



**Property Name:** 

## OWNER / AGENT TENANT SELECTION PLAN DEVELOPMENT CHECKLIST

Date:

Staff Initials:

| This checklist is a guide to assist the Owner / Agent (O/A) in developing HOTMA-compliant Tenant Selection Plans (TSPs). It is not |
|--|
| intended to be a substitute for guidance found in the HUD 4350.3 or a replacement for legal advice. O/As are responsible for       |
| ensuring that their Tenant Selection Plans are compliant with applicable law and regulatory guidance.                              |

Any items that have changed as a result of HOTMA are noted in **RED**. Remember, you are required to have your TSP and EIV policy updated for HOTMA changes no later than 5/31/2024, but you will not implement these changes until the Lease and software (including TRACS) have been updated (estimated 1/2025). HUD will issue further guidance on the implementation date.

Please note that any citations herein may change when the HUD Occupancy Handbook 4350.3 is updated for HOTMA changes. This Checklist will likewise be updated but there may be a gap where the citations do not match while the updated version is being developed.

Please be sure to refer to the most current version of the HUD 2023-10 notice when using it as a reference. As of the date of this checklist, you should be referring to the notice H 2023-10 issued 2/06/2024, and subsequent relevant notices. Links to relevant guidance are provided at the end of this Checklist.

**NOTE:** The effective date of your TSP must be noted in the Plan.

Contract #:

| REQUIRED ITEMS (HUD 4350  | .3, REV-1, CHG-4, Figure 4-2, p. 4-5)  | Complete |
|---|--|----------|
| Project-specific<br>requirements<br>(HUD 4350.3, REV-1,<br>CHG-4, Chapter<br>3, Section 2)      | Criteria by which the owner must determine whether a family is eligible to reside in a specific property (ex. age, disability status, and other items specific to a program or project)  • Foster persons are not considered as family members (they are household members) (H 2023-10 E.2, beginning on p. 53)  |          |
| Citizenship<br>Requirements (HUD<br>4350.3, REV-1, CHG-4,<br>Chapter 3, Par. 3-12, p. 3-<br>25) | <ul> <li>Only US Citizens and eligible non-citizens may benefit from federal rental assistance</li> <li>Does not apply to Section 221(d)(3) BMIR, Section 202 PAC, Section 202 PRAC, Section 811 PRAC, Section 202 projects with units not receiving assistance under the Rent Supplement or Section 8 programs.</li> <li>Required documentation and deadline for provision of information</li> </ul>  |          |
| Social Security Number<br>Requirements (HUD<br>4350.3, REV-1, CHG-4,<br>Par. 3-31, p. 3-77)     | <ul> <li>All Applicant and Tenant household members must disclose and provide verification of SSN. Exceptions:         <ul> <li>Individuals not contending eligibility status (including those in mixed status families)</li> </ul> </li> <li>Residents who were age 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.</li> <li>Acceptable Documentation (HOTMA HUD Notice 2023-10 hsgn, issued 2/06/2024 p. 125)         <ul> <li>(Continued on next page)</li> </ul> </li> </ul> |          |

| Must describe what co  |  | Complete |
|--|--|----------|
| Social Security Number Requirements (HUD third-party documents)  | ther O/A will accept self-certification of SSN and at least one nent, such as a bank statement, utility or cell phone bill, benefit ontains the name of the individual.  |          |
| Par. 3-31, p. 3-77) identity match in (cont'd)  • HUD does not re  | onsequences of failure to provide documentation / failing SSA Secure Systems if O/A uses alternate method.  quire notarization.  used, must include documentation on why the usual a not available.  |          |
| Correct program  | and location   |          |
| 4350.3, REV-1, CHG-4,  | ome levels (30%, 50%, 80%)   |          |
| Par. 3-6, p. 3-4)  • Exceptions noted  • Procedures for ac   | (if applicable) Imitting Over-Income Applicants (if applicable)  |          |
| determining eligi  Income - The tre program, student received by the stime and part-time and part-ti | ograms under Section 479B of the Higher Education Act (HEA) of this of programs on the programs of Native Americans of the updated 7/2024)  erally all other student financial assistance in excess of tuition, es, labs, room and board, reasonable accommodations, and fees. Any amounts that exceed these items are included as |          |



| REQUIRED ITEMS (HUD 4350.  | 3, REV-1, CHG-4, Figure 4-2, p. 4-5) (cont'd):   | Complete |
|--|--|----------|
| VAWA (applicable programs HUD Final Rule 12/2016)  | <ul> <li>TSP must include information on protections</li> <li>Covers domestic violence, dating violence, sexual assault, or stalking</li> <li>Must note transfer option</li> </ul>   |          |
| Procedures for Accepting<br>Applications / Pre-<br>Applications and Selecting<br>from the Wait List (HUD<br>4350.3, REV-1, CHG-4,<br>Chapter 4, p. 4-34) | <ul> <li>Must advise that application will be noted / stamped with date and time received, and then placed on list or rejected</li> <li>Written notification of receipt is recommended.</li> </ul>   |          |
| Preferences including<br>Income Targeting (HUD<br>4350.3, REV-1, CHG-4,<br>Chapter 3, Sections 1 and 4,<br>and Chapter 4, Section 3)                     | <ul> <li>Income-Targeting (HUD 4350.3, Chapter 4, Par. 4-15D, p. 4-38)         Section 8, Section 202/8, PBRA RAD – Owner / Agent must lease not less than 40% of the dwelling units (assisted under the contract) that become available for occupancy in any project fiscal year to extremely low-income families. The methodology for income targeting must be described in the Tenant Selection Plan (TSP).</li> <li>Owner / Agent preferences must be approved by HUD and documented in the TSP (HUD 4350.3, Par. 4-15A&amp;B, p. 4-37)</li> </ul>   |          |
| Sole Residence<br>Requirements (HUD 4350.3<br>REV-1, CHG-4, Par. 3-10B,<br>p. 3-22)  | <ul> <li>Real Property Rule – Section 8, Section 202/8, PBRA RAD (HOTMA notice 2023-10 p. 17)</li> <li>Owner / Agent must deny if any family member has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell the real property (based on laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence.</li> <li>If a family is claiming it is not suitable, documentation is required</li> <li>Owner / Agent sets criteria - Examples: for sale, condemned, not accessible, not commutable to work/school, etc.</li> <li>Can do self-certification</li> </ul> |          |
| Applicant Screening Criteria<br>(HUD 4350.3, REV-1, CHG-4,<br>Par. 4-7C, p. 4-19)  | <ul> <li>Must reject for:         <ul> <li>Any member currently engaged in a pattern of illegal use of drugs or alcohol for which the owner has reasonable cause to believe that the use or pattern of use may interfere with the health, safety, and right to peaceful enjoyment by other residents (Must be based on behavior, not condition of alcoholism / addiction)</li> <li>Eviction in the last three years from federally assisted housing for drug-related criminal activity. <i>Owner may, but is not required to</i>, consider two exceptions:</li></ul></li></ul>   |          |



| REQUIRED ITEMS (HUD 4350.  | REQUIRED ITEMS (HUD 4350.3, REV-1, CHG-4, Figure 4-2, p. 4-5) (cont'd):  |  |  |
|--|--|--|--|
| Applicant Screening Criteria<br>(HUD 4350.3, REV-1, CHG-4,<br>Par. 4-7C, p. 4-19) (cont'd)   | <ul> <li>Other Allowable Criteria</li> <li>Owners are encouraged to incorporate their own policies and practices regarding the selection of tenants into the Tenant Selection Plan. The procedure for coming to the top of the waiting list and any requirements of the applicant to inquire into the status of their application, consequences of rejecting a unit, should be mentioned (ex. Owners may reject for additional criminal criteria, but must follow guidance in state law and HUD Memorandum dated 6/10/2022).</li> </ul>  |  |  |
| Consent and Verification<br>Requirements (HUD 4350.3,<br>REV-1, CHG-4, Par. 3-11,<br>p.3-34) | <ul> <li>TSP must advise that all information is subject to verification.</li> <li>Applicants and Tenants must consent to verification.</li> <li>Consent remains in effect until the family is denied assistance, assistance is terminated, or the family revokes in writing.</li> <li>Must advise of signature policy when a family member turns 18.         <ul> <li>O/A sets policy but must comply with pulling EIV reports (i.e., recommend deadline of 30 days or less)</li> <li>Assistance must be terminated for the household if consent is not signed by the deadline.</li> </ul> </li> <li>Revocation of Consent Form (H 2023-10 hsgn J.2, p. 113)         <ul> <li>Must advise of consequences for failure to sign</li> <li>May establish written policy that revocation of consent will result in immediate termination of assistance or denial of admission</li> <li>If revocation does not result in immediate termination, new form is required by next AR or IR, whichever comes first, or assistance is terminated (admission is not permitted)</li> <li>Owner / Agents may establish policies to deny admission but allow existing participants to receive assistance until next AR / IR, whichever comes first.</li> </ul> </li> </ul> |  |  |
|  | <ul> <li>Owners must state what verification forms they will accept, including:         <ul> <li>Owners must state when/whether they will accept Safe Harbor verification (H 2023-10 hsgn J.4 p. 121)</li> <li>Must detail which forms / programs will be accepted from (50059, 50058. TANF, etc.)</li> <li>Must use verification forms acceptable to HUD.</li> <li>Must use documents from within the last 12 months preceding receipt</li> </ul> </li> <li>MFH Owners that choose to implement streamlined income determinations must (HUD Notice 2023-10 hsgn p. 118):         <ul> <li>Utilize one (most current) statement for checking and other bank accounts</li> <li>State whether self-certification applies when assets total \$50,000 or less.</li> </ul> </li> </ul>  |  |  |



| <b>REQUIRED ITEMS (HUD 4350</b>   | .3, REV-1, CHG-4, Figure 4-2, p. 4-5) (cont'd):  | Complete |
|---|--|----------|
| Consent and Verification<br>Requirements (HUD 4350.3,<br>REV-1, CHG-4, Par. 3-11,<br>p.3-34) (cont'd) | Self-Certification of Assets when total is less than or equal to \$50,000 (HUD Notice 2023-10 hsgn p. 73)  Must state how often it is to be verified.  Must be verified at MI or IC  See Streamlined Verification for more details  Note: As of 1/01/2024, Social Security award letters are usable for 12 months (unless applicant's information has changed).  |          |
| Asset Limitations – Section<br>8, Section 202/8, PBRA RAD<br>(HUD Notice 2023-10 hsgn<br>p. 17)       | Owner / Agent must deny admission of an applicant family, or deny assistance to an existing resident applying for assistance, when the Net Family Assets exceed \$100,000 (adjusted annually for inflation).  • Enforcement options for <i>Existing Residents currently receiving assistance</i> • Owner / Agent needs to advise whether they are choosing Enforcement / Limited Enforcement / Non-Enforcement with existing residents, and detail what that means.  • If assistance is terminated, and then resident again applies for assistance, any subsequent IC would make them subject to the \$100,000 cap.  **Reminder: Net Family Assets do not include IRS-defined Retirement Accounts.**   |          |
| De Minimis Errors in<br>Income Reporting (H 2023-<br>10 B.4, p. 36-37)                                | <ul> <li>Must explain that the Owner / Agent will repay or credit the family because of the Owner's error in income determination, retroactive to the effective date, regardless of dollar amount.</li> <li>Resident may choose method of return (rent credit, check)</li> <li>When the resident overpaid because the resident failed to report a decrease in a timely manner, the effective date of decrease is the later of the first of the month following:         <ul> <li>The date of the change leading to the interim reexamination of family income; or</li> <li>The effective date of the family's most recent previous IR, AR, IC, or MI.</li> </ul> </li> </ul>   |          |
| Hardship Exemption for<br>Childcare (HUD Notice 2023-<br>10 hsgn, p. 45-46)                           | <ul> <li>Families already claiming the Childcare deduction at the time HOTMA is fully implemented who have a change in circumstances (ex., no longer working or going to school), may receive a 90-day Hardship Exemption from termination of the deduction, provided they meet eligibility. The TSP must:</li> <li>Detail policies for what constitutes a hardship.</li> <li>Detail what constitutes acceptable documentation.</li> <li>Provide information on how a family can apply for the exemption.</li> <li>Advise whether the O/A will allow extensions of the initial 90-Day Childcare Hardship Exemption Period, and if so, advise of the maximum number of extensions allowed. NOTE: HUD does not set a maximum number.</li> <li>Advise that denials of exemption requests must be promptly provided in writing.</li> <li>Advise that notice of any termination of exemption date must be promptly provided in writing.</li> <li>The O/A cannot allow an exemption for a child that has turned 13.</li> </ul> |          |



| <b>REQUIRED ITEMS (HUD 4350</b>   | .3, REV-1, CHG-4, Figure 4-2, p. 4-5) (cont'd):  | Complete |
|---|--|----------|
| Health and Medical Care<br>Expenses (formerly Medical<br>Expenses) (HUD Notice<br>2023-10, hsgn, p. 39) | <ul> <li>Existing residents who are already claiming medical and/or disability expenses as of 12/31/2023 will have the expense deduction phased in (describe phase-in for 5%, 7.5%, 10%)</li> <li>If assistance terminates for any reason, and the family subsequently goes back on assistance, they are subject to the 10% rule.</li> <li>If assistance is suspended and reinstated, the phase-in remains.</li> <li>All MIs will only be able to deduct qualifying medical expenses in excess of 10% of income.</li> <li>TSP must advise of whether a household moving from one HUD-subsidized property directly to the subject property may keep their phase-in (O/A does not need to permit this). If so, it is the new resident's responsibility to provide documentation as to the stage of phase-in they were at.</li> </ul>   |          |
| General Relief (HUD Notice<br>2023-10 hsgn, p. 44)  | <ul> <li>Caps expenses at those in excess of 5% of income.</li> <li>Once a family chooses to obtain general relief, a family may no longer receive the phased-in relief.</li> <li>TSP must detail O/A criteria for determining a hardship.</li> <li>To receive general relief, a family must demonstrate that the family's unreimbursed health and medical care expenses or unreimbursed reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination.</li> <li>Relief is available regardless of whether the family previously received an unreimbursed health and medical care expense deduction, unreimbursed reasonable attendant care, and auxiliary apparatus expense deduction, are currently receiving phased-in hardship relief, or were previously eligible for either this general relief or the phased-in relief.</li> <li>If O/A determines that a family is eligible for general relief, the family will receive a deduction for the sum of the eligible expenses that exceed 5% of annual income. The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier.</li> <li>Owner / Agent must detail a policy regarding if/when they will extend the relief for additional 90-day periods while the family's hardship condition continues, and how many extensions are available.</li> </ul> |          |



| <b>REQUIRED ITEMS (HUD 4350</b>   | .3, REV-1, CHG-4, Figure 4-2, p. 4-5) (cont'd):   | Complete |
|---|---|----------|
| EIV (HUD 4350.3, Par. 3-10B, p. 3-23, and Par. 9-8B, p. 9-7)                      | Must include procedures for using the EIV Existing Tenant Search to determine whether any members of the applicant household are being assisted under a HUD rental assistance program at another site.  |          |
| Occupancy Standards (HUD 4350.3, Par. 3-23, p. 3-68)                              | <ul> <li>Must include information on # of persons permitted in a particular size unit</li> <li>Must follow Fair Housing and applicable laws</li> <li>Must review family size before assigning unit</li> </ul>   |          |
| Procedures for rejecting applicants (HUD 4350.3 Par. 4-4(C)(3)(e), p. 4-7)        | <ul> <li>Must list rejection criteria</li> <li>Must advise how notification will be given (written)</li> <li>Must include the applicant's appeal rights</li> <li>Must include information on Violence Against Women Act (VAWA) protections, including copies of applicable HUD forms</li> </ul>   |          |
| Unit Transfer Policies (HUD<br>4350.3, Par. 7-14, p. 7-28)                        | <ul> <li>Must describe the following:</li> <li>Ranked selection criteria for in-place residents</li> <li>Transfer waiting lists</li> <li>Acceptable reasons for transfers</li> <li>Policy for establishing priority for filling vacant units with either tenants awaiting transfers or applicants from the property waiting list.</li> </ul>  |          |
| Fair Housing / Section 504<br>Compliance (HUD 4350.3,<br>REV-1, CHG-4, Chapter 2) | <ul> <li>Prohibition against discrimination</li> <li>Definitions for disabled family, disabled household, persons with disabilities, and nonelderly disabled family as applicable to the specific project/ program.</li> <li>Mention of Auxiliary Aids or materials to assist/accommodate persons with disabilities.</li> <li>Policies for applying Violence Against Women Act (VAWA) protections</li> <li>Prohibition against retaliation</li> <li>Reasonable Accommodations</li> <li>Limited English Proficiency (LEP)</li> </ul> |          |
|   | <ul> <li>Closing the Waiting List</li> <li>Conditions that will lead to closing the wait list.</li> <li>Where notice will be advertised / given to applicants.</li> <li>Must state reasons for closure / notify that applications will not be taken while list is closed.</li> <li>Applications are refused when a particular list is closed.</li> </ul>  |          |
| Opening / Closing Wait List<br>(HUD 4350.3, REV-1, CHG-4,<br>Par. 4-16B, p. 4-40) | Opening the Waiting List  Notice published in the same publication(s) as above if possible; otherwise in a publication likely to be read by potential applicants.  Notifications should be extensive:  Rules for applying and the order in which applications will be processed should be stated.  Advertisements should:  Include where and when to apply;  Conform to the activities described in the AFHMP.  |          |



| REQUIRED ITEMS (HUD 435  | 50.3, REV-1, CHG-4, Figure 4-2, p. 4-5) (cont'd)   | Complete |
|--|--|----------|
|  | <ul> <li>Must be processed within a reasonable time (generally no more than 30 days)</li> <li>Families must be advised that they MUST REPORT: <ul> <li>Change in family composition</li> <li>Anything that results in a 10% increase to income</li> <li>Family may request one due to any changes since the last determination.</li> </ul> </li> </ul>   |          |
| Interim Recertification<br>Requirements / Non-<br>Interim Transactions<br>(H 2023-10 hsgn, | <ul> <li>O/A must detail the following IR reasons in the TSP:</li> <li>Decreases in monthly adjusted income of 10% or more</li> <li>O/A may opt to perform IRs at a lower threshold if desired / established in policy</li> <li>Increases in monthly adjusted income of 10% or more</li> <li>Decrease in family size due to death or permanent move-out that results in a decrease in income of any amount</li> <li>Series of smaller increases that cumulatively equal 10% or more.</li> </ul>  |          |
| Attachment I)  | <ul> <li>Owners have discretion to set some policies:         <ul> <li>Owner/ Agent MAY DECLINE to process an IR for:</li> <li>Decrease in adjusted monthly income by less than 10% of adjusted monthly income.</li> <li>Decrease in adjusted income that occurs in the last three months of the Annual Recertification term.</li> </ul> </li> <li>Owners may define in the TSP specifically what must be reported and the deadline for reporting.</li> <li>Owner/ Agent is NOT permitted to set a dollar threshold for Interims (no longer \$200 or more).</li> </ul> |          |
| NOTES ON REQUIRED ITEM   | MS / QUESTONS / ITEMS NEEDING FOLLOW-UP:   |          |
|  |  |          |



| RECO                | MMENDED ITEMS (HUD 4350.3, REV-1, CHG-4, Figure 4-2, p. 4-5)  |
|---------------------|---|
| These I<br>guidelir | have not changed with HOTMA. Owners / Agents should review any recommended items to ensure they do not violate HUD nes.   |
|                     | Applicant Notification and Opportunity to Supplement Information  ● Form 92006  |
|                     | Procedure for Identifying Need for Accessible Unit / Reasonable Accommodation (HUD 4350.3, REV-1, CHG-4, Par. 4-29, p. 4-62, and Par. 4-30, p. 4-63)  How should applicant select unit size / type  How will Owner / Agent determine need for accessible unit  How can the Applicant request a RA |
|                     | Updating the Waiting List (HUD 4350.3, REV-1, CHG-4, Par. 4-19, p. 4-45)  |
|                     | Policy for Updating Applicants on Changes to the TSP (HUD 4350.3, REV-1, CHG-4, Figure 4-2, p. 4-5)   |
|                     | Procedures for Assigning Accessible / Adapted Units (HUD 4350.3, REV-1, CHG-4, Par. 2-32, p. 2-28)  |
|                     | Charges for Facilities and Services (HUD 4350.3, REV-1, CHG-4, Par. 6-20 through 6-25, p. 6-38) <b>Note:</b> HUD must approve all charges.  |
|                     | Security Deposit Requirements (HUD 4350.3, REV-1, CHG-4, Par. 6-15 through 6-18, p. 6-31, and Figure 6-7, p. 6-34)  Policy for collecting the deposit in installments if entire deposit cannot be paid at MI  |
|                     | Unit Inspections (HUD 4350.3, REV-1, CHG-4, Par. 6-29, p. 6-44)  • Must inspect at MI, MO, annually   |
|                     | Annual Recertification Requirements (HUD 4350.3, REV-1, CHG-4, Par. 7-4 through 7-8, beginning on p. 7-3, Figure 7-3, p. 7-10, and Figure 7-4, p. 7-11)   |
|                     | Implementation of House Rule Changes (HUD 4350.3, REV-1, CHG-4, Par. 6-9B(3), p. 6-21)  • Must give residents 30 days' notice of changes (HUD 4350.3, REV-1, CHG-4, Par. 6-9B(3), p. 6-21)  |



| NOTES ON RECOMMENDED ITEMS |  |  |  |  |
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## **Relevant Documents:**

<u>HUD Notice H 2023-10 hsgn</u> (issued 2/2024) <u>HUD Notice H 2024-04</u> (updates deadline for TSP and EIV policy revisions)

HOTMA Income and Exclusions Resource Sheet

HOTMA Interim Income Reexaminations Sheet

MFH Program list of Discretionary Procedures to Implement HOTMA

