ELIGIBILITY FOR ASSISTANCE AND RETURN MATRIX

Displaced person generally means any person who moves permanently as a direct result of acquisition, rehabilitation, or demolition for a project (refer to 49 CFR 24.2(a) for the complete definition).
If the answer is "Maybe", Applicant must consult DCA for approved action before next submission.

		Eligible for Assistance			Eligible to Return				
Category	**Specifics**	**RAD**	**URA**	**LIHTC-only**	**RAD**	**URA**	**LIHTC-only**	**Exceptions & Clarifications**	**Actions and Minimum Documents**
Program restrictions	Student Household	yes	yes	yes	no	no	no	HOME, PBRA & LIHTC, return: have distinct student exceptions.	if no, determine if including market rate units is feasible or adjust applicable fraction. For displacement waiver submit: 1. Core Application with residents' needed unit mix 2. Core Application with proposed unit mix 3. If chosen, Commitment executed by Applicant and Syndicator to not claim credit on student households' units.
	Undocumented person	no	maybe	yes	no	maybe	yes	RAD/URA, assistance & return (exception): If citizen or documented family member would experience "exceptional and extremely unusual hardship" then eligible (49 CFR § 24.208)	Arrange for advocacy group to establish first contact, describe the GIN, and write impact statement. See link for advocacy groups: https://lcfgeorgia.maps.arcgis.com/apps/webappviewer/index.html?id=b1aa176cd9634539bcda783f57f6a1e5 For displacement waiver submit: 1. Impact statement of household's circumstances and potential displacement impact. Describe whether exception may apply.

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Proposed Development	Change in unit mix (bedroom sizes) or unit count	yes	yes	yes	yes	yes	yes	RAD, return (clarification): no involuntary displacement, no reduction in units by the greater of 5% or five assisted units. (HUD Notice 2012-32 (REV-2)) All, return (clarification): Tenants must be offered a return unit of the "right-size" or larger.	Determine household preference and whether they can be right-sized (based on occupancy standards) For displacement waiver include: 1. Household Survey that show preferred unit size 2. Applicable Occupancy Standards 3. Waitlist and vacancy 4. Market need and other available options within the primary market area 5. If RAD, evidence following RAD requirements 6. Core Application with residents' needed unit mix 7. Core Application with proposed unit mix
	Tenancy change	yes	yes	yes	yes	yes	yes		Use least restrictive tenancy. Soft preference can be applied with all households grandfathered in.
	Tenancy preference	yes	yes	yes	yes	yes	yes	All, return (clarification): Preference gets priority up until the proportion is met.	
	Proposed unit mix not matching current households' income (including economic displacement)	yes	yes	yes	yes	yes	yes		1. Rent differential paid during eligible displacement period (with offer of return unit). 2. Rent or AMI must be adjusted (Exhibit in LURC); For displacement waiver: 1. Core Application with residents' needed unit mix 2. Core Application with proposed unit mix
	Over-Income	yes	yes	yes	yes	yes	yes	All, return (clarification): Safe Harbor if certified before move-out. (Rev. Proc. 2003-82, 2003-2 C.B. 1097) Resyndication, return (clarification): Grandfathered in (8823 Guide 4-26 & 7)	Choose between (1) market rate or applicable AMI units for over-income households and (2) Commitment executed by Applicant and Syndicator to not claim credit on units of over-income households. The Revenues and Expenses tab of the Application must reflect unit mix. For displacement waiver submit: 1. Core Application with residents' needed unit mix 2. Core Application with proposed unit mix 3. For resyndication with inadequate documentation, submit tenant file 4. If applicable, executed commitment with Applicant and Syndicator
	# of proposed accessible units doesn't match current residents' needs	yes	yes	yes	yes	yes	yes	All, return (clarification): Cannot decrease accessible units	Ask Tenant is they have an accessibility need during Interview/Household Data Form. If they answer yes, provide Reasonable Accommodation Request Form and submit to DCA. Application must reflect reasonable accommodations.

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Screening Criteria	Occupancy standards – max persons per bedroom	yes	yes	yes	yes	yes	yes	Return (exception): feasibility and market considerations	Right size households if needed, if cannot accommodate then request a waiver. For displacement waiver include: 1. Household Survey that shows preferred unit size 2. Applicable Occupancy Standards 3. Waitlist and vacancy 4. Market need and other available options within the primary market area (can submit market study) 5. If RAD, evidence following RAD requirements 6. Feasibility – Application as evidence
	Occupancy requirements – doesn't have social security number	yes	yes	yes	maybe	maybe	yes	RAD/URA, return (exception): Certain federal funds (excluding HOME and NHTF) require a social security number to verify income.	For displacement waiver include: 1. Provide the applicable regulation or guidance.
	Income-to-rent ratio minimum	yes	yes	yes	yes	yes	yes	See "proposed unit mix not matching current households' income (including economic displacement)" under Proposed Development	
	Minimum credit score and history	yes	yes	yes	yes	maybe	maybe	URA/LIHTC, return (exception): VAWA exception	For displacement waiver include: 1. Review potential denials for disparate impact, using "HUD's Disparate Impact Regulations, a burden-shifting analysis". (24 CFR 100.500 https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF) 2. Provide Analysis to DCA. 3. Include Tenant Selection Plan. DCA reserves the right to approve Plan. 4. Provide DCA documentation (lease, cause and notice)
	Employment history	yes	yes	yes	yes	maybe	maybe		
	Rental history	yes	yes	yes	yes	maybe	maybe		
	Criminal background-conviction record	yes	yes	yes	yes	maybe	maybe	URA/LIHTC, return (exception): Depends on Tenant Selection Plan	
	Criminal background – arrest record	yes	yes	yes	yes	yes	yes	Return (exception): Depends on Tenant Selection Plan	
	Registered sex offender	yes	yes	yes	no	no	no		For displacement waiver include: 1. Documentation of registration
	Bedbug history	yes	yes	yes	yes	yes	yes		

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House Rules/Community Standards	Change in lease terms	yes	yes	yes	no	no	no		Notice of change must be provided at earliest possible Notice, no later than the Notice of Non-Displacement, and include (1) any change of lease terms and (2) resident certification of whether or not they can and will comply. <u>For displacement waiver submit:</u> 1. Provided notices 2. In workbook, describe why each tenant will not be able to comply with new lease terms
	Pet policy	yes	yes	yes	yes	yes	yes	All, return (exception): 1. Grandfather existing pets. 2. Owner cannot apply or enforce any pet rules against animals that are necessary as a reasonable accommodation to assist, support, or provide service to persons with disabilities (as described in 24 CFR 960). 3. Housing for elderly or persons with disabilities: No project owner may "As a condition of tenancy or otherwise, prohibit or prevent any tenant of such housing from owning common household pets or having such pets living in the tenant's dwelling unit" (as described in 24 CFR 5).	Tenants must be notified of any change in policy. Leases must: 1. State that tenants are permitted to keep common household pets in their units subject to pet rules; 2. Incorporate the pet rules by reference; 3. Have language that states that the tenant agrees to comply with these rules; and 4. State that the tenant agrees to comply with these rules and that a violation of any of these rules may be grounds for removal of the pet or termination of the pet owner's tenancy (or both). Pet rules: https://www.hud.gov/sites/documents/DOC_35713.PDF
	Amenity fees	yes	yes	yes	yes	yes	yes	LIHTC, return (exception): Amenity Fees are not allowed. Only onsite laundry can be charged.	Remove from proposal and underwriting.

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Tenants that moved prior to move-out date or return	Households that move without providing notice	maybe	maybe	maybe	maybe	maybe	maybe		To prove household is not eligible for assistance or return displaced submit: 1. Self-Certification of Move 2. Supporting documentation 3. Move Reason Form
	Households that voluntarily move	maybe	maybe	maybe	maybe	maybe	maybe		
	Households that move in advance of dispossessory action	maybe	maybe	maybe	maybe	maybe	maybe	See Lease Termination and Non-Renewal Guide	
	Households dispossessed or lease terminated	maybe	maybe	maybe	maybe	maybe	maybe		

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Other	Unlawful occupant	maybe	maybe	maybe	maybe	maybe	maybe	All (exception): If tenant meets state law requirement of being tenant occupant, the owner knew they were there and did not provide notice within five (5) business days, or if they paid rent. URA (exception): Tenants who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a Rental Assistance payment or a Down Payment assistance.	
	At-will tenant	yes	yes	yes	yes	yes	yes	All (exception): Tenants who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a Rental Assistance payment or a Down Payment assistance.	
	Month to month	yes	yes	yes	maybe	maybe	maybe	All (exception): Tenants who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a Rental Assistance payment or a Down Payment assistance.	
	Business, farm, non-profit	yes	yes	yes	no	no	no		
	Tenant new to the site after the earlier of dates listed under DCA Relocation Manual "Displaced Resident, Business/Non-Profit/Farm"	maybe	no	maybe	maybe	maybe	maybe	All (exception): If households were not provided a Move-In Notice/Notice to Prospective Tenant in advance of signing lease and occupying the property, household is eligible for relocation assistance and return.	