

**Property Name**

**Property Address:**

**TENANT SELECTION PLAN**

**Created/Updated:**

**OWNED BY:**

**HOUSING OPPORTUNITIES COMMISSION  
of MONTGOMERY COUNTY**



**MANAGED BY:**

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# **INTRODUCTION**

The objective of the Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal, state, and local laws, regulations, and guidance. The Tenant Selection Plan sets forth project-specific requirements, program-specific requirements, procedures for selecting and screening applicants, occupancy standards, income limits, rents, reviews and appeals of rejection decisions, notice requirements, and unit transfers.

## **SECTION ONE: FAIR HOUSING**

### **1-A. Statement of Non-Discrimination**

It is the policy of the Housing Opportunities Commission of Montgomery County (“HOC”) and to provide equal housing opportunities for all qualified residents and applicants. In the selection of families for HOC programs, services or activities, it is unlawful to discriminate on the grounds of race, color, sex, gender identity, religion, national origin, citizenship status, familial status, marital status, partnership status, military status, lawful occupation, sexual orientation, disability, lawful source of income, or on the grounds that a person is a victim of domestic violence, dating violence, sexual assault, or stalking. Under this policy, no qualified resident or applicant will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under HOC’s programs. This policy also prohibits retaliation.

All HOC owned properties must comply with this policy in accordance with the Fair Housing Act of 1968 (as amended by the Fair Housing Act of 1988); Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act (“ADA”) of 1990 (including the ADA Amendments Act of 2008), as well as Maryland State and Montgomery County Human Rights Laws, and HUD’s regulations governing Fair Housing and Equal Opportunity, as each may be amended. All terms, conditions and privileges must be offered equally to all prospective residents, applicants, current service and/or housing voucher recipients, and current residents.

Management affirmatively markets the property as specified in its Affirmative Fair Housing Marketing Plan, if applicable.

### **1-B. Section 504 Policies and Reasonable Accommodations for Applicants with Disabilities**

Section 504 prohibits discrimination based upon disability in all programs or activities operated

by recipients of federal financial assistance.

Management will make reasonable accommodations in policies or of common or unit premises for all applicants with disabilities, as defined in listed Fair Housing Acts referenced previously in this document or any subsequent legislation. Disabled customers who require such changes in order to receive equal access to any aspect of the application process or to the property, its programs, and services are eligible to request a reasonable accommodation.

A reasonable accommodation as defined by the Fair Housing Act is any accommodation by management in rules, policies, and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. This includes acceptance of assistance animals as an exception to a property's "no pet" policy.

While not a requirement, HOC requests that all reasonable accommodation requests are submitted in writing to the extent feasible. If unable to provide the request in writing, the applicant or resident may contact management to make alternative arrangements. Reasonable accommodation requests for structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities may be approved, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens to HOC.

The Fair Housing Act Amendment of 1988 prohibits discrimination on the basis of race, color, religion, sex, national origin, disability, familial status, or any other protected class. Management will not discriminate on the basis of disability status in the admission of, access to, or treatment or employment in, its federally assisted programs and activities.

Management will consider accommodation requests from customers and determine whether the request is reasonable from a financial and administrative perspective. If the precise accommodation is not deemed reasonable, Management will participate in the interactive process with the customer to provide an alternative accommodation, which meets their disability-related needs.

Responses to requests for reasonable accommodations are provided within 45 days, unless there are delays in receiving required health verification information or a longer time is agreed upon. If the request is denied, the reason is explained to the customer. All questions or grievances concerning reasonable accommodations requests or denials are directed to the Manager's Fair Housing and Equal Opportunity Officer (or similar position).

### **1-C. Improving Access to Services for Persons with Limited English Proficiency ("LEP")**

Management will take affirmative steps to communicate with persons who need services or information in a language other than English. This may include interpreter services and/or

written materials translated into other languages. This also includes LEP due to disability. Please direct any requests for language assistance to the property's Management Office.

HOC's Language Access Plan and related content are located on HOC's website, [www.hocmc.org](http://www.hocmc.org).

## **1-D. Protection for Victims of Domestic Violence**

Based on the provisions of the Violence against Women Act ("VAWA"), Reauthorization Act of 2005, Reauthorization Act of 2013, and HUD's Final Rule (December 16, 2016), Management protects applicants, tenants, and family members of tenants who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied, evicted, or terminated from housing assistance based on acts of such violence against them. At lease signing, Management will require tenants to execute the VAWA Lease Addendum (HUD form 91067).

When responding to an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking that may affect a current tenant's participation, Management will ask that an individual complete, sign and submit, within 14 business days of the request, HOC's Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, whereby the individual certifies that he/she is a victim of domestic violence, dating violence, sexual assault, or stalking, and that the incident or incidences in question are bona fide incidences of such actual or threatened abuse, along with any available documentation of the abuse.

If an applicant family otherwise qualifies for housing under HOC's criteria, the applicant family cannot be denied admission or denied assistance because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. This provision is intended to protect victims from denial or eviction as a result of their status as a victim. It does not provide a waitlist preference for VAWA victims and does not result in victims being housed before other eligible applicants on the waitlist.

HOC's full VAWA Policy is located on HOC's website at [www.hocmc.org](http://www.hocmc.org).

# **SECTION TWO: PROPERTY DETAILS**

## **2-A. Description**

## **2-B. Preferences**

Some HOC owned properties have adopted Preferences for individuals and families that meet specific criteria. For properties which have adopted specific Preferences, applicant households who meet the required Preference criteria come to the top of the waitlist. After Preference criteria, applicant households are selected in order of date/time stamp. The \_\_\_\_\_ has adopted the following preference for admission for tenancy:

\_\_\_\_\_ :

- Please reference the Affordable Housing Programs section below.

This property has no applicable preferences.

Any Preference indicated above does not limit individuals and families from applying to this property, however, applicants meeting the Preference will come to the top of the waitlist prior to other applicants/families who do not meet the Preference criteria. Families not meeting the specific Preference criteria come to the top of the waitlist once all individuals/families who did meet the Preference criteria are exhausted.

## **2-C. Unit Breakdown/Rents/Utilities/Security Deposits**

Please reference Addendum \_\_\_\_\_ for specific unit information.

## **2-D. Occupancy Standards**

Please reference Addendum \_\_\_\_\_ for this property's Occupancy Standards.

## **2-E. Pet Guidelines/Service/Assistive Animals**

Please reference Addendum \_\_\_\_\_ for pet policies specific to this property, including exceptions to the property's pet policy regarding Reasonable Accommodations for service and assistive animals.

## **2-F. Parking Guidelines**

Please reference Addendum \_\_\_\_\_ for details specific to this property's parking policy.

## **2-G. Smoking/Air Quality Guidelines**

At its discretion, the Commission may designate any unit and/or apartment complex as a smoke-free living environment. As advised by the Commission, residents occupying a designated smoke-free living environment must comply with the conditions outlined in the lease. Please reference the lease for details.

## **2-H. Sole Residence Requirement**

A family is eligible for assistance only if the HOC unit will be the family's only residence.

## **2-I. Prohibition Against Double Subsidies**

Under no circumstances may any customer benefit from more than one of the following subsidies: Rent Supplement, Rental Assistance Program ("RAP"), Section 202 PAC, Section 202 PRAC or Section 811 PRAC, or Project-Based Rental Assistance, including Section 202/8, or any Public and Indian Housing ("PIH") rental assistance program. Customers are prohibited from receiving assistance for two units at the same time. In addition, tenants must not benefit from Housing Choice Voucher assistance in a unit already assisted through Project-Based Rental Assistance, Rent Supplement, RAP, Section 202 PAC or Section 202 PRAC and Section 811 PRAC, or Public Housing.

This prohibition does not prevent a person who is currently receiving assistance from applying to the assisted property. However, the assisted tenancy in the unit being vacated must end the day



before the subsidy begins in the new unit. Management will use the Enterprise Income Verification System (“EIV”) to determine if the applicant or any member of the applicant’s household is currently receiving HUD assistance, where applicable.

## **SECTION THREE: PROGRAM REQUIREMENTS**

### **3-A. Governing Affordable Housing Programs**

HOC has collaborated with various Housing Agencies and Private Investors to make this affordable housing available to the community. The programs applicable to are listed below. One or more of the programs listed below may be applicable to a specific unit. Units which are layered with more than one program must take into account the regulations for all programs, including the most restrictive income and rent limits:

Low Income Housing Tax Credits - LIHTC

Housing Choice Vouchers - HCV

### **3-B. Housing Program Requirements**

The topics below are references in the attached affordable housing addendum(s) applicable to this property. The addendum(s) will provide additional detail regarding the general affordable housing program requirements below.

- **Citizenship:** Some housing programs have certain restrictions involving citizenship status.
- **Social Security Numbers:** Some housing programs have requirements for providing SSNs and documentation.
- **Eligibility of Students:** Some housing programs have restrictions on the eligibility of full- and part-time students.
- **Consent and Verification forms:** Affordable housing programs typically require one or more information release forms. Some programs require specific program forms. These forms allow management staff to verify information relevant to program eligibility and participation, and provide consent to conduct background screening.

- **Maximum/Minimum Income Limits:** Affordable housing programs generally implement maximum income limits for eligibility and/or participation. These income limits are typically based on the HUD-published income limits for a given area, but calculations can vary between programs. If multiple programs apply to a given unit, the most restrictive must be adhered to. Additionally, minimum income limits may apply.
- **Income Targeting/Averaging:** Income targeting occurs when property staff must target applicants with a specific income level in order to remain compliant with the program regulations.
- **Rent Limits/Utility Allowances:** Affordable housing programs, where rents are capped as opposed to subsidized, typically set maximum rent limits based on a percentage of the income limits. Utility allowances may be incorporated into the rent formula when tenants are responsible for paying utilities. Utility allowances are set to take some burden off tenants in these situations, contributing to the affordability of the unit.
- **Annual/Interim Recertification Requirements and Rent Increases (including penalties for failure to recertify):** Affordable housing programs generally require annual household re-certifications. Income based subsidy programs may require and/or allow for interim re-certification between annual re-certifications.

## **SECTION FOUR: WAITLIST**

HOC's electronic waitlist for the \_\_\_\_\_ open continuously. In the event the waitlist has to close, a notice will be posted publicly. Management will not refuse any customer the right to apply for housing unless the waitlist is closed for a particular unit size or type. Applications are evaluated using the criteria for admission. The position on the waitlist is determined by applicable preferences and date and time at which all application materials are received. However, acceptance to the waitlist does not automatically guarantee eligibility for a unit.

A contingent offer of housing is made by telephone, letter, and/or electronic communication. A family offered housing has 10 business days from notification to confirm to management their intention to accept or reject the offer of housing. Any deviation from this time frame must be approved in writing by Management Staff. All applicants are responsible for updating their electronic wait list profile with any changes in their contact information, income, and/or household size in order to remain active on the current waitlist. Applicants must update their information electronically via the property's electronic waitlist or by written submission in a manner approved by Management staff.

Any eligible family who refuses an offer of housing due to medical or disability-related reasons, with an approved Reasonable Accommodation will not lose their place on the call-up list. The family will remain on the call-up list and will be called for the first available unit, which meets their medical and/or disability-related needs.

#### **4-A. Application Process and Tenant Selection**

1. **Accepting Applications** - A formal application is executed by the applicant prior to admission to the property. All applications are made in such a form as prescribed by HOC, unless otherwise noted in an approved Reasonable Accommodation. The Application for Admission constitutes the basic record of each family applying for admission. All supplemental materials pertaining to eligibility are also considered a part of the application record and are carefully recorded. This includes verifications of income and family composition, and such other data as may be required.
2. Applicants must complete a full application, present SSN information, citizenship/eligible immigrant information (if applicable), and sign any required consent or release of information forms. Further screening as described in the applicant screening criteria section is completed at the time an applicant is selected from the waitlist. Units are rented to eligible persons in the order of application receipt.

The application process includes:

- Collection of all information necessary to determine program eligibility;
- The opportunity to state the need or desire for an accessible unit;
- A listing of all household members, including any live-in aides; and
- A self-certification as to the accuracy of all information contained in the application.

All applicants who fail to keep a scheduled appointment/deadline (on-site or virtual), are sent a notice of termination of the process for eligibility. Families are allowed one opportunity to reschedule for a good cause. Generally, no more than one opportunity is given to reschedule, unless there are extenuating circumstances. When good cause exists for missing an appointment/deadline, management will work closely with the family to find a more suitable time. Applicants are offered the right to an informal review before their removal from the applicant pool and/or waitlist.

#### **4-B. Applicant Screening Criteria**

The Tenant Selection Plan sets forth the essential requirements of tenancy and the grounds on which tenants may be rejected. Management will secure a Credit and Criminal background check

using approved third party and credit bureau databases. HOC implements application and screening processes and criteria in accordance with the HUD, the state of Maryland, and Montgomery County (including the Montgomery County Housing Justice Act). In addition to credit and criminal background, HOC verifies applicant rental history. Management will secure background information from one or more of the following sources for all adult household members to obtain information regarding an applicant's ability to meet the essential requirements of tenancy:

- Verification of income from an employer or agency.
  - See program specific addendum for specifics.
  - Not applicable to properties with Project-Based Rental Assistance.
- Verification of a disability from a medical professional or healthcare practitioner when the applicant requests a modification to a unit, eligibility for a preference based on disability status, or a reasonable accommodation (if such verification is necessary for the reasonable accommodation; in which case, the verification may be provided by the types of providers identified in HOC's Reasonable Accommodation Policy). Inquiries concerning a person's disability or disabilities in this regard are limited to a health provider's explanation of how the accommodation requested is essential in order to meet the disability-related needs of a member of the household.
- Credit, criminal, and rental history.
- HUD's EIV Existing Tenant Search, to determine if the applicant or a household member is residing in another HUD-subsidized unit. EIV is used for all Project-Based Rental Assistance applicants.

In accordance with the Montgomery County, Maryland, Housing Justice Act, applicants are first screened for credit, rental history, and preliminary income per guidelines above. If the applicant is determined eligible based on these factors, a conditional offer of approval is provided. This conditional offer is based on a satisfactory criminal screening and the completion of any other documents required to determine housing program eligibility. If an applicant is denied/rejected for any reason during the screening/eligibility process, management staff will proceed according to the Notice of Negative Action section below.

**i. Household Income**

Annual income may not exceed the applicable income limit for program/s tied to a specific unit, as indicated above. All household income sources must be disclosed for screening and eligibility purposes. Please reference the applicable housing program section/addendum.

**ii. Rental History**

An applicant must document satisfactory and verifiable references from all previous landlords. The references should indicate that the applicant paid rent in a timely manner, does not have outstanding utility bills, complied with facility policies and lease requirements, and left the property in an acceptable condition with any back balances paid in full.

- a) An applicant must not have had any Landlord-Tenant cases filed against them, which resulted in eviction or judgment against the applicant.
- b) An applicant must have the demonstrated ability to maintain acceptable housekeeping standards.
- c) An applicant must not have a debt to another housing authority or federally funded housing program.
- d) The applicant must not have a history of disturbance of neighbors in a prior residence or behavior, which if repeated by a tenant, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units.
- e) The applicant must not have a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant of housing, would be detrimental to the housing development or to the health, safety, security or peaceful enjoyment of other tenants.
- f) Applicants must be able to demonstrate that they can transfer the utilities for the unit under their name. Applicants must not have a history of delinquent utilities, or current debts to utility companies.

### **iii. Credit History**

Property staff will perform a credit history review using a qualified third-party vendor. Credit information is obtained by the vendor from a recognized credit bureau. The absence of a credit file will not adversely affect the applicant. Each applicant's report is reviewed to determine the history of their payment practices including utilities, outstanding loans, judgments, repossessions, foreclosures, and other similar actions. The uses to conduct credit history screenings.

If the applicant's denial is based upon a credit report, the applicant is advised of the source of the credit report in accordance with applicable laws. Management is obligated to tell an applicant who is refused housing for credit reasons the name and address of the credit reporting firm. The credit report is not shown to the applicant nor will specific information in the report be revealed. This information will come directly from the third-party screening vendor listed above.

#### **iv. Criminal History**

**Criminal history checks are only conducted upon conditional offer of an available unit in accordance with the Montgomery County Housing Justice Act (see below).**

**After a satisfactory credit and rental history screening, the applicant's criminal background screening is conducted. The \_\_\_\_\_ uses \_\_\_\_\_ to conduct criminal background screening. Criminal background screenings are conducted in accordance with the guidelines below.**

**An applicant is denied admission if it is determined that the applicant or any other person who will reside in the unit:**

- a) Has ever been convicted of any of the following: the production or manufacturing or methamphetamine; crimes against the government including tax evasion, tax fraud, or public assistance fraud; or acts of terrorism, including the use, dissemination, or detonation of a weapon of mass destruction.**
- b) Has a conviction history of criminal activity involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;**
- c) Has been convicted of any drug-related criminal activity and/or violent criminal activity in the last three years since the date of conviction (or the end date of incarceration, if applicable) (except as required by the Montgomery County, MD Housing Justice Act);**
- d) Has been convicted of criminal activity in the last three years since the date of conviction (or the end date of incarceration, if applicable) that would threaten the health or safety of property management staff or any employee, contractor, subcontractor or agent of the Owner who is involved in the housing operations;**
- e) Was evicted from federally assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use of drugs (except as required by the Montgomery County, MD Housing Justice Act);**
- f) Was evicted from federally assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802; and/or**

- g) Any household member is subject to lifetime registration requirements under a state or federal sex offender registration program.**
  - **Other sex offender registration requirements and sex crimes are reviewed on a case-by-case basis.**
- h) Is illegally using a controlled substance or is abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. Management may waive this requirement if the person:**
  - **Demonstrates that the he or she is no longer engaging in drug-related criminal activity or abuse of alcohol;**
  - **Has successfully completed a supervised drug or alcohol rehabilitation program;**
  - **Has otherwise been rehabilitated successfully; or**
  - **Is participating in a supervised drug or alcohol rehabilitation program.**

**Pursuant to the Montgomery County, Maryland Housing Justice Act, HOC will not at any time require an applicant to disclose, conduct a criminal record check solely to determine, inquire of the applicant, or base a rental decision on the following:**

- 1) Arrest records that did not result in a conviction.**
- 2) Any misdemeanor if two years have passed since the date of conviction and end date of incarceration if applicable.**
  - a. Excluding any crimes of a sexual nature under Title 3 of the Criminal Law Article of the Maryland Code, or a violation of Sections 11-102, 11-103, 11-104, 11-305, or Title 11, Subtitle 3, of the Criminal Law Article of the Maryland Code.**
- 3) Arrest record, conviction, or accusation of the following offenses:**
  - a. Trespass under §§ 6-402 or 6-403 of the Criminal Law Article of the Maryland Code.**
  - b. Theft as a misdemeanor under § 7-104 of the Criminal Law Article of the Maryland Code.**
  - c. A refusal or failure to leave public buildings or grounds under § 6-409 of the Criminal Law Article of the Maryland Code.**
  - d. Indecent exposure under § 11-107 of the Criminal Law Article of the Maryland Code.**
  - e. Public urination under § 32-17A of Chapter 32 of the Montgomery County Code.**
  - f. Open container violation under § 10-125 of the Criminal Law Article of the Maryland Code.**

- g. Possession of marijuana as a misdemeanor or civil violation under Title 5 of the Criminal Law Article of the Maryland Code.
  - h. A first conviction of disturbance of the peace or disorderly conduct under § 10-201 of the Criminal Law Article of the Maryland Code.
  - i. A vehicle law violation under the Transportation Article of the Maryland Code.
- 4) Records which are confidential under Section 3-8A-27 of the Courts and Judicial Proceedings Article of the Maryland Code.
  - 5) Records that have been expunged under Sections 10-101 through 10-110 of the Criminal Procedure Article of the Maryland Code.

***Note: Any applicant or tenant denied or terminated for criminal activity will have a chance to appeal prior to a final decision and present relevant information. Management will conduct a review and analysis of the circumstances of the criminal activity prior to making a final determination.***

## **SECTION FIVE: OFFER OF AVAILABLE UNITS**

When a unit becomes available for occupancy, it is offered to existing tenants with approved transfer requests. It is then offered to families at the top of the waitlist for that unit type. HOC may contact three applicants at once in an attempt to fill a vacant unit. These applicants will be provided with a deadline by which to respond. If multiple applicants respond timely, the unit will be offered to the responding applicant who is highest on the waitlist. Once the unit/s are filled, applicants who were selected, but not used to fill a unit at that time are returned to the waitlist. If the first family is not eligible or chooses to decline the unit, they are removed from the waitlist and the next family begins the application/verification process. The selected family is provided with 14 days to complete the full application process. If the applicant fails to respond within the required timeframe, the application is canceled, and the unit is offered to the next family on the waitlist.

Selected applicants complete the initial screening steps (credit, landlord, and income), are provided a conditional unit offer, and then complete the criminal screening and full application and other required paperwork. Upon offer of a unit customers may inspect the unit along with management. Customers are then required to sign a rejection or acceptance of offer form. Upon acceptance of the offer, the customer is assigned a deadline for move-in. Before the end of this period, the customer must complete all outstanding pre-occupancy requirements and execute a lease. Typically, this deadline is within five business days of offer acceptance, but may be extended by Management as a reasonable accommodation. Failure to complete all of the move-



in requirements within the assigned period will result in withdrawal of the offer and cancellation of the application. Applicants who are applying with a Housing Choice Voucher or other subsidy will be processed according to the timeframes and processes required by the subsidy program. Property staff will work with HOC's Housing Resources Division, or any other subsidy administrator, to process the move-in as efficiently and timely as possible.

If the customer is willing to accept the unit offered but is unable to move at the time of the offer and presents clear evidence of his inability to move to the Manager, Management may permit a delayed move-in schedule. Such delays are permitted on a case-by-case basis, only. If an applicant presents, to the satisfaction of the Fair Housing and Equal Opportunity Officer, clear evidence that acceptance of a given offer of a suitable vacancy will result in undue hardship due to their disability-related needs, HOC may permit the customer to turn down a unit and receive another unit offer as soon as one becomes available.

If an applicant rejects a unit offer without good cause (one time for properties with Project-Based Rental Assistance or two times for other programs), they will be removed from the waitlist.

## **5-A. Unit Transfer Policy**

In filling vacant units, Management must first make offers to current residents on the property's Transfer List before calling up new customers from the waitlist.

Resident transfers are permitted for the following reasons:

1. As an emergency transfer due to a VAWA claim, fire, or natural disaster.
2. As a priority transfer due to an approved reasonable accommodation or other medical reason certified by a doctor.
3. As an administrative action for under-housed or over-housed families according to the occupancy standards listed in this document.

The following criteria may be considered when evaluating a transfer request:

- Length of tenancy
- Resident's rental history
- Unit Inspection
- Resident's compliance with their lease obligations

Management maintains a formal transfer list for current residents of the property. When a vacancy occurs, Management determines if a transfer is warranted from the internal transfer list before proceeding to the general wait list to select an applicant for the vacant unit. Transfer requests are submitted in writing to Management. Approved transfers are placed on an in-house transfer waitlist. Approved transfers are prioritized in the order described above and by date approved, for each unit size. Except in the case of emergency and priority transfers, residents

may be required to pay all costs connected to their transfer. These costs include, but are not limited to, repairs in excess of normal wear and tear and relocation costs.

## **5-B. Accessible or Adaptable Units**

Accessible units are first offered to families who may benefit from the accessible features. If a unit with accessible features becomes vacant, management will offer the unit: first, to a current resident of the property who requires the accessible feature; then second, to an eligible qualified applicant on the waitlist who requires the feature; and third, to an eligible qualified applicant on the waitlist without a disability. If offered to an applicant without a disability, the family may be required to relocate to a different unit to accommodate a current tenant or future applicant, who requires the accessible features.

If a current resident requires an accessible unit and there is not a suitable unit available, that resident is put on the transfer list and will receive first priority for the appropriate unit if/when one becomes available.

# **SECTION SIX: MOVE-IN/MOVE OUT PROCEDURES**

The Manager will use a lease in accordance with applicable program regulations and laws, including any applicable addendums. The lease is reviewed with the customer in its entirety prior to execution by the customer.

Each new resident receives a tour of the property. In addition, the residents are instructed on appliance care, office hours, proper payment of rent, and the procedure for requesting maintenance service. New residents are instructed on the basic rules and regulations of the property. New residents are also notified of any applicable Homeowners Associations and corresponding responsibilities and/or fees.

Prior to move-in, the applicant must transfer the utilities for the approved unit, as indicated above, into their name. Property staff provides applicants with the necessary information to do so.

Prior to initial occupancy, Management meets with the customer to explain, at a minimum, the following topics:

1. Security Deposits, Surety Bonds, and refunds

2. Use of the EIV System after move-in (Project-Based Rental Assistance)
3. Annual Recertification process (All Affordable Housing Programs)
4. Interim Recertification process (Project-Based Rental Assistance)
5. Unit inspections
6. House Rules
7. Transfer Policy
8. LIHTC/Project-Based Rental Assistance /HOME student eligibility
9. Violence Against Women Act
10. Household income reporting requirements
11. Reporting changes in household composition
12. Unit rent and other charges
13. HUD Model Lease
14. Pet Policy
15. Bed Bug Guidelines
16. No Smoking Guidelines
17. Lead-based paint
18. Parking Guidelines
19. HOA responsibilities

Prior to initial occupancy, the customer must pay a security deposit in the amount indicated on the <Insert Addendum Reference> or purchase a Surety Bond (if applicable) and the applicant file is documented with a copy of the check or proof of payment from the source of the Surety Bond.

### **6-A. Unit Inspections**

Upon move-in, new residents inspect the apartment together with Management, and make note of any deficiencies in the unit. The inspection form is used again upon move-out and the resident is charged for any damages beyond normal wear and tear with the exception of items noted at move-in.

When the inspection is conducted, both management and the applicant/tenant must sign the inspection, confirming both parties agree on the outcome.

## **SECTION SEVEN: LEASING OF A DWELLING UNIT**

The Head of Household and all adult household members are required to execute the following items in addition to the base lease, if applicable to the property:

- Housing program initial eligibility packet and housing application
- The “Initial Certification” for 50059 (Project-Based Rental Assistance)
- Violence Against Women Act (VAWA) Notice of Occupancy Rights
- The “Initial Tenant Income Certification (“TIC”)” for Tax Credit
- Appropriate housing lease and applicable addendums

A copy of the lease is provided to the lessee and the original is filed as part of the permanent record established for the family.

## **SECTION EIGHT: OTHER GROUNDS FOR DENIAL**

The following additional items constitute grounds for denial of housing and/or program eligibility:

- The applicant failed to provide information reasonably necessary for the housing provider to process the applicant's application.
- The applicant misrepresented or falsified any information required for submission as part of the applicant's application or a prior application submitted within the last three years, and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- The applicant, or a household member, has directed abusive or threatening behavior, which was unreasonable and unwarranted, towards Management or Management's employee during the application process or any prior application process within the last three years.

## **SECTION NINE: NOTICE OF NEGATIVE ACTION**

Management follows the Fair Credit Reporting Act, Montgomery County, Maryland, Housing Justice Housing Act, and HUD guidance during this process to ensure a fair assessment is performed. Once completed and all materials evaluated, any application not meeting the above requirements is rejected and provided with a Pre-Adverse Action Letter (where applicable) and/or Adverse Action Letter. Copies of the Pre-Adverse Action and Adverse Action letters are filed with the applicant's folder and HOC retention protocol must be followed.

Once the applicant's screening is completed and all materials evaluated, any application not meeting the above requirements is rejected. In the event that an applicant is rejected, the applicant will receive written notification.

The following procedure is used if an applicant is found to be ineligible:

- a) The applicant is promptly notified, in writing, of the determination of ineligibility. The letter explains why the applicant is not eligible.
- b) The Pre-Adverse Action Letter advises the applicant that they have 14 business days to respond in writing or request a meeting with a representative of Management not involved in the original determination process.
- c) The Pre-Adverse Action Letter also informs the applicant that responding to the rejection letter does not preclude the applicant from exercising other legal remedies.
- d) If the applicant responds in writing and/or after an appeal review is conducted, the applicant is advised, in writing, if the decision is reversed or upheld (Adverse Action Letter). Notification is sent within five (5) business days from the date of the owner's response or meeting.

All applications, Pre-Adverse Action and Adverse Action Letters, correspondence, and final responses are retained for a period of four years after application or after termination of subsidy/tenancy. The customer's file also contains documentation from all interviews and verified information on which the determination of ineligibility or non-acceptance was based. The files are maintained in a manner that respects the applicant's right to privacy.

The Pre-Adverse and Adverse Action Letters also state that persons with disabilities may request reasonable accommodations to participate in the hearing process. The applicant may exercise other rights if the applicant believes that he/she has been discriminated against on the basis of race, color, religion, sex, disability, familial status, or national origin.

## **SECTION TEN: GRIEVANCES AND APPEALS**

HOC's Grievance Process is designed to resolve disputes between a customer and Management because of either an action that Management did or that it failed to do (under the lease or under HOC's regulations), which will cause an adverse impact on the customer's rights, duties, welfare, or status. This includes lease termination, eviction, adding charges for maintenance or repair, not scheduling timely repairs, or transferring to another unit. This Appeals Process is not for disputes between tenants, for class grievances, or for dealing with issues between tenants or tenant groups and HOC's Board of Commissioners. Moreover, this Appeals Process does not cover grievances connected to personal injury, property damage, or to challenge an HOC policy or procedure.

Any customer at this property is eligible to request an appeal under this section. This includes applicants and residents. Applicants are defined as customers called for a specific housing opportunity through a covered HOC affordable housing program, but have not yet leased up in

their unit and begun their tenancy. Residents are defined as customers currently residing in a unit or property owned by HOC, who are active in their tenancy or are transferring or relocating with their assistance to another unit in the same program.

Additional information regarding the grievance and appeals process for HOC customers is available in HOC's primary Grievance Policy. This Policy is available on HOC's main website at [www.hocmc.org](http://www.hocmc.org).

## **SECTION ELEVEN: RESIDENT PROCEDURAL RIGHTS UNDER HUD RENTAL ASSISTANCE DEMONSTRATION (“RAD”)/CHOICE-MOBILITY**

HUD's RAD program was implemented to convert existing Public Housing subsidies to more efficient forms of subsidy, primarily Project-Based Rental Assistance and Project-Based Voucher. The RAD regulations are published in Public and Indian Housing (“PIH”) Notice 2019-23: Rental Assistance Demonstration-Final Implementation, Revision Four.

- RAD Procedural Rights apply to this property:

Yes: Please reference .

No: Does not apply to this property.