

SECTION I. PURPOSE

- A. The purpose of this Tenant/Homebuyer File Maintenance Policy is to set out the procedures and standards for the maintenance of Tenant/Homebuyer and PTHA program applicant files by the Puyallup Tribal Housing Authority ("PTHA").
- B. This Policy covers all files and documents maintained by PTHA on each tenant, homebuyer, other program participant, or program applicant for whom PTHA is providing housing-related services. In this Policy, the term Tenant/Homebuyer File will refer to all files maintained by PTHA for tenants, homebuyers, participants in any PTHA programs, and applicants for PTHA programs, except where the Policy specifically discusses a particular type of file.
- C. Tenant/Homebuyer File records are critical pieces of source documentation, perhaps the critical source documentation, used as evidence to support determinations and conclusions in all areas of applications, program participation, and occupancy monitoring. The Tenant/Homebuyer file records must be complete and contain all information and forms relevant to application, program participation, occupancy, and termination.

SECTION II. DEFINITIONS

As used in the Policy, the following terms shall have the following definitions. If a term used in this Policy is not defined in this section, its definition shall be the standard dictionary definition for that term.

- A. "Authorized user" shall mean a person who is authorized pursuant to the standards and procedures set out in this Policy to access a Tenant/Homebuyer File.
- B. "Destruction of files" shall mean the complete destruction of all information in the file, whether paper hard copy or electronic, so that the information cannot be read or reconstructed. For hard copy paper file information, destruction shall involve the shredding or burning of the documents. For electronic documents, destruction shall

involve complete erasure all information from any and all electronic sources of storage for such information.

- C. "Homebuyer" shall mean any person or family who has entered into an agreement with PTHA to purchase property from PTHA, whether such agreement is a contract for sale, a Mutual Help and Occupancy Agreement, or any other kind of purchase, lease-purchase, or mortgage sale agreement. This term shall also include any person or family who is receiving any form of homebuyer or homeownership assistance from PTHA while purchasing property from another party.
- D. "Need to Know" shall mean a person has a need to access certain information in a Tenant/Homebuyer file in order to perform his or her official duties.
- E. "Program Applicant" shall mean any person or family that applies for any program offered by PTHA.
- F. "Tenant/Homebuyer File" shall mean all files maintained by PTHA for tenants, homebuyers, and program applicants, except where the Policy specifically discusses a specific type of file.
- G. "Tenant" shall mean any person or family who is renting property from PTHA for their residence and any person or family who is receiving any form of rental assistance from PTHA while renting property from another landlord.

SECTION III. GENERAL PROVISIONS

- A. PTHA shall maintain a file for each tenant and homebuyer, and for each program applicant. Such files shall be kept as a hard copy paper file unless the Executive Director (with concurrence of HUD and PTHA legal counsel) authorizes such files to be kept exclusively in electronic form.
- B. Separate files are to be kept for each tenant, homebuyer, and program applicant for (1) credit report information, (2) for urinalysis test results, and (3) for criminal records information, which shall be maintained pursuant to the requirements set out at Section VII of this Policy.

- C. The PTHA Executive Director shall be the official custodian of records for the Tenant/Homebuyer Files well as for the criminal records information files. The Executive Director will be responsible for overseeing custody, maintenance, release, and disposal of such files pursuant to this Policy.
- D. Adherence to this Policy by all PTHA staff is mandatory, since PTHA relies on these records for several important purposes:
 - 1. These records are relied upon by PTHA in carrying out its day to day operations.
 - 2. These records are necessary for HUD grant compliance monitoring as well as for PTHA's self-monitoring.
 - 3. Tenants, Homebuyers, and program applicants all expect to have a complete file containing all the relevant information, and to have that information kept confidential.
 - 4. The information in these files may be relied on for compliance actions in Tribal Court.
- E. All Tenant/Homebuyer File records shall be and remain the property of PTHA.

SECTION IV. DOCUMENTS TO BE KEPT IN TENANT/HOMEBUYER FILES

- A. PTHA staff shall maintain the following documents in all Tenant/Homebuyer Files. Criminal records information will be maintained in a separate file pursuant to the NAHASDA Regulations at 24 CFR 1000.150, 152, and 154, as well as Section VII of this Policy.
- B. **Application/Household Information**
 - 1. Pre-application/application (must be dated as to when received).
 - 2. Screening information/forms.

3. Verification/certification of social security numbers.
4. Citizenship declaration/immigration status (all family members).
5. Eligible Non-citizen Verification & SAVE verification (if applicable)
6. Preference verification, if applicable.
7. Eligibility verification documents.
8. Verification of age as required.
9. Documentation of tribal enrollment status.
10. Any applicable consent or acknowledgement forms.
11. Family Composition Summary Sheet - required at move-in and when a change in family composition has occurred.
12. Any other relevant household or application documentation.

C. Lease/Homebuyer Agreement/Program Agreement

1. An executed, dated copy of the Lease, Homebuyer Agreement or applicable program agreement. (Must be signed and dated on or before the effective date).
2. Amendments/addendums/agreements modifying the Lease, Homebuyer Agreement or applicable program agreement.
3. PTHA policies, rules and regulations acknowledgement.
4. Pet rules & acknowledgement (if applicable).
5. Pet deposit receipt (if applicable).
6. Security deposit receipt (if applicable).
7. Move-in inspection report.

8. Any other documents relevant to the lease, homebuyer agreement, or other program agreement.

D. Certification/Recertification

1. Initial, interim, and annual recertifications.
2. Recertification notices.
3. Verifications for income, assets, and deductions, as well as family composition.
4. Payment plans, if applicable.
5. Any other documentation relevant to certification or recertification.

E. Inspections

1. Inspection reports.
2. Notices of inspection.
3. Any correspondence related to inspections.
4. Reports regarding maintenance of issues identified in inspections.
5. Any other documentation relevant to inspections.

F. Tenant/Homebuyer/Program Participant Correspondence

1. All correspondence both issued to, and/or received from, tenant(s).
2. Notes of any in-person or telephonic communication with tenant/homebuyer/program participant by PTHA staff.
3. Documentation of any complaints received regarding tenant/homebuyer/program participant. If the complainant wishes to remain anonymous, the complainant's name must be fully redacted.

4. Any follow-up taking by PTHA staff and tenant/homebuyer/program participant with regard to any complaints.
5. Any other documentation relevant to communications between PTHA and the tenant/homebuyer/program participant.

G. Compliance and Enforcement

1. Documentation of warnings regarding non-compliance and any response to same.
2. Records of payments made to PTHA by tenant/homebuyer/program participant (can be kept electronically).
3. Notice of Default and Termination.
4. Notice to Quit.
5. Affidavits of Service.
6. Payback or other last chance agreements, or any amendments to lease/homebuyer agreement/program agreement if executed to avoid termination.
7. Court documents filed in eviction case.
8. Any other documents relevant to compliance and enforcement.

H. Move-Out

1. The current Tenant/Homebuyer file will become the move-out file upon termination and move out. In addition to the above items, the move-out files must contain the following.
2. Copy of the intent to vacate notice, if any, received from the tenant/homebuyer/program participant.
3. Move-out inspection report.

4. Copy of the security deposit disposition notice provided to the tenant/homebuyer/program participant (if applicable).
5. Documents supporting retaining all or a portion of the security deposit.
6. Special claims and supporting documentation.
7. Documentation of any personal property left in the unit after move-out and documentation of disposition of said property.
8. Any other documents relevant to a move-out.

I. Application/Reject files

1. Application.
2. Documentation to support the reason(s) for rejecting, such as documentation regarding lack of eligibility, screening information from previous landlords, personal references, credit reports, criminal activity, failure to declare citizenship or provide social security numbers, and refusal to sign consent forms.
3. Copy of the written notice of rejection sent to the applicant.
4. Any information or letters regarding appeals by applicants.
5. Any other documents relevant to a rejected application.

SECTION V. PLACING DOCUMENTS IN FILES

- A. PTHA staff shall place any document that is required to be placed in a Tenant/Homebuyer File at or near the time such document is created or received by PTHA.
- B. Documents that are to be placed in a Tenant/Homebuyer File may not be kept in locations separate from the

Tenant/Homebuyer File, such as on staff desks or in separate file folders.

- C. If a file document is needed for a working copy, a copy shall be made of the file document and the original shall be replaced in the file. The PTHA staff member will be responsible for maintaining the confidentiality of the working copy, and shall destroy the copy or place it in the file (as dictated by the situation) as soon as that staff member is done working with the copy.

SECTION VI. ACCESS TO TENANT/HOMEBUYER FILES

- A. Tenants, homebuyers, and program applicants have an expectation that the information kept in their Tenant/Homebuyer Files will be kept confidential and will be accessed only by Authorized Users on a need to know basis, or otherwise with the tenant's, homebuyer's, or applicant's express written authorization.
- B. Tenant/Homebuyer files maintained by PTHA shall not be accessed or reviewed by any person who is not an Authorized User pursuant to this Policy.
- C. The following persons are deemed Authorized Users pursuant to this Policy:
 - 1. The Executive Director of PTHA.
 - 2. The PTHA resident services staff person with responsibility for working with the tenant, homebuyer, or program applicant whose information is kept in that file, on a need to know basis.
 - 3. Other staff of PTHA, but only with the authorization of the PTHA Executive Director.
 - 4. PTHA legal counsel, but only when authorized by the PTHA Executive Director. Documents accessed or reviewed by PTHA legal counsel shall be protected by attorney-client privilege from re-disclosure without PTHA's authorization.

5. The tenant, homebuyer, or program applicant.
 6. An attorney or other representative of the tenant, homebuyer, or program applicant, who has the written authorization from the tenant, homebuyer, or program applicant, subject to the procedures set out in subsection D of this Section. Such written authorization must be on the form provided by the PTHA, and must be notarized.
 7. An authorized staff person from another organization or agency that is providing services to the tenant, homebuyer, or program applicant for whom the file is kept, where such staff person has the written authorization of the tenant, homebuyer, or program applicant. Such written authorization must be on the form provided by the PTHA, and must be notarized.
 8. Authorized staff of the United States Department of Housing and Urban Development and the Comptroller General of the United States, and any of their authorized representatives, only on a need to know basis, only to the extent required by applicable law, and only for purposes authorized by applicable law.
- D. The tenant, homebuyer, or program applicant, an attorney or other representative, or an authorized staff person from another organization or agency that is providing services will be provided access according to the following procedures:
1. Providing access to the Tenant/Homebuyer files takes valuable staff time and resources, and must be arranged in advance. Persons walking into the PTHA offices and requesting or demanding to see a Tenant/Homebuyer File immediately will be informed of the procedures set out in this Section and will not be provided immediate access by PTHA staff.
 2. Attorneys, representatives, or staff from other agencies or organizations must have written authorization from the tenant, homebuyer, or program applicant to access the file, which authorization must

be on a form developed and approved for this use by PTHA.

3. Any request for access to the file, including by the Tenant/Homebuyer, must be submitted in writing to the PTHA Executive Director, and must be on a form developed and approved for this use by PTHA.
 4. The Executive Director or his/her designee will, within a reasonable amount of time, schedule a time and date for the person to come to the PTHA offices to review the file documents.
 5. If the person requesting access to the file is an attorney or tribal court spokesperson, upon submission of the written request to the PTHA Executive Director, that person will be directed to contact PTHA's legal counsel, who will clear the review of the file with the Executive Director prior to access being provided.
 6. If any of these authorized users would like copies of any documents in the Tenant/Homebuyer file, the request for copies will be accommodated and the copies will be provided in a reasonable amount of time. PTHA will charge a fee of fifty cents (\$0.50) per page for the staff time and material cost of making such copies.
- E. This section does not apply to the separate files to be kept for (1) credit report information, (2) for urinalysis test results, and (3) for criminal records information regarding tenants, homebuyers, and program applicants maintained by PTHA, which are governed by Section VII of this Policy.

SECTION VII. CREDIT REPORTS, URINALYSIS RESULTS, AND CRIMINAL RECORDS INFORMATION

- A. As required by section 208 of NAHASDA, the National Crime Information Center, police departments, and other law enforcement agencies are authorized to provide criminal conviction information to PTHA regarding tenants, homebuyers, and program applicants upon request. Such information shall be maintained consistent with the

requirements of the NAHASDA Regulations at 24 CFR 1000.150, 152, and 154.

- B. Criminal records information regarding juveniles shall not be released to any person.
- C. PTHA will keep all the criminal records information it receives from the official law enforcement agencies in files separate from all other housing records.
- E. PTHA will keep the credit report information it receives in files separate from all other housing records.
- F. PTHA will keep all urinalysis test results in files separate from all other housing records.
- G. PTHA shall use the information in the criminal records files, the credit report files, and/or the urinalysis results file only for applicant screening, lease/homebuyer agreement enforcement and eviction/foreclosure actions. The information may be disclosed only to any person who has a job related need for the information and who is an authorized officer, employee, or representative of PTHA.
- H. The credit report, criminal records, and urinalysis results files will be kept under lock and key and be under the custody and control of PTHA's Executive Director and/or his/her designee for such records.
- I. The credit report, criminal records, and urinalysis results files may only be accessed with the written permission of PTHA's Executive Director and/or his/her designee for such records and may only be used for the purposes set out in this Section.

SECTION VIII. FILE MANAGEMENT AND USE BY PTHA STAFF

- A. Only those PTHA staff with a need to know may access a Tenant/Homebuyer File.
- B. Tenant/Homebuyer Files will be maintained in a central filing area, in file cabinets expressly set aside for this purpose.

- C. For those files or file information maintained electronically, PTHA shall implement a system to protect such information against unauthorized access including security firewalls, password protected access and, if feasible, encryption of such electronic data.
- D. The file cabinets containing Tenant/Homebuyer files shall be protected from access by the general public or by anyone other than an Authorized User.
- E. PTHA shall maintain a check-in and check-out system for the Tenant/Homebuyer Files. When a PTHA staff person removes a Tenant/Homebuyer File from the main filing cabinet, he/she shall sign out on the log sheet for the file, and shall insert a card in the location in the file cabinet where the specific file is kept that shall indicate which PTHA staff person has the file.
- F. The PTHA staff person shall return the Tenant/Homebuyer File to the file cabinet after use.
- G. PTHA staff shall not leave any Tenant/Homebuyer Files on their desks or in their offices at the close of business. All files must be returned to the file cabinet at the end of the day.
- H. Tenant/Homebuyer Files, any information in such file, or any copies of any documents or other information in the file, may not be removed from the PTHA administrative offices for any purpose other than a judicial or administrative proceeding where information in the file will be required for evidence or for reference.

SECTION IX. THEFT, LOSS, INJURY OR DAMAGE TO FILE RECORDS

- A. No PTHA employee has, by virtue of his/her position, any personal or property interest in Tenant/Homebuyer files even though he/she may have drafted or helped develop or compile them.
- B. The unlawful destruction of Tenant/Homebuyer files or the documents contained therein, removal from files, and

personal use of such information is prohibited.

- C. Any individual who willfully and unlawfully purloins, alters, mutilates, destroys, conceals, or obliterates any Tenant/Homebuyer Files or the documents contained therein, except as required and authorized by this Policy, shall be guilty of theft, misrepresentation, or destruction of tribal property. The PTHA Executive Director shall investigate and, if necessary, proceed with appropriate disciplinary and/or appropriate civil or criminal actions.
- D. Any staff person who willfully and unlawfully steals, alters, mutilates, destroys, conceals, erases, obliterates, or falsifies any Tenant/Homebuyer files or the documents contained therein or who fraudulently appropriates to the person's own use or to the use of another person, or conceals with intent to appropriate to such use, any money, evidence of debt or other property entrusted to the person by virtue of the person's office, shall be considered to have committed an offense under the PTHA Personnel Policy and shall be subject to disciplinary action in addition to any criminal or civil penalty described above.
- E. Any person who shall knowingly procure or offer any false or forged instrument to be filed, registered, or recorded in the PTHA, as a genuine instrument, shall be guilty of defrauding PTHA for personal gain. Within a reasonable time the PTHA Executive Director shall investigate and, if necessary, proceed with appropriate disciplinary or appropriate civil or criminal actions.
- F. All staff of PTHA must notify his/her immediate supervisor if he/she learns of any offense described above, unless the offense has been committed by his/her immediate supervisor in which case the staff person must notify the Executive Director. Any staff person who knowingly fails to provide such notice shall be deemed insubordinate with the intent to conceal a wrongful conduct. Employees who violate this duty to notify shall be considered to have committed an offense under the PTHA Personnel Policy and shall be subject to disciplinary action in addition to any criminal or civil penalty described above.

- G. If Tenant/Homebuyer File information is stolen or is otherwise subject to unauthorized access, upon learning of such theft or unauthorized access, PTHA staff shall immediately notify the PTHA Executive Director or his/her designee.
- H. As soon as practicable after being informed of such theft or unauthorized access, the PTHA Executive Director or his/her designee shall notify the tenant(s), homebuyer(s), program participant(s) or program applicant(s) whose personal data was subject to such theft or unauthorized access. Such notice shall be in writing, shall inform the individual(s) of the personal information that has been or may have been compromised, shall advise the individual to contact the credit reporting agencies to assess whether the information may have been used for identify theft purposes, and shall advise the individual to report the theft to law enforcement.

SECTION X. RECORDS RETENTION AND DESTRUCTION

- A. Tenant/Homebuyer Files (which also, for the purposes of this Section, includes the criminal record information) shall be maintained and preserved in the PTHA offices for the end of the applicable period of time set out below:
 - 1. Program Applicants: For a period of three years after the date that the person or family is removed from any applicable waiting lists, if that person or family does not receive any services from PTHA.
 - 2. Tenants: For a period of three years after the date that the person or family vacates and surrenders possession of the leased premises.
 - 3. Homebuyers: For a period of three years after the date that the person or family, whichever date is applicable (if two or more of the dates below are applicable, then the latest date of those applicable):
 - i. The date the homebuyer vacates and surrenders possession of the premises to PTHA or other seller; or

- ii. The date the homebuyer has title to the premises fully and completely conveyed to him/her; or
 - iii. The date the homebuyer ceases receiving any homebuyer assistance; or
 - iv. The date the "useful life" period expires for the premises.
- B. Notwithstanding subsection A of this Section, a Tenant/Homebuyer file shall be maintained beyond the applicable period set out in that subsection if there is pending or ongoing litigation or an administrative proceeding involving PTHA that implicates the information in a Tenant/Homebuyer file, for so long as such litigation is pending and until all appeals are resolved or the timelines for such appeals have expired. PTHA staff shall consult with PTHA legal counsel regarding the applicability of this subsection to any particular file. Upon service of legal process (subpoena, summons or the like), or upon learning of an investigation or audit, or if a claim is made, whether formal or informal, or a dispute arises, the schedule for destroying the pertinent files shall be suspended and files related to the legal process, claim, dispute, investigation or audit shall not be destroyed until the matter is resolved and PTHA legal counsel advises PTHA in writing that destruction of the file would be appropriate.
- C. A Tenant/Homebuyer File shall be maintained for so long as there is a Tenant Account Receivable for that tenant.
- D. When the time period for maintaining and retaining a Tenant/Homebuyer file under subsections A, B, and C above has expired, that Tenant/Homebuyer file shall be destroyed.
- E. PTHA staff shall undertake an annual review of the PTHA Tenant/Homebuyer files to determine which files must be destroyed pursuant to this Policy. Staff shall provide a list of the Tenant/Homebuyer files that are required to be destroyed to the PTHA Executive Director, who shall authorize the files to be destroyed.

- F. Destruction of a file pursuant to this requirement shall not take place until the PTHA Executive Director is notified and has approved the destruction of the file.
- G. Once the PTHA Executive Director authorizes destruction of a file, it shall be the responsibility of the assigned staff person to cause such file to be destroyed promptly and effectively.
- H. It is the responsibility of the assigned staff person to insure that files that are to be destroyed are protected from unauthorized access during any destruction process. The primary purpose of such destruction shall be that of reducing the records to an illegible condition, under the following conditions:
 - 1. The prompt destruction of the file documents shall be insured, and the responsibility for such destruction shall continue to be that of the assigned staff person until accomplished.
 - 2. File documents shall not be kept in unattended and unprotected storage awaiting their destruction until destroyed or until possession has been transferred to a third-party that has been contracted to destroy the file documents. Any third party that has been contracted to destroy the file documents must have policies in place to ensure protection of confidentiality of the file documents until destroyed.
 - 3. Paper copies of file documents shall be destroyed by burning or shredding. Electronic copies shall be destroyed by erasure of the information in such a manner that it will not be able to read or accessed.