persons (31% to 50% AMI)	
Total # Low Income Persons (51% to 80% AMI)	
Total Moderate (81% to 100% AMI)	
Total Other (above 100% AMI)	

Please refer to the enclosed chart for information on Boulder-Longmont AMI numbers.



**EXHIBIT K
SAMPLE 1st Quarter Progress Report**

PART 1: GRANTEE INFORMATION

Grantee Name	
Person Completing Report	Phone Number
Reporting Period	Reporting Year
January 1 st through March 31st	

PART II: NARRATIVE

Describe Project Status; Note Progress Satisfying Funding Conditions:

PART III: HOUSING PROJECTS WITH COVENANTS

Provide the following information on the status of all housing units for which funds are being provided through this contract:

Total # of affordable units in Project	
# of affordable units currently under construction/rehab	
# of affordable units completed	
# of affordable units sold	
# of affordable units leased	
Total # of units in Project	

Provide the following information with regard to all **SOURCES** used to date for this project:

SOURCE	TOTAL AWARD	SPENT TO DATE	BALANCE REMAINING