

# **RESIDENT SELECTION PLAN**

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# **PARK PLACE APARTMENTS**

**Sacramento, CA**  
**Section 221d (3) and 231/LMSA Section 8 Programs**  
**Effective 4/2/2024**



## RESIDENT SELECTION CRITERIA

Please read the Resident Selection Criteria carefully. These are the standards by which your application for housing will be reviewed. Management will consider the following screening criteria when determining an applicant's eligibility for residency at Park Place Apartments.

### A. PROJECT ELIGIBILITY SPECIFIC REQUIREMENTS

The El Mirador LTD is a California based limited partnership which owns and operates Park Place Apartments (a.k.a. El Mirador), an apartment housing facility consisting of 151 apartments in Sacramento, CA.

Ray Stone Inc. acts as the managing agent for this property.

The purpose of this equal opportunity housing facility is to provide affordable housing for low, very low, and extremely low-income disabled and elderly individuals and households through the Department of Housing and Urban Development's Sections 231 and 221d3 program and Loan Management Set-Aside Section 8 program.

Park Place Apartments (a.k.a. El Mirador), has 151 apartments as follows:

- ✚ 135 Project Based Section 8 Studios without kitchenettes
- ✚ 8 Project Based Section 8 Studios with kitchenettes
- ✚ 8 Non -Section 8 (Market) Studios w/kitchenettes

143 apartments are designated as Project Based Section 8 apartments governed by the Department of Housing and Urban Development. The remaining 8 apartments are market-rate.

Residents moving into Park Place Apartments must meet age and income qualifications in order to be approved for occupancy.

The United States Department of Housing and Urban Development (HUD) requires that resident be recertified annually. Residents are required to report adjusted annual income increase or decrease of at least 10% or more within 10 days of becoming knowledgeable of the change for an interim. Any household composition changes need to be reported within 10 days.

### B. APPLICATION ACCEPTANCE

Applications will be accepted from disabled persons who are aged 50 years and older or adults 62 years of age and older.

Applications will be screened. When it is determined that the applicant meets the project Eligibility and Basic Program Eligibility Requirements listed in this document, the applicant will be invited to attend a personal interview.

In addition to providing income and asset documents, each household/applicant will be required to provide authorization for a credit report(s) and criminal background check(s) for all household members who are 18 years or older.

### C. GENERAL INFORMATION

Residency is open to:

- ✚ All qualified eligible persons in accordance with **The Fair Housing Act Amendments of 1988** which prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status.
- ✚ In accordance with **Title VI of the Civil Rights Act of 1964** which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from HUD.

- ✦ All qualified eligible persons in accordance with any State recognized protected classes.

**Section 504 of the Rehabilitation Act of 1973** prohibits discrimination based on disability in any program or activity receiving federal financial assistance from **HUD**.

**Park Place** does not discriminate based upon age for any reason, excluding **HUD** program/project requirements. All interested persons, applicants, residents and the public will be given information on LEP (Limited English Proficiency) and asked if they need any assistance in applying or completing any essential documents. See LAP (Language Assistance Plan) for details.

**Park Place** will make "reasonable accommodations" to individuals whose disabilities in accordance with the Park Place Reasonable Accommodation Policies and Procedures, fair housing guidelines as dictated by DFHEO and **HUD** regulations. This includes the application process and residency period. For more information and the designated 504 Coordinator for the site, please refer to management's **Section 504 Policy**.

A person, in order to be a resident at **Park Place**, must be capable of fulfilling the lease requirements. This means that the applicant must be able to meet all of his/her personal needs and be able to fulfill the lease obligations with or without assistance.

**Park Place** does not provide, nor has the authority to provide, any care or supervision services, does not accept or retain residents who demonstrate any level of need for care and supervision services that cannot be provided by the resident or aides supervised by the resident, and does not promise or make available in the future any assistance with personal activities of daily living.

All potentially eligible, qualified applicants will be considered in accordance with the marketing procedures of **HUD and Park Place Apartments**. All applicants must comply with any applicable admissions requirements in the **HUD 4350.3 Handbook**.

**Park Place** reserves the right to alter their Resident Selection Plan at any time. In such an event, management will provide applicants and residents with 30 days notice.

#### **D. AGE REQUIREMENTS**

**Applicants must be an elderly family as defined below in order to be eligible for occupancy at Park Place Apartments:**

**Elderly Family.** Elderly family means a family whose head or spouse or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

**OR**

**Age 50 and disabled as defined below:**

**(i) Has a disability, as defined in 42 U.S.C. 423;**

- (A) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
- (B) In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i) (1) of this title, means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.

**(ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:**

- (A) Is expected to be of long-continued and indefinite duration,
- (B) Substantially impedes his or her ability to live independently, and
- (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

**(iii) Has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that:**

- (A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (B) Is manifested before the person attains age 22;
- (C) Is likely to continue indefinitely;
- (D) Results in substantial functional limitation in three or more of the following areas of major life activity:
  - a. Self-care,
  - b. Receptive and expressive language,
  - c. Learning,
  - d. Mobility,
  - e. Self-direction,
  - f. Capacity for independent living, and
  - g. Economic self-sufficiency; and
- (E) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

**E. CITIZENSHIP REQUIREMENTS**

By law, only U.S. citizens and eligible non-citizens may benefit from federal rental assistance. Compliance with these rules ensures that only eligible families receive subsidy. These requirements apply to families making application to the property, families on the waiting list and residents. Assistance in Park Place Apartments is restricted to the following:

- ✚ U.S. Citizens or nationals; and
- ✚ Non-citizens who have eligible immigration status as determined by HUD.

All applicants who wish to be considered for the Section 8 units must submit evidence of citizenship or eligible immigration status at the time of application. All families, regardless of age must declare their citizenship or immigration status. Non-citizens (except those age 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Non-citizens age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. Management will verify eligible immigration status through the Department of Home Land Security web site. U.S. citizens must sign a declaration of citizenship.

Mixed families, a family with one or more ineligible family member and one or more eligible family members may receive prorated assistance.

**F. INCOME REQUIREMENTS**

The local "**Section 8**" **Income Limits** apply to this property and applicants must meet specific income restrictions to be eligible for housing. This facility will house extremely low, very low, and low-income elderly individuals and families, per program requirements. You may request a copy of the current income limits from the Park Place Management Office. A copy of the current income limits is referenced below.



**Zero Income**-An applicant or resident who claims zero income will be required to complete and sign a Certification of Zero Income on a monthly basis by the sixth (6<sup>th</sup>) of each month. If an applicant/resident does not apply for benefits for which they may be qualified (e.g., AFDC, unemployment, child support, etc.), verification by the Management Representative of not receiving benefits is not required. However, there must be a signed statement from the applicant/resident verifying that they have chosen not to participate in the benefit program for which they may be eligible in the applicant file.

**Maximum Income**-Applicant's household income limit cannot exceed the Maximum Income Limits for the household size as set forth by the **Department of Housing and Urban Development (HUD) (See below)**:

**Effective April 1,2024**

**HUD Published Income Limits for 2024 (with no adjustments)**

**Section 8**

Charts	MTSP		Very Low	
	50%	30%	Low	Low
1 Person 	\$41,300	\$24,750	\$41,300	\$66,050
2 Person 	\$47,150	\$28,300	\$47,150	\$75,450

**G. HARDSHIP EXEMPTIONS**

We will provide health/medical expenses or reasonable attendant care and auxiliary apparatus hardship relief to resident(s) that demonstrate eligibility:

1. Health/Medical Care & Reasonable attendant Care

- a) An increase in qualifying expenses under the 24 CFR5.611(c) (2)(i). requirements as long as it exceeds 5% of household annual income 24 CFR5.611(c) (2)(ii).
- b) Meet requirements the definition of health and medical expense or reasonable attendant care and auxiliary apparatus as provided in the 24 CFR5.603 (b)

2. Child Care

- a) Continued childcare expense hardship for families with inability to pay for rent with third party verification of hardship example, loss of job, divorce/separation and/or any other extenuating financial circumstance.
- b.) Hardship will be for term of 90-days may be extended one 90-day extension with reevaluation prior to the end of initial 90 day

**H. SOCIAL SECURITY REQUIREMENT**

Regulations require that assistance applicants and residents, excluding residents age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status, to disclose and provide verification of the complete and accurate SSN assigned to them. The requirement to disclose and provide verification of a SSN is no longer limited to those assistance applicants and residents six years of age and older.

The SSN, along with the name and date of birth of an individual, is used by HUD to verify the individual's identity, obtain employment and income information about the individual through computer matching programs for verification purposes at recertification and to ensure that the Department is not paying duplicate rental assistance on behalf of that individual.

**Exceptions to disclosure of Social Security Number:**

Individuals who do not contend eligible immigration status

**Mixed Families:** For projects where the restriction on assistance to noncitizens applies and where individuals are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In these instances, we will have the Tenant's Citizenship Declaration on file whereby the individual did not contend eligible immigration status to support the individual not being subject to the requirements to disclose and provide verification of a SSN.

**NOTE: We will not deny assistance to mixed families due to nondisclosure of a SSN by an individual who does not contend eligible immigration status.**

**For Section 221(d) (3)** properties such as Park Place, the restriction of assistance to noncitizens does not apply. Individuals living at Park Place who do not contend eligible immigration status must sign a certification, containing the penalty of perjury clause, certifying to that effect. The certification will support the individual not being subject to the requirements to disclose or provide verification of a SSN. The certification must be retained in the tenant file.

**NOTE: HUD regulations do not prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract.**

**Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010. Please note that only the Head of Household must be age 62 or older in order for household to be considered eligible.**

- ✦ The eligibility determination is based on participation in either a Public and Indian Housing or Multifamily HUD assisted program. The eligibility date is based on the initial effective date of the form **HUD-50059** or form **HUD-50058**, whichever is applicable.
- ✦ The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.
- ✦ When determining the eligibility of an individual who meets the exception requirements for SSN disclosure and verification, documentation must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010, that verifies the applicant's exemption status. This documentation must be retained in the tenant file. **Park Place will not accept a certification from the applicant stating they qualify for the exemption.**
- ✦ Existing residents as of January 31, 2010, who have previously disclosed their SSN and HUD has determined their SSN to be valid.

**I. VALIDATION OF SOCIAL SECURITY NUMBER**

Park Place Apartments will confirm HUD's validation of the tenant's SSN by viewing the Household's Summary Report and the Identity Verification Report in the EIV system.

**J. TIMEFRAME FOR PROVIDING SOCIAL SECURITY NUMBERS**

✦ **APPLICANTS CURRENTLY ON OR APPLYING TO WAITING LIST**

Applicants do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waiting list.

However, applicants must disclose and provide verification of a SSN for all non-exempt household members before they can be housed.

#### **✦ HOUSING APPLICANTS FROM THE WAITING LIST**

If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant will be offered the available unit. The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

### **K. VERIFICATION OF SOCIAL SECURITY NUMBER**

Park Place will verify and document each disclosed SSN by:

- ✦ Obtaining the documentation listed below from each member of the applicant's or tenant's household:

#### **Acceptable Verification Documents**

Social Security Card

***If you do not have a Social Security Card, Park Place may ask you to provide one or more of the following documents:***

1. Bank Statement
2. Court Records
3. Driver's License with Social Security Number
4. Earnings Statements on payroll stubs
5. Form 1099
6. Life insurance policy
7. Original document issued by a federal or state government agency which contains the name, SSN, and other identifying information of the individual
8. Retirement benefit letter
9. SSA Benefit Award Letter

- ✦ Making a copy of the original documentation submitted, returning the original to the individual and retaining the copy in the file folder;

- ✦ Recording the SSN on line 45 of the form HUD-50059 and transmitting the data to TRACS in a timely manner.

- ✦ To ensure that the SSN transmitted to TRACS is valid, Park Place will use the Failed EIV Pre-Screening Report and the Failed Verification Report in EIV in accordance with the instructions in the current HUD Housing Notice, ***Enterprise Income Verification System***.

The Failed EIV Pre-Screening Report identifies residents who failed the EIV pre-screening test due to invalid or missing personal identifiers.

The Failed Verification Report identifies residents that have had their personal identifiers sent to SSA, via HUD's computer matching program with the SSA, but the data could not be verified by SSA due to missing or invalid information or other SSA issues.

#### **SOCIAL SECURITY NUMBER DOCUMENT REJECTION**

We will reject a document that:

- ✦ Is not an original document; or
- ✦ Is the original document but it has been altered, mutilated, or is not legible; or
- ✦ Appears to be a forged document (e.g., does not appear to be authentic).

Applicant or tenant will be notified in writing regarding the reason(s) why the document(s) is not acceptable and request the individual obtain acceptable documentation.

#### **ONCE SOCIAL SECURITY NUMBER VERIFIED**

- ✦ Once the individual's SSN has been verified, Park Place will remove and destroy the copy of the documentation referenced above by no later than the next recertification of family income or composition.
- ✦ Paper documentation will be destroyed by shredding, pulverizing or burning.
- ✦ Electronic documentation will be destroyed by erasing or permanently deleting the file.
- ✦ The retention in the tenant file of the Household Summary Report from the EIV system which will report the status of the identity verification process provides verification of the SSN. Retaining this report in the tenant file and destroying the copy of the SSN documentation will minimize the risk of exposing the individual's SSN.

#### **L. ELIGIBILITY REQUIREMENT FOR STUDENTS WHO ARE HEAD OR CO-HEAD OF A HOUSEHOLD**

The applicant who is the head and/or co-head in the household must be of legal contract age under state law. The individual must have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or he/she meets the U. S. Department of Education's definition of an independent student. The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations. The individual must obtain a certification of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance will be provided. The financial assistance provided by persons not living in the unit is part of annual income that must be verified to determine eligibility and at annual recertification to determine rent.

#### **M. POLICY FOR ELIGIBILITY OF STUDENTS TO RECEIVE SECTION 8 ASSISTANCE Restrictions on Eligibility of Students for Section 8 Assistance**

Park Place Apartments is required to determine whether applicants are eligible to occupy the subsidized property and receive housing assistance. Eligibility is determined by federal statute and HUD regulation. For HUD programs, eligibility is only determined at move-in or at initial certification except as discussed in paragraphs \*\*3-13, Determining Eligibility of College Students for Assistance\*\* and paragraphs \*\*3-16 of the HUD 4350.3 Handbook, Determining the Eligibility of a Remaining Member of a Resident Family. \*\*HUD's general eligibility requirements are found in HUD's regulations at 24 CFR, part 5.

No assistance shall be provided under Section 8 of the 1937 Act to any individual whom:

- a) Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
- b) Is under the age of 24;
- c) Is not married;
- d) Is not a veteran of the United States Military;
- e) Does not have a dependent child;
- f) Is not a person with disabilities, as such term is defined in (b) (3) (E)) and was not receiving section 8 assistance as of November 30, 2005
- g) Is not living with his or her parents who are receiving Section 8 assistance; and
- h) Is not individually eligible to receive Section 8 assistance and has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. Park Place Apartments may use additional criteria for determining the student's independence from parents and the student must meet, at a minimum **all** of the following criteria to be eligible for Section 8 assistance. The student must:



- a) Be of legal contract age under state law;
- b) Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or Meet the U.S. Department of Education's definition of an independent student.
- c) Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- d) Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

Any financial assistance a student receives (1) under the [Higher Education Act of 1965](#), (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the HUD guidance

During the application process, management will appropriately screen applicants and households for eligibility under this final rule. An applicant who is a student and who does not meet the income eligibility requirements or jointly, do not meet the income eligibility requirements for **Section 8** assistance are not eligible for **Section 8** assistance and will be prohibited from participating in the program. A student under the age of 24 who is not a veteran, unmarried, does not have a dependent child and who is currently receiving **Section 8** assistance, if at recertification is determined to be ineligible, will have his/her assistance terminated.

Park Place Apartments will determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place resident begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student

**\*\*Students with disabilities receiving Section 8 as of November 30, 2005 are exempt from the Independent Student restrictions on receiving Section 8 Rental Assistance.**

**NOTE: Park Place Apartments cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.**

#### **N. PROCEDURES FOR ACCEPTING APPLICATIONS AND SELECTING FROM THE WAITING LIST**

All persons/families interested in applying for housing at **Park Place** must comply with the following requirements to be "considered for housing":

**Applications may be picked up at 1230 N Street, Sacramento, California, 95814.**

Requests for applications to be sent through the mail may be made by writing to the above address or by telephoning **(916) 444-8400**. Applications may be returned in person, electronically or via first class mail. Allowances will be made for persons with mobility impairments, who request a reasonable accommodation or who live out-of-state. Applications will be date and time stamped and applications will enter the Waiting List in the chronological order of receipt.

- ✦ Application must list all family members who will reside in the unit.
- ✦ Applicant must present an acceptable credit/criminal history per credit and criminal screening criteria established by management, as reported by a credit bureau and/or by any credit references listed on the application. A credit/criminal report will be run on the applicant(s) by the Park Place in accordance with HUD Notice H2012-11, all applicants age 18 or older will be subject to a criminal background check. Applicant must not have an eviction for drug related criminal activity or display a pattern of abuse of alcohol that would interfere with the health, safety or right to a peaceful enjoyment of the premises by other residents. No family member can have a conviction other than acquittal for any sexual offense.

- ✦ Provide good/acceptable references from all landlords, both current and previous, listed on the application and in credit bureau files.
- ✦ Provide proof of citizenship for household members as well as social security numbers for members of the family in accordance with Sections E, F, G and H of this document.
- ✦ Show that the applicant has the ability to fulfill all the lease requirements (with or without care assistance) where applicable.
- ✦ Demonstrate satisfactory housekeeping habits that will not jeopardize the health, security or welfare of other residents.

All of this information will be verified in accordance with **HUD Regulations and Requirements**, as stated in **HUD Handbook 4350.3** and all revisions. Applicants will be required to sign appropriate forms authorizing management to verify any and all factors that affect the applicant's eligibility or the rent that the applicant will pay. All of this information may be released by **HUD** to other Federal, State and Local Agencies.

In the event the applicant is personally unable to complete the form, the applicant must provide the information to someone assisting in completing the form. The person assisting the applicant must sign and date the application, indicating that it was completed at the direction of the named applicant.

If an applicant fails to supply all necessary verification forms, information, or meet the requests of the application process, or **Park Place** cannot obtain verification of specific required information due to illegible forms/application, the applicant will be rejected (please refer to **Rejection Procedures** for further information).

**\*\*If the applicant is a person with disabilities, Management must consider extenuating circumstances where this would be required as a matter of reasonable accommodation.**

## **O. PROCEDURE FOR ACCEPTING APPLICATIONS AND PRE APPLICATIONS**

- 1) **Initial Application.** Applications are taken only when the Wait List is open for unit type being requested. This property does not use pre applications. All Prospective residents 18 years and over must fill out the application in full. The form is reviewed with the applicant(s) if application is returned in person to make sure that answers are clear and that all information is given. All persons intended to reside in the apartment must be named, and no one not listed may live in the unit. If an appropriate unit is available now or in the near future, and no eligible waiting list applicant has priority, the application is processed immediately for approval or rejection.

The application information allows tentative determination (subject to confirmation) of the applicant's eligibility (family size, household characteristics, estimated anticipated annual income, assets now owned and disposition of assets during the previous two years.) Disability status is required **only** if the applicant is requesting a disabled-accessible unit or special accommodation.

- 2) **Pre-Qualifying Eligibility.** The three applicants at the top of the waiting list are considered active prospects even if a unit is not yet available. Steps are taken to qualify the applicants so that when a unit becomes available the pre-screening, including verifications, is already completed. Verifications are kept current within 120-day periods. If the top applicant is found to be ineligible, the next party on the wait list is the lead applicant.
- 3) **Interview.** An interview is held to determine final qualifications of the applicant to be placed in the next available unit. Application information is updated, the applicant is advised of the penalty for false information, current income and asset data are checked, and additional verification forms are signed if needed. Social Security information or certifications are given.

Potential accommodation for disabled applicants is considered. Final occupancy determination is not made until certification procedures are completed.

- ✦ Upon receipt of the original application, the application is preliminarily reviewed. The initial review will be for application completeness, to make sure that the application is legible and to initially determine if the applicant appears to qualify for the **Section 8 Program**. This in no way means that an applicant qualifies, or is eligible. Eligibility can be confirmed only after all items, which may have any bearing on the rent that the applicant may pay, or subsidy he/she may receive are verified: income, assets, family composition, etc. The applicant must be determined eligible to be offered housing.
  - ✦ As an applicant's name approaches the top of the Waiting List, a formal interview will be scheduled. At that time the applicant is interviewed, all items on the application will be discussed and confirmed, and verification forms will be signed by applicant authorizing management to verify all of these issues/items. Until all items are verified, eligibility cannot be determined, nor any housing offered. Management must attempt to verify all factors with "third party" written verification, per **HUD Regulations and Procedures**.
  - ✦ In the absence of third party verification within 14 days after attempting third party verification, and no response being received, management will use "Review of Documents" to verify items/issues in accordance with the **HUD Handbook 4350.3** and all revisions.
- 4) **Placement on Wait List.** A wait list is maintained for each unit **type**. **If no appropriate-type unit is available for eligible applicants, they are placed on the list for desired unit type, if requested.** Based on current experience with turnover on that unit type, an estimate is made as to the possible length of waiting time. **No promise is made**, since conditions, time schedules and priorities may change.
- ✦ Any applicant who appears to qualify after **Park Place** reviews the application, but before any information is formally verified, and for whom a unit is not currently available, will be placed on the Waiting List. All received applications are noted with date and times received, and enter the Waiting List in the chronological order of receipt. One Waiting List is maintained for all apartments at **Park Place**. The applicant is informed of the approximate wait for a unit and/or placement position on the waiting list. It is the applicant's responsibility to report changes on the application to **Park Place** in a timely fashion.
  - ✦ Any applicant on the Waiting List is required to contact **Park Place** every six (6) months to update their information, by completing a revised application form when necessary. Any applicant on the Waiting List is required to contact the **Park Place** when a change of address, phone, income or family composition occurs. This contact must be done in the form of writing. Contact may be initiated by **Park Place** in the form of a routine letter/postcard, sent to all applicants on the Waiting List, requesting update information, asking if they wish to remain on the Waiting List and stating that if the letter is not responded to within fourteen (14) days, their name will be dropped from the Waiting List without further notice.
  - ✦ When the number of names/families on the Waiting List for any particular size exceeds the annual apartment turnover for that size unit, the Waiting List may be closed. Management will advise potential applicants of the closure of the waiting list and refusal to take additional applications. A notice will be prominently posted in the Management/rental office or reception area and in a local newspaper, stating the reason Waiting List is closed and the effective date of the closure. When the Waiting list is to be reopened, notice of this will be placed in the same local publication, as well as notifications sent to appropriate social service agencies stating when the Waiting List will be re-opened, as well as times and days that applications will be taken. This is done in accordance with the **Affirmative Fair Housing and Marketing Plan (HUD Form 935.2A)**.

- ✦ If an applicant on the Waiting List is offered an apartment and refuses the offered apartment, he or she may remain on the Waiting List if the refusal is for a verifiable medical reason. The applicant will move to the bottom of the Waiting List. Any other refusal reasons are considered valid reasons for refusal at management's discretion. In any event, a second refusal, for any reason other than one due to a disability, will cause the application to be rejected and the applicant's name removed from the Waiting List. This applicant may reapply in the future, at a time that applications are being taken.
  - ✦ When a unit becomes available, in-place residents requiring a different unit will be housed appropriately before we move in an applicant on the Waiting List. This allows management to treat current residents having the greatest housing need prior to applicants on the Waiting List. In this manner, we are able to avoid displacing, through any action, current residents whose housing needs have changed since admission.
  - ✦ Applicants who are experiencing hardships due to health or financial reasons will not be moved from their original date on the waiting list if proper documentation is received by management.
- 5) **Notification and Updating.** The applicant is notified when an appropriate unit is available. Applicant interest is verified at least annually. The applicant can be asked to re-contact the office in six months; however, management is responsible for reviewing the list and confirming continued applicant interest and eligibility. An annual inquiry letter sent by management does this. If there is no response from applicant within two weeks after sending letter, or a negative response (returned undeliverable), the applicant is removed from the waiting list.
  - 6) **Holding Period.** An apartment will be held for a maximum of 14 days for an applicant (from the time the applicant is notified that an apartment is available) to effective date of the lease.
  - 7) **Changes to Application.** All changes to the application and waiting list updates must be in writing from the applicant. Changes to the application will become effective when received from the applicant at the rental office. It is the responsibility of applicant to notify management of any changes to the contact information. Applicants may be rejected if they do not keep management informed of current contact information.
  - 8) **Process Start.** When the applicant's name nears the top of the Waiting List, the detailed verifications process begins. Resident files contain documentation of all verifiable data. All information pertinent to the eligibility, admission and continued occupancy of a resident household must be verified in accordance with Federal program regulations. Interviewing and documentation will be completed by the management staff to ensure that all applicants/residents are made aware of the Federal program regulations. Verifications will be used to determine if all of the information contained on the Application/Recertification Checklist is true and correct. Information to be verified includes, but is not limited to:
    - ✦ Allowances
    - ✦ Assets
    - ✦ Credit History
    - ✦ Criminal Record
    - ✦ Enterprise Income Verification (EIV) will be used to determine if applicants are receiving Section 8 subsidy from their current landlord
    - ✦ Enterprise Income Verification (EIV) will then be used on all residents at their annual recertifications or initial certification to check the records kept by certain public agencies
    - ✦ Family Composition
    - ✦ Income from all sources
    - ✦ Rental History
    - ✦ SAVE System for noncitizen status.

**Interview.** The eligible applicant/resident is interviewed by the Management Representative to determine their eligibility status. At this time the applicant/resident is requested to sign releases for verification.

**Documents.** All “permanent” documents (photo identification i.e. driver licenses, birth certificates, social security cards, etc.) are photocopied and placed in the applicant/resident file, at the time of application.

**Independent Verification.** Third parties are used as a primary source for information.

**Release Consent.** All applicants and residents (age of 18 and up) are required to sign Consent to the Release of information (HUD 9887 AND 9887a) at admission, and initial certification. Failure to do so is grounds for rejection or termination of your lease. The form is valid for term of tenancy unless removed from subsidy must be resigned upon initial certification.

**P. ENTERPRISE VERIFICATION SYSTEM (EIV)**

The use of the EIV system as upfront income verification (UIV) technique, serves as a valuable tool in validating tenant reported income during annual recertifications of family income; as well as in streamlining the income verification process, resulting in less administrative burden in complying with third party verification requirements. EIV helps identify and cure inaccuracies in housing subsidy determinations, which benefits Park Place, residents and taxpayers by ensuring that the level of benefits provided on behalf of families is proper. Finally, the use of EIV assists in preventing fraud, waste and abuse within Multifamily Housing’s Rental Assistance Programs.

**EXISTING TENANT SEARCH REPORT**

This report identifies applicants applying for assisted housing that may be receiving rental assistance at the time of application processing at another location.

We will use this report during the interview process as follows:

- (1) When we are processing an applicant for admission to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location.
  
- (2) Discuss with the applicant if the report identifies that the applicant or a member of the applicant’s household is residing at another location, giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location.
  
- (3) Follow up with the respective PHA or O/A to confirm the individual’s program participation status before admission, if necessary, depending on the outcome of the discussion with the applicant. The report gives Park Place the ability to coordinate move-out and move-in dates with the PHA or Owner/Agent of the property at the other location.
  
- (4) Retain the search results with the application along with any documentation obtained as a result of contacts

**Q. DE MINIMIS ERRORS**

We will credit resident ledger due to de minimis errors to repay or credit family the amount the family was overcharged retroactively to the effective date of the action the error was made regardless of the dollar amount associated with the error.

**R. ANNUAL RECERTIFICATION**

**1. Assets**

The new asset limitations requirements and changes that include:

- a) We will calculate income from assets that exceed cash value of \$50,000.
- b) Retirement accounts and educational savings accounts will not be considered a net family asset.

## 2. General Hardship Exemptions for Health/Medical Expense

We will provide health/medical expenses or reasonable attendant care and auxiliary apparatus hardship relief to resident(s) no more than 90 days; with one 90 day extension for households that demonstrate eligibility:

- i. An increase in qualifying expenses under the 24 CFR 5.611(c) (2)(i). requirements as long as it exceeds 5% of household annual income 24 CFR 5.611(c) (2)(ii).or;
- ii. Meet requirements of the definition of health and medical expense or reasonable attendant care and auxiliary apparatus as provided in the 24 CFR 5.603 (b)

## S. PROCEDURES FOR APPLYING PREFERENCES INCLUDING INCOME-TARGETING IN SECTION 8 PROPERTIES

### 1) Preferences.

**Park Place** has permanently suspended Federal Preferences, in accordance with HUD directives. However, preference will be given to individuals and families displaced by government action or a presidentially declared disaster. In the event of such a displacement by government action, selection of displaced applicants will follow in compliance with the Extremely Low Income requirements.

Preferences **affect only the order of applicants on the Wait List**. They do not make anyone eligible who was not otherwise eligible, and they do not change management's right to adopt and enforce resident screening criteria (please refer to **ELI Procedures** within this Plan for further information).

### 2) **Special Priority. Park Place Apartments has no apartments especially equipped for persons with physical disabilities. Disabled and disabled applicants have priority; for these 0 designated apartments when available. Reasonable accommodations will be made for those people who are disabled and or disabled in accordance with Section 504. Priority for disabled designated apartments will be first given to current residents.**

### 3) **Income-Targeting (HUD 4350.3: 4-5).** Park Place Apartments is required to 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. To accomplish this income-targeting requirement, management will alternate between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list (**HUD 4350.1, 4-5 B 2 b (2)**). To implement this method, Park Place Apartments will select the first extremely low-income applicant on the waiting list (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, resident selection continues to alternate between the next extremely low-income applicant and the eligible applicant and the eligible applicant at the top of the waiting list until the 40% target is reached. A status letter will be sent to any qualified applicant who may have been skipped over in order to meet HUD required income targeting.

## T. APPLICANT SCREENING CRITERIA

The following are areas management will consider when approving applicants for residency:

### **Assets**

In accordance with the Department of Housing and Urban Development's guidelines, we will apply an asset test to all applicants. Families who have net assets that exceed \$100,000 will not be eligible for section 8 assistance. Families who own real property suitable are ineligible for admission to or continued occupancy in the section 8 assistance program.

Assets include all liquid asset accounts, including but not limited to Checking Accounts, Certificates of Deposit, Savings Accounts and stocks.

### Causes for Rejection

An applicant will only be rejected after consideration of the Mitigating Circumstances Policy the causes for rejection are further outlined in each of the sections noted below.

### Certification Process

Upon initial occupancy, household income cannot exceed the income restriction for the respective unit size as determined by the area median income which is adjusted for household size.

Third-party income verification will be required (self-certifications will not be acceptable) from all sources, including, but not limited to:

- ✦ Child/Spousal/Family support;
- ✦ Disability;
- ✦ Employment;
- ✦ Government Assistance, SSI, TANIF, AFDC, GA, etc.;
- ✦ Pensions/Retirement/Annuities;
- ✦ Property, Home, Stocks, Bonds, Annuities, etc.;
- ✦ Savings and Checking;
- ✦ Social Security;
- ✦ Unemployment Benefits
- ✦ Regular cash contributions and gifts from all sources outside of household

Income calculations are based on the household's annual anticipated gross income for the 12 (twelve) months. Annual gross income includes income from any and all assets.

### Credit

A credit check will be run on all applicants 18 years and over at initial certification as condition of occupancy.

#### Credit standards are set forth below:

Applicant passes review by credit agency and/or by direct contact with banks and other financial sources. Lack of credit history in itself does not justify rejection. Past credit problems may be explained by the applicant so that credit judgment is made on current information.

Credit reports are pulled for all adult household members. Each member must meet the same requirements. Although there are some exceptions listed below in the Reasons to Overturn a Rejection upon Appeal Section, reasons for rejection of an application due to information contained on applicant's credit report include the following factors that have affected applicant's ability to pay rent in prior tenancies:

#### Bankruptcy/Repossessions

- ✦ Any personal bankruptcy within the past thirty six months that has not been remedied

#### Charge-Offs/Collections

- ✦ "Charge-Off" of delinquent debt
- ✦ Unpaid collections, judgments or liens exceeding \$2,000.00, excluding medical bills and student loans;
- ✦ Unpaid balance due to a current or prior landlord; other than subsidized housing
- ✦ A significant number (3) of Non Sufficient Funds (NSF) checks within the past thirty six month period;

#### Evictions/Prior Landlords/ Unlawful Detainers

- ✦ A negative Unlawful Detainer Report indicating repeated failure to meet financial obligations in past tenant history within the last four years. In evaluating rental history, Park Place will consider the accuracy, nature, relevance, and recency of negative information. (An example of

these consideration would be if an applicant was evicted for nonpayment at a market rate property).

- ✚ An eviction for cause
- ✚ An eviction for any reason other than documented medical hardship

### **Foreclosures, Mortgage Defaults, Reverse Mortgage and Short Sales**

Applicants who have a foreclosure, mortgage defaults, reverse mortgage or short sale will be denied, however, management will allow applicant 14 calendar days in accordance with the Park Place Grievance and Appeal Procedure for the applicant to provide additional information regarding the default or foreclosure. The information will be evaluated on a case-by-case basis.

### **Lawsuits**

- ✚ Any suit pending or not remedied which is deemed to affect financial ability

Examples of the type of lawsuits which would fall into this category include:

- ✚ Bankruptcy That Has Not Been Discharged
- ✚ Check Fraud
- ✚ Embezzlement
- ✚ Eviction
- ✚ Welfare Fraud

### **Repossessions**

- ✚ Repossessions, excluding voluntary repossessions within the past thirty-six months except when part of a bankruptcy, divorce or legal separation

### **Tax Liens**

- ✚ Current tax liens

### **Reasons to overturn a rejection upon appeal include:**

- ✚ Applicant lacks credit history, since lack of a credit history does not constitute negative credit.
- ✚ Applicant can prove that a prior eviction or poor credit is the result of a divorce or the result of the applicant having been a victim of domestic violence and that it was determined in a court settlement that the applicant's spouse was solely responsible for such poor credit or eviction and such spouse will not be living with applicant at Park Place Apartments; or,
- ✚ Applicant can prove that a prior eviction or poor credit is the result of a documented medical hardship
- ✚ Proof of adherence to a payment plan for past due collections; or,
- ✚ The unlawful detainer was caused by non-payment of rent and that any future rent payment is guaranteed by third party payment.

### **Criminal Activity**

**A criminal background check will be run on all applicants 18 years and over at initial certification and each annual recertification as condition of continued occupancy.**

A criminal background check will be required for all household members aged eighteen [18] years and older and emancipated minors. Criminal standards are set forth below.

Facts regarding behavior of one or more members of the household and prior conduct requiring police and/or court action will be considered.



A criminal background reference check is conducted to determine if applicants and/or members of an applicant's household have any criminal background. During the admissions screening process, Park Place Apartments 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;

Applicant households will be reviewed to determine that they have not had any of the following:

**Park Place Apartments is required to deny admission to Federally-assisted housing if:**

- ✚ 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, Park Place Apartments may, but is not required to, admit the household.
- ✚ Any household member is currently engaging in illegal drug use.
- ✚ Park Place Apartments determines that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Examples of evidence of illegal activities may include a conviction record, former landlord references, etc.)
- ✚ Any member of the household is subject to a lifetime registration requirement under a National Sex Offender registration program. In accordance with Federal law, Park Place Apartments shall establish standards that prohibit admission to any federally assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admissions screening process, Park Place Apartments 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.
- ✚ Park Place Apartments determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

**Employment**

If applicant is scheduled to begin employment, but has not yet received his or her first paycheck, applicant must provide an Offer Letter from employer submitted on employer's letterhead. This letter must include the following information:

- ✚ Hire Date
- ✚ Rate of Pay
- ✚ Number of Hours Worked Per Week
- ✚ Number of Overtime Hours Per Week
- ✚ Number of Shift Differential Hours Per week
- ✚ Bonuses Scheduled
- ✚ Commissions Anticipated
- ✚ Raises Within Next 12 Months
- ✚ Tips

**Falsification of Application**

All information provided on the application will be verified. False, inaccurate or incomplete information may result in disqualification of an application. Intentionally providing false information on any part of the application is considered fraud and may result in failure of the applicant to obtain a unit, or if discovered after an applicant becomes a resident, may result in loss of the assigned housing unit. All income will be verified by management via third party verification from employers and/or other sources of income.

**HUD Occupancy Criteria**

**Meets all HUD occupancy criteria. Income is not more than 50% of median income in the area (“Very Low Income”), for the 143 Section 8 apartments.** [Income and rent computations, documentation requirements and verification procedures are explained in HUD 4350.3 Chapter 3.](#)

### Identification

In order for household background check to be performed, all household members age 18 and above must provide one form of identification from the list below:

- ✦ Birth Certificates- for household members under age 6
- ✦ Driver’s License
- ✦ Government Issued Photo Identification Card
- ✦ Passport
- ✦ State Identification Card
- ✦ Visa

### Income Documentation

We will consider Family Support from a family member as “other” income if the family member completes our “Family Support Affidavit Form” (which must be notarized).

The following criteria will be considered in conjunction with the Mitigating Circumstances Policy.

- ✦ References from applicant’s current and previous landlords for a period of four years will be reviewed.
- ✦ All applicants must have positive prior landlord references indicating ability to care for the property and pay rent on time, as well as the ability to peacefully cohabitate with other residents. A history of violent or criminal behavior may be cause for denial of application.

### Keeps Agreements

Demonstrated ability and willingness to keep lease agreements, including: pay rent on time, maintain the unit in good condition, respond to recertification requirements, cooperative occupancy habits (noise, trash, etc), no family member uses illegal drugs. This information is obtained from prior landlords, personal credit and criminal references.

### Landlord Reference Check

A landlord reference check of an applicant’s rental history for the past 48 months is conducted to determine the following:

- ✦ Demonstrated ability to pay rent on time and in full;
- ✦ Demonstrated ability to live peacefully with others;
- ✦ Followed the rules and regulations of rental companies;
- ✦ Kept rental unit in a manner which did not create an unsafe or unhealthy environment or pose a health danger to other residents;
- ✦ Kept rental unit undamaged;
- ✦ No history of receiving notices for lease violations;
- ✦ Gave sufficient notice of intent to vacate;
- ✦ No noise complaints;
- ✦ No disturbances or illegal activities;
- ✦ No unpaid Non-Sufficient Funds (NSF) checks;
- ✦ No unauthorized household members
- ✦ No blatant disrespectful, disruptive or antisocial behavior toward the management or staff , the property, or other applicants/residents
- ✦ No sales of narcotics
- ✦ No eviction for cause with exception off documented medical hardship
- ✦ No destruction or theft of property
- ✦ No acts that threaten the health, safety or welfare of other residents

Applicants who have past evictions or negative landlord references strictly for non-payment of rent, but who now have a verified payee to guarantee timely rent payment, will not be automatically declined under the eviction or rental history criterion described

above. However, subject to reasonable accommodations, applicants will be declined for evictions for other causes.

In cases where applicants do not have any previous landlord, or if no previous landlord is available, staff will request personal references from someone not related to the applicant, such as a counselor or caseworker. However, lack of such references is not an automatic basis for denial.

#### **Other Allowable Screening Criteria**

EIV as noted in Section O above.

#### **References**

Have favorable (or no unfavorable) comments from prior landlords, personal and credit references. Mitigating circumstances will be considered.

#### **Retired or Unemployed Individuals**

Retired or Unemployed Individuals must supply the previous year's signed tax returns.

#### **Security Deposit**

Household must be able to pay a deposit as calculated on 50059 Form. Installment agreements are available.

#### **Seasonal Employment**

Individuals who receive income from seasonal employment will need to provide the previous years signed tax returns.

#### **Self-Employed Individuals**

Self-employed individuals must be able to provide last two years of signed tax returns; past, present and projected Profit and Loss Statements. Self-employed individuals must also sign a Self-Employment Affidavit which must be notarized.

### **U. PROCEDURES FOR REJECTING INELIGIBLE APPLICANTS**

The following are reasons why applicants will be rejected.

- 1) **HUD Criteria.** The applicant does not meet HUD's occupancy requirements, including unit size, unit type, income limits, etc.
- 2) **Lack Of Adequate Information.** The applicant refuses to or cannot provide all required application information including Social Security numbers or certifications. Refusing to sign required documents (i.e. Verification Authorization forms, Consent to Release of information, etc.) will be grounds for rejection.
- 3) **Negative References.** The prior landlord(s) up to four years back or other references provide negative reports regarding keeping of lease terms, payment of rent and other occupancy obligations, housekeeping habits, engaging in illegal activity, or incompatibility with other residents and neighbors. These reports are verified as much as possible and the applicant is given a fair opportunity to overcome negative reports by explaining mitigating circumstances. These explanations must be verified. Mitigating circumstances can include disabled-related problems when there is the potential to overcome those problems through reasonable accommodation.
- 4) **Credit.** All available credit references are checked without charge to the applicant. Rejection is possible if credit reports contain substantive negative information. (If other criteria are satisfactory, the applicant is given an opportunity to respond to negative credit reports.) Examples of poor credit are:
  - a) left prior housing owing money to landlord;
  - b) prior eviction unless for documented medical emergency;
  - c) two or more accounts in collection status exceeding \$2,000.00;

- d) bankruptcy within the last three years (36 months) for reasons other than medical emergency, divorce, death of spouse;
- e) civil judgments against the applicant not yet resolved.

Circumstances will be reviewed and applicant responses considered. Applicants who have been previously evicted or are currently under eviction will be rejected.

- 5) **Criminal Record.** Facts regarding behavior of one or more members of the household and prior conduct requiring police and/or court action will be considered. The basis for rejection includes but is not limited to the following:
- a) Any conviction or adjudication other than acquittal for generally violent crimes and felonies in all states, including but not limited to: criminal homicide, manslaughter, robbery, assault, arson, etc.
  - b) Any conviction or adjudication other than acquittal that involved injury or potential injury to a person or property.
  - c) Any conviction or adjudication other than acquittal for generally non-violent crimes, the severity or existence of crime vary from state to state including, but not limited to other simple assaults, forgery, fraud, embezzlement, weapons, etc.
  - d) Any conviction or adjudication other than acquittal for the sale, distribution or manufacture of any controlled or illegal substance.
  - e) Any conviction or adjudication other than acquittal involving illegal use or possession of any controlled or illegal substance.
  - f) Any current illegal user or addict of a controlled or illegal substance.
  - g) Any act which results in the person's tenancy constituting a threat to the health or safety of other individuals, result in substantial physical damage to the property of others, or interfere with the peaceful and quiet enjoyment of the premises.
  - h) Any conviction or adjudication other than acquittal, for any sexual offense.
  - i) Registration on any state sex offender registry.
  - j) Any conviction or adjudication other than acquittal, which involved bodily harm to a child.
  - k) Any conviction or adjudication other than acquittal, for domestic violence, dating violence, sexual assault or stalking.
  - l) Eviction for Drug Related Criminal Activity from federally assisted housing for drug related criminal activity within the last 3 years.
  - m) Alcohol abuse or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

**Applicants have an opportunity to explain all adverse references. Individuals with such records will not be admitted even if other eligible family members are admitted. Any applicant or household member who has been arrested for any of the above-described offenses will have their application suspended until the case has been legally resolved.**

- (6) Notification.** If management rejects an applicant for any reason a rejection letter will be sent to the applicant. This letter will state in writing the reasons and provide an opportunity for the applicant to respond or ask for a meeting. If applicant wishes to appeal the rejection they must do so within 14 days. If requested by applicant the meeting will be with a staff member or agent who is not the same person who made the original rejection determination. A follow-up written response will be sent within five days of the rejection hearing. Rejection records will be kept at least three years.

**NOTE: Applicants with no verifiable rental or credit history will be given due consideration using personal references from three reliable sources other than relatives or close friends (e.g. clergyman, teachers, employers, etc.)**

## V. OCCUPANCY STANDARDS

The occupancy limits are as follows:

<b>Apartment Size</b>	<b>Minimum Occupancy</b>	<b>Maximum Occupancy</b>
Studio	1	2

**W. UNIT TRANSFER POLICIES, INCLUDING SELECTION OF IN-PLACE RESIDENTS VERSUS APPLICANTS FROM THE WAITING LIST WHEN VACANCIES OCCUR**

- 1) **Available apartments** will be filled alternately, for appropriate size, by outside applicants on the wait list and applicants from within the complex who qualify for a move. Exception: residents eligible for an accessible unit will be offered that unit when available even if the list includes outside applicants. If no outside applicant is ready for timely move-in, the unit may be offered to the next current eligible resident. Internal moves require a new lease and related documentation.
- 2) **Residents** must live at Park Place Apartments for at least one year prior to placement on the wait list for an internal move unless the move is a result of a reasonable accommodation or a medical necessity. This is to avoid temporary move-ins to wait for a different-size unit.
- 3) Internal moves may be caused by doctor-verified medical condition, reasonable accommodations and safety. The cost of all internal moves is a resident responsibility *with the exception of internal moves as a result of reasonable accommodations*. Residents must be given a thirty-day notice of internal moves. Failure to move requires payment of the market rent on the present unit and failure to pay such rent is a material non-compliance with the lease.

**NOTE: Residents are required to advise management immediately when family size or other unit-needs change.**

- 4) **Residents qualifying** for the Wait List for an internal move must register the move-request in writing with the management office, or may be notified of such qualification by management in writing. The wait-list date is the date the family became eligible for the unit change, such as a change in family size or other condition.
- 5) **Apartment transfers** due to personal preferences or roommate disputes are not considered transfer-eligible. The resident wishing a transfer must complete an application when the list is open. The application will be placed on the outside waiting list in chronological order based on the date and time the application is accepted.
- 6) **Criminal/Sex Offender Check will be required of all residents who wish to transfer to another apartment within Park place Apartments in accordance with guidelines set forth in HUD Notice 2012-11**

**Management will allow in-house transfers, in the following situations:**

- ✦ A unit transfer for a medical reason, including a reasonable accommodation (this will be verified with a medical practitioner using the Park Place form);
- ✦ A transfer from a unit due to renovation of the previous unit.

**Park Place** will first assign units to in-place residents who have a demonstrated need for a change in housing before offering units to an applicant on the Waiting List. Requests for transfers that are based on a need for a reasonable accommodation will be provided priority over other requests. Transfers will be provided to persons who have a medical or other **verified** need because of a disability in the chronological order received. All other transfers will be provided after requests for reasonable accommodations and will occur in chronological order by the date the request was received.

**X. ANNUAL RECERTIFICATION/REEXAMINATION-SEX OFFENDER REQUIREMENTS HUD RECOMMENDS THAT AT ANNUAL RECERTIFICATION OR REEXAMINATION, OWNER /AGENTS (O/A S) ASK WHETHER THE TENANT OR ANY MEMEBR OF THE TENANT’S HOUSEHOLD IS SUBJECT TO A STATE LIFETIME SEX OFFENDER**

**REGISTRATION IN ANY STATE PROGRAM IN ANY STATE. O/AS AND PHAS SHOULD VERIFY THIS INFORMATION USING THE DRU SJODIN NATIONAL SEX OFFENDER DATABASE AND/OR OTHER OFFICIAL, FEDERAL, STATE, AND OTHER OFFICIAL FEDERAL, STATE, AND LOCAL RESOURCES AND DOCUMENT THIS INFORMATION IN THE SAME MANNER AS AT ADMISSION.**

**ALL RESIDENTS WILL BE REQUIRED TO COMPLETE AN ANNUAL RECERTIFICATION QUESTIONNAIRE AT ANNUAL RECERTIFICATION AND ANSWER QUESTION AS TO WHETHER THE TENANT OR ANY MEMEBR OF THE TENANT'S HOUSEHOLD IS SUBJECT TO A STATE LIFETIME SEX OFFENDER REGISTRATION IN ANY STATE PROGRAM IN ANY STATE.**

**ADDITIONALLY, MANAGEMENT WILL USE THE DRU SJODIN NATIONAL SEX OFFENDER DATABASE TO DETERMINE WHETHER THE TENANT OR ANY MEMEBR OF THE TENANT'S HOUSEHOLD IS SUBJECT TO A STATE LIFETIME SEX OFFENDER REGISTRATION IN ANY STATE PROGRAM IN ANY STATE AND DOCUMENT THIS INFORMATION IN THE SAME MANNER AS AT ADMISSION.**

**Y. POLICY FOR OPENING AND CLOSING THE WAITING LIST FOR THE PROPERTY**

The wait list may be closed when it contains a year's worth of applicants, based on current turnover experience, and is re-opened when there is a three-month supply of applicants. A 30-day notice will be posted giving the date and time that the waiting list will be opened. Re-opening and closing of the wait list is posted in the office, communicated to referral groups, and publicly advertised in accordance with the **Affirmative Fair Marketing Plan** for the property.

Applications are not accepted when the wait list is closed. The Wait List is kept chronologically on a form, which states the date and time of the application, Head of Household name, unit size, income level (i.e. **ELI, VLI, LI**), Need for accessible unit, Comment/Contact, Removed/Rejected Date, Move-in Date, Preference Type. This list is a permanent record. (Note wait list may be closed for only specific unit types i.e. one-bedroom units)

**Z. GRIEVANCE PROCEDURE**

Applicants have fourteen **[14] days** to notify management in writing if they feel that their application was unfairly denied. Management will only reconsider your application if you have any new facts or information that the applicant feels would have an effect on their application. Management will notify the applicant of their final decision within fourteen **[14] days** of receiving the applicant's written notice of appeal.

**AA. VIOLENCE AGAINST WOMEN ACT (VAWA PROTECTIONS)**

The **VAWA** protections apply to families applying for or receiving rental assistance payments under the Project Based Section 8 program. The law protects victims of domestic violence, dating violence, stalking, or sexual assault as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence that is reported and confirmed.

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 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 or denial of housing assistance.

**VAWA Emergency Transfers**

Park Place is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), Park Place allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of Park Place to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the

tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether Park Place has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

To request an emergency transfer, the tenant shall notify Park Place's management office and submit a written request for a transfer to **Park Place located at 1230 N Street Sacramento, CA 95814**. Park Place will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under Park Place's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

## **BB. POLICIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR**

Housing Act and other relevant civil rights laws and statutes

**Park Place Apartments** was developed to provide safe, clean and comfortable housing at rental rates appropriate for low-income residents. One of the processes necessary to achieve these goals is to define our selection and occupancy policies for our prospective and current residents. This publication outlines occupancy requirements and procedures.

**Park Place Apartments and Ray Stone Inc.** intends to administer these selection criteria in a fair and consistent manner and in accordance with regulations of the U.S. Department of Housing and Urban Development (HUD).

### **STATEMENT OF NON-DISCRIMINATION**

It is the policy of **Park Place Apartments** to comply fully with **24 CFR, Part 1 Title VI of the Civil Rights Act of 1964 Title VIII and Section 3 of the Civil Rights Act of 1968 (As amended by the Community Development Act of 1994), Executive Order 11063, 24 CFR, Part 8 Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act; 24 CFR, part 100 et seq Fair Housing Amendments Act; Subpart M of 24 CFR, Part 108 Affirmative Fair Housing Marketing Plan for the property, 24 CFR Part 146 Age Discrimination Act of 1975** and any legislation protecting the individual rights of residents, applicants or staff members, which may subsequently be enacted.

**Non-Discrimination and Accessibility.** Park Place Apartments provides equal housing opportunity for all eligible persons. There is no actual or implied placement based on race, ethnic origin, religious affiliation, sexual preference or marital status. All units are specially designed for accessibility. Park Place Apartments will provide reasonable additional accommodation for disabled persons including permission to use assistive animals when needed.

**Park Place Apartments** will not discriminate because of race, color, sex, **sexual orientation, gender identity**, religion, age, disability, marital status, familial status or national origin in the rental of housing or in its use or occupancy. **Park Place Apartments** will not on account of race, color, sex, **sexual orientation, gender identity**, religion, age, disabled, disability, marital or familial status or national origin:

#### **Park Place will not:**

- 1) Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to rent housing suitable to their needs.
- 2) Provide housing, which is different than that provided for others; subject a person to segregation or different treatment.
- 3) Restrict a person's access to any benefit enjoyed by others in connection with the housing program
- 4) Treat a person differently in determining eligibility or other requirements for admission.
- 5) Deny a person Access to the same level of services.

- 6) Deny a person the opportunity to participate in Planning or Advisory group, which is an integral part of the housing program.
- 7) Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons.
- 8) Discriminate against someone because of that person's relation to or association with another individual; or retaliate against, threaten, or act in any manner to intimidate someone because he or she has exercised rights under the Fair Housing Act.

**Park Place Apartments** will not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

**Park Place Apartments** will seek to identify and eliminate situations or procedures, which create a barrier to equal housing opportunity for all. In accordance with **Section 504 of the Rehabilitation Act of 1973**, Park Place Apartments will provide reasonable accommodation for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures or services.

### STATEMENT OF PRIVACY POLICY

It is the policy of **Park Place Apartments** to guard the privacy of individuals in accordance with the Federal Privacy Act of 1994 and to ensure the protection of individual records.

**Park Place Apartments** management staff will not disclose any personal information contained in Resident records to any person or agency unless the individual about whom the information is requested has given written consent to such disclosure.

This privacy policy in no way limits the management's capacity to collect such information as it may need to determine eligibility, compute rent or determine an applicant's suitability for tenancy.

Consistent with the intent of **Section 504 of the Rehabilitation Act of 1973**, any information obtained on disabled or disability will be treated in the same confidential manner.

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### DEFINITIONS

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#### **Disabled Household**

**(i) Has a disability, as defined in 42 U.S.C. 423;**

- (A) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
- (B) In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i) (1) of this title, means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.



**(ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:**

- (A) Is expected to be of long-continued and indefinite duration,
- (B) Substantially impedes his or her ability to live independently, and
- (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

**(iii) Has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that:**

- (A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (B) Is manifested before the person attains age 22;
- (C) Is likely to continue indefinitely;
- (D) Results in substantial functional limitation in three or more of the following areas of major life activity:
  - a. Self-care,
  - b. Receptive and expressive language,
  - c. Learning,
  - d. Mobility,
  - e. Self-direction,
  - f. Capacity for independent living, and
  - g. Economic self-sufficiency; and
- (E) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

**Extremely Low-Income Family**

A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes. [24 CFR 5.603]

**Elderly Family**

Elderly family means a family whose head or spouse or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

**Independent Student**

To be classified as an independent student for Title IV aid, a student must meet one or more of the following criteria:

1. Be at least 24 years old by December 31 of the award year for which aid is sought;
2. Be an orphan or a ward of the court through the age of 18;
3. Be a veteran of the U.S. Armed Forces;
4. Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
5. Be a graduate or professional student; or
6. Be married.

No assistance shall be provided under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who:

1. Is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

2. Is under 24 years of age;
3. Is not a veteran;
4. Is unmarried;
5. Does not have a dependent child;
6. Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under [Section 8 of the United States Housing Act of 1937 \(42 U.S.C. 1437f\)](#);
7. Is not a person with disabilities, as such term is defined in [section 3\(b\) \(3\) \(E\) of the United States Housing Act of 1937 \(42 U.S.C. 1437a \(b\) \(3\) \(E\)\)](#) and was not receiving assistance under such section 8 as of November 20, 2005.

**\*\*Students with disabilities receiving Section 8 as of November 30, 2005 are exempt from the Independent Student restrictions on receiving Section 8 rental assistance.**

For purposes of determining the eligibility of a person to receive assistance under [Section 8 of the United States Housing Act of 1937 \(42 U.S.C. 1437f\)](#), any financial assistance (in excess of amounts received for tuition) that an individual receives under the [Higher Education Act of 1965 \(20 U.S.C. 1001 et seq.\)](#), from private sources, or an institution of higher education ([as defined under the Higher Education Act of 1965 \(20 U.S.C. 1002\)](#)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

Please refer to [Appendix A of FR-5036-N-02](#) for further definitions pertaining to Independent Students and applicable eligibility.

**Live In Care Attendant**

A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:

1. Is determined to be essential to the care and well-being of the persons;
2. Is not obligated for the support of the persons; and
3. Would not be living in the unit except to provide the necessary supportive services.

A relative may be a [Live In Attendant](#) but must meet all of the above requirements, and sign a statement to that effect. [Park Place](#) will verify this with a physician or recognized health care professional. The sole purpose of a [Live In Attendant](#) is to provide the resident with support services and will not qualify for continued occupancy in the event the resident vacates the unit. [Park Place](#) may re-verify the need for a [Live In Attendant](#) when necessary.

The screening of [Live In Attendants](#) at initial occupancy and the screening of persons or [Live In Attendants](#) to be added to the resident household after initial occupancy involve identical screening activities as applicants. [Live In Attendants](#) must be screened for drug abuse and other criminal activity, including lifetime registration as a sex offender, by applying the same criteria established for screening other applicants. Owner-established screening criteria must also be applied to [Live In Attendants](#).

**Person with Disabilities**

Such a person has a disability, as defined in [42 U.S.C. 423](#);

1. Any adult having a physical impairment that is expected to be of long, continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

**Very Low Income Family**

A very low-income family is a family whose annual income does not exceed 50 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families. [\[24 CFR 5.603\]](#)

**Low Income Family**

A low-income family is a family whose annual income does not exceed 80 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families. [\[24 CFR 5.603\]](#)

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**Applicant Signature**

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**Date**

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**Applicant Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Management Agent Signature**

\_\_\_\_\_  
**Date**