

**Section 8 Family  
Tenant Selection Plan  
For**

Timbercroft Apartments  
67 Timber Grove Rd.  
Owings Mills, MD 21117  
(410) 356-7992

**A HUD-Subsidized Affordable Property  
Professionally Managed by:**

**FPI** MANAGEMENT

800 Iron Point Road  
Folsom, CA 95630



## **PROPERTY INFORMATION**

Property Name	Timbercroft Apartments
Property Contact Name	Community Director
Address	67 Timber Grove Road
City, State, Zip	Owings Mills, Maryland 21117
Phone	(410) 356-7992
Fax	N/A
TTY/TDD/Audio Relay	711 National Voice Relay

## **SMOKE FREE POLICY**

Smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, property staff, applicants, residents, guests, and servicepersons.

“Smoking” shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, cigar, pipe, hookah, other tobacco products, marijuana including medical marijuana, herbal smoking products “Legal Weed” or products known as “bath salts” or other legal or illegal substance.

## **NO PETS**

Residents are not allowed to keep pets, of any kind, in the unit.

If an applicant wishes to request approval of an assistance animal – necessary to alleviate the symptoms or side-effects of a disability – the applicant (or applicant’s representative) must request a reasonable accommodation.



## **SECTION 8 - SECURITY DEPOSIT REQUIREMENTS**

The owner/agent must collect a security deposit at the time of the initial lease execution. The owner/agent will comply with any HUD regulations and applicable state and local laws governing the security deposit. The security deposit amount is based on **one month’s Total Tenant Payment (TTP)**.

If the move-in certification is corrected, and the TTP is recalculated, the security deposit requirement will be recalculated as well. Otherwise, the amount of the security deposit established at move-in does not change when a resident’s rent changes.

The applicant is expected to pay the security deposit from his/her own resources and/or other public or private sources. An applicant will be rejected if he/she does not have sufficient funds to pay the deposit.

## **ELIGIBILITY REQUIREMENTS**

### **PROPERTY ELIGIBILITY DEFINITION**

#### **Household/Resident Type**

This multi-family Section 8 property is designed to provide housing to families who meet the eligibility and screening requirements.

#### **Income Limits**

Income limits vary by household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <http://www.huduser.org/datasets/il.html>

HUD requires that the owner/agent incorporate the most recently published income limits when determining eligibility. Income limits are updated annually (usually around February) for Baltimore County, Maryland.

This property contains 284 subsidized apartments.

For this property, qualified applicant households must meet the following income limit requirements:

Subsidy	Type of Income Limit
Section 8 (pre-1981)	<b>Low</b> – 80% of median income <b>Very low</b> – 50% of median income <b>Extremely low</b> – Families whose incomes do not exceed the higher of the federal poverty level OR 30% of area median income

#### Occupancy Standards

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that applicants/residents are treated fairly and consistently and receive adequate housing space. Owner/agent will take into consideration mitigating circumstances such as reasonable accommodations for disabilities and verified medical reasons for a larger unit.

Below, please find this property's occupancy standards description:

Number of Bedrooms	Min. # Household Members	Max. # Household Members
1	1	3
2	2	5
3	3	7

After moving in, if changes in household composition cause a household to become over-housed or under-housed, the family must transfer, within 30 days, to the first available unit of the proper size, if available, based on the above occupancy standards.

If a preliminary eligibility review indicates that a household appears eligible for tenancy, but units of appropriate size are not available, the owner/agent will place the applicant household on the waiting list and notify the household when a suitable unit becomes available.

If an applicant is otherwise eligible but no appropriate unit size exists in the property, the owner/agent will reject the application.

Placement on the waiting list does not indicate that the family qualifies for selection; that determination can only be made after verifications and screenings have been completed.

#### Verifying the Need for an Accessible Unit

When an applicant requests an accessible unit or a unit preference, such as a first-floor unit, the owner/agent will conduct inquiries to:

- 1) Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability
- 2) Verify that the applicant needs the features of the unit as an accommodation to his or her disability
- 3) Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability

#### Preferences

Applicant families with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicant families based upon household circumstances.

Preferences affect only the order applicant families are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible. Preferences are not permitted if they, in any way, interfere with affirmative marketing efforts or fair housing requirements.

#### Statutory & Regulatory Preference – Displacement

Applicant families who have been displaced by government action or a presidentially declared disaster will receive preference over other applicant families.

#### Owner/Agent-Adopted Preferences

“Working Families” - While still complying with Income Targeting requirements, a preference will be given to applicant households in which the head, spouse, or co-head of the household is employed. For households in which the head, co-head or spouse is 62 or older, or to a person with disabilities, this preference shall not apply.

“VAWA Emergency Transfers” - Families that qualify for a VAWA Internal Emergency Transfer may receive preference over other residents who have requested a unit transfer. Please see the VAWA Policy and the VAWA Emergency Transfer Plan and/or contact property staff for additional information.

#### Verification of Preferences

All preferences will be verified using the verification methodology described in this tenant selection plan.

Special consideration applies when a VAWA Emergency Transfer Request is submitted by a victim of a VAWA crime. If this is your situation, please contact the property staff for additional information.

#### When a Request for Preference is Denied

If it is determined that an applicant does not meet the criteria for receiving a preference, the applicant will receive written notice of this determination within ten (10) business days. The notice will contain the reasons for the determination. The applicant family has the right to meet with the owner/agent representative to review or appeal the decision.

#### Change in Preference Status While on the Waiting List

Occasionally households on the waiting list who did not qualify for a preference when they applied will experience a change in circumstances that qualifies them for a preference. In such cases, it is the responsibility of the applicant to contact the owner/agent so that their change in status may be verified and the waiting list can be updated to reflect the preference as appropriate.

To the extent the verification determines the applicant family does now qualify for a preference, they will be selected from the waiting list in accordance with the preference and the date the application was received.

#### Exceptions to the Preference Rule

Management will give priority to current residents:

- Residing in a unit that has been determined uninhabitable due to flood, fire or other natural disaster
- When a unit is designated for rehabilitation or repair

These situations represent extenuating circumstances and the normal selection order may be adjusted to address the needs of these residents.



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## **THE PURPOSE OF THE TENANT SELECTION PLAN**

The tenant selection plan helps to ensure that applicants/residents are selected for occupancy in accordance with HUD requirements and established owner/agent policies.

Please contact the management office if you need help understanding this document.

- Contacte por favor la oficina de gestión si usted necesita ayuda a comprender este documento. (Spanish)
- Por favor contate o escritório de gerência se deve ajudar entendimento este documento. (Portuguese)
- Si vous avez besoin d'aide à la compréhension de ce document, veuillez communiquer avec le Bureau de gestion. (French)
- Souple kontakte Biwo jesyon a si w bezwen èd pou konprann dokiman sa a. (Haitian Creole)
- Xin liên lạc với văn phòng điều hành nếu bạn cần giúp đỡ sự hiểu biết tài liệu này. (Vietnamese)
- Пожалуйста свяжитесь с офисом управления, если Вам нужна помощь в понимании этого документа. (Russian)
- Bitte kontaktieren Sie das Leitungsbüro, wenn Sie helfen müssen, dieses Dokument zu verstehen. (German)
- 請聯絡管理辦公室，如果你需要幫助理解這份文件。(Chinese)
- もしこの文書を理解しているための助けを必要とすれば、経営オフィスと連絡を取ってください。(Japanese)

## **AVAILABILITY OF THE TENANT SELECTION PLAN, APPLICATION AND SUPPORTING DOCUMENTS**

A copy of the current Tenant Selection Plan is available upon request. Applicants, or someone assisting applicants with the application process, may request a paper copy by contacting the property management staff.

## **BUSINESS RELATIONSHIP**

The relationship between a landlord (owner/agent) and an applicant or resident is a business relationship. There is never justification for conduct which is disrespectful or unprofessional. Rather, the property staff should strive to be objective, consistent and fair.

A positive attitude and professionalism contribute greatly to establishing and nurturing a positive relationship between the property staff and the property's applicants and residents.

The owner/agent reserves the right to refuse rental to anyone who is verbally abusive, swears, is disrespectful, makes threats, uses discriminatory language, appears to be intoxicated or under the influence of alcohol or drugs, is argumentative, or in general displays an attitude, at any time, which causes the owner/agent or the property staff to believe there would not be a positive business relationship.

If an applicant, or any member of the applicant's family, demonstrates unprofessional behavior in the presence of the property staff or other applicants/residents, the applicant, the applicant's family and other members of the applicant's family (if applicable) will be required to leave the property and the application will be rejected.

If the applicant, or any member of the applicant's family, exhibits threatening behavior, appears to be intoxicated or under the influence of alcohol or illegal drugs or attempts to intimidate the property staff, the applicant, the applicant's family and other members of the applicant's family (if applicable) will be required to leave the property and the application will be rejected.

If the applicant, or any member of the applicant's family, is not appropriately attired, when visiting the management office, the applicant will be asked to leave. Appropriate attire includes shoes, shirts and pants, shorts or skirts.

The use of cell phones or other devices is not allowed when engaging with the property staff. If an applicant/resident is participating in a cell phone call, texting, reading a text or otherwise using an electronic device (not necessary to alleviate the symptoms of a disability), the property staff will discontinue any communication until the applicant/resident is able to "disengage".



To ensure the privacy of property staff, property applicants and residents, use of cell phones or other electronic devices, except those necessary to alleviate the symptoms of a disability, by applicants or residents, is not allowed in the management office.

Animals, (other than service animals necessary to allow the applicant/resident to conduct business with the owner/agent) are not allowed in the management office.

Children are always welcome. When in the management office, minors must be supervised by an adult. It is not the responsibility of the property staff to provide child care or supervision of minors.

Aside from standard property charges, property staff is not permitted to accept any money, gifts, services or favors connected with the application process or associated with any aspect of residency on this property. If property staff solicits any mandatory payment for any part of the application process, the applicant should notify the Regional Property Manager at 916.357.5300.

### **USE OF MARIJUANA – FEDERALLY FUNDED PROPERTY**

Regardless of the purpose of legalization under state law, the use of marijuana in any form, is illegal under the Controlled Substances Act (CSA) and therefore is an illegal controlled substance under Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Based on federal law, new admissions of any marijuana user – including people who use medical marijuana - are prohibited.

QHWRA requires that owner/agents establish lease standards that prohibit admission based on the illegal use of controlled substances including state legalized marijuana. State laws that legalize medical marijuana directly conflict with QHWRA and thus are subject to federal preemption.

Residents are prohibited from using marijuana (even in a smokeless manner) at a federally funded property.

If HUD rules change, the property Tenant Selection Plan and the property House Rules may be edited to conform to the policies set forth by HUD.

### **HOUSING ASSISTANCE DEFINITION**

This property is operating under the guidelines established for the HUD Section 8 program. Each adult person must be capable of fulfilling the lease requirements

### **SUBSIDY**

Residents at this property are offered subsidized rent. The rent that a household will pay is based upon the household income. The rent paid by residents may vary based on that household circumstances.

### **Single Residence/Subsidy Criteria**

A household is eligible for assistance only if the unit will be the household's only residence. The owner/agent will not knowingly assist applicant families who will maintain a residence in addition to the HUD-assisted unit.

**Applicants MUST disclose if they are currently receiving housing assistance.** Applicants/residents can only receive subsidy for one unit/residence at a time. This prohibition does not prevent a person, who is currently receiving assistance, from applying for an assisted unit in another property.

If there is dual subsidy, prior to receiving the keys to the unit on move-in day, the applicant is required to provide proof that the household has moved out of the prior HUD-assisted housing and the date the keys were returned. Proof can consist of any of the following documents:

- Letter from current property on letter head (signed and dated) stating the date the keys to the prior unit has been returned or,
- Copy of the move-out HUD-50059A Partial Certification from the prior property.





There is an exception to this rule. Children in joint custody arrangements can receive HUD housing assistance in two units when both parent/guardian families receive HUD housing assistance. However, only one household may use the \$480 dependent deduction to determine adjusted income. In these cases, additional verification is required. The owner/agent will request:

- Verification of the custody/guardianship/living arrangement
- Verification of the use of the \$480 deduction (only one family may take advantage of the \$480 dependent deduction). The owner/agent will verify use of the \$480 dependent deduction with the other owner/agent if:
  - The child will live in the unit at least 50% of the time and
  - The parent wishes to claim the \$480 deduction, and
  - Both families are receiving HUD housing assistance

### Housing Choice Vouchers

The owner/agent may not admit an applicant family if any member is in possession of a HUD housing assistance voucher provided through HUD's Public and Indian Housing (PIH) program unless the applicant agrees to give up the voucher prior to occupancy. This will be verified with the Housing Authority providing the HUD housing assistance voucher.

If the owner/agent discovers that any household member failed to give up current HUD assistance before moving to this property, no rent subsidy or utility allowance will be provided by the Department of Housing and Urban Development until the day after the move out/surrender of the previous unit is complete.

Household members who signed the lease will be responsible for paying the market rent until qualified to receive HUD assistance on this property. Any assistance paid in error must be returned to HUD, and is the responsibility of the Household members who signed the lease.

Applicants should consult with the Contract Administrator or the local HUD office if the former landlord is accepting subsidy after move-out.

Please note that housing assistance provided through HUD's Multi-Family Housing program is not the same as the housing assistance provided through the voucher program. If any family member moves out, the housing subsidy will not move with the family as it does with a voucher. The family will be required to re-apply to a PHA office to receive another voucher.

### Assisted Living

The owner/agent and property staff does not provide, nor has the authority to provide, any personal care or personal supervision services. All required care or supervision must be provided by the resident or aides supervised by the resident or the resident's representative(s). The owner/agent and property staff does not provide assistance with personal activities or daily living.

## **FAIR HOUSING POLICIES**

### Fair Housing

The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status.

In addition, FPI Management recognizes the following additional protected classes:

Sexual Orientation, Gender Identity, Gender Expression, Marital Status, Medical Condition, Ancestry, Source of Income, Age, Genetic Information, Veteran/Military Status, Parental Status, Political Ideology, Use of an Assisted Animal

### Title VI of the Civil Rights Act of 1964

The owner/agent complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.



### Section 504 of the Rehabilitation Act of 1973

The owner/agent complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Although Section 504 often overlaps with the disability discrimination prohibitions included in the Fair Housing Act, Section 504 differs in that it also imposes broader affirmative obligations on the owner/agent to make their programs, as a whole, accessible to persons with disabilities.

### Coordinating Efforts to Comply with Section 504 Requirements

The owner/agent has designated a person to address questions or requests regarding the specific needs of applicants and residents with disabilities. This person is referred to as the Section 504 Coordinator.

Name of Section 504 Coordinator:	Kendra Tustin
Address:	800 Iron Point Road, Folsom, CA 95630
Phone Number:	916.850.4454
TDD/TTY Number:	711 Voice Relay

### Requests for Reasonable Accommodation or Modification

The owner/agent is committed to complying with the Fair Housing Act and Section 504 of the Rehabilitation Act by ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities in connection with the operation of housing services or programs solely on the basis of such disabilities.

If an individual with a disability requests an accommodation or modification, the owner/agent will fulfill these requests, unless doing so would result in a fundamental alteration in the nature of the program or create an undue financial and administrative burden. In such a case, if possible, the owner/agent will offer an alternative solution that would not result in a financial or administrative burden.

### Limited English Proficiency

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)" requires the owner/agent to develop and implement a system to provide housing assistance so persons with Limited English Proficiency (LEP) can have meaningful access to assisted housing opportunities.

The owner/agent will provide for such meaningful access consistent with, and without unduly burdening the fundamental mission of the property. The owner/agent will work to ensure that people who apply for and/or qualify for housing assistance are provided meaningful access to HUD's housing assistance program.

### The Equal Access Rule

The owner/agent ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in accordance with *The Equal Access Rule*.

### The Sexual Harassment in Fair Housing Initiative

Sexual harassment in housing includes demands for sex or sexual acts in order to buy, rent or continue renting a home. It also includes other unwelcome sexual conduct that makes it hard to keep living in, or feel comfortable in, your home. Applicants and residents are encouraged to contact the management staff or the owner/agent if they feel that they are a victim of sexual harassment by any landlord, property manager, maintenance staff or other people who have control over housing.

### PROTECTIONS PROVIDED UNDER THE VAWA

The Violence Against Women Act (VAWA) provides protection to all adults and children who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. The owner/agent understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.



VAWA policy is intended to support or assist victims of VAWA crimes and protect victims, as well as an affiliated person, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated person which are defined as follows:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim; or
2. Any individual, applicant/resident, or lawful occupant living in the household of that individual.

Other than what is described above, VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident.

VAWA ensures that victims are not denied housing and housing assistance solely because the person is a victim of VAWA crime. However, being a victim of a VAWA crime is not reason to change the eligibility or applicant screening requirements set forth in the Tenant Section Plan unless such requirements interfere with protections provided under VAWA.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in VAWA, the applicant/resident must specify that he/she wished to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the owner/agent or the management staff immediately.

Owner/Agent must provide the **Notice of Occupancy Rights under the Violence Against Women Act form (HUD-5380)** to applicants/residents which outline their rights and obligations under VAWA protection from Domestic Violence, Dating Violence, Stalking and Sexual Assault at the following:

- When an Individual is denied residency;
- When an Individual is admitted to a unit and
- With any notification of eviction or termination of assistance.

### Confidentiality

The **Notice of Occupancy Rights under the Violence Against Women Act form (HUD-5380)** provides notice to the applicant/resident of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to the owner/agent relating to the incident(s) of abuse covered under VAWA will be retained in confidence.

Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

1. Requested or consented to by the victim in writing for a limited period of time; or
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from the applicant/resident files.

### Requests and Certification

The person seeking VAWA protections may make a request for a VAWA accommodation in any reasonable manner. The applicant/resident may:

- Complete the **Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation form (HUD-5382)**,
- Submitted a request (*including email but not texting*)
- Make a personal (*oral*) request either in person or via phone, etc.

When the owner/agent responds to a request for protections provided under VAWA the owner/agent will request that an individual complete, sign, and submit a **Certification of Domestic Violence, Dating Violence, Sexual**



**Assault, or Stalking, and Alternative Documentation form (HUD-5382)**, within fourteen (14) calendar days of the request. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the victim at risk, (e.g., the abuser may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements, such as inviting them into the management office to pick up the certification form or making other discreet arrangements.

If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the applicant/resident may submit written proof of this outreach in lieu of the certification form. The owner/agent may accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence, sexual assault and/or stalking has signed or attested to the documentation.

If the applicant is currently living in a licensed shelter established to protect victims of violence covered under VAWA, the owner/agent will accept third-party verification (*from the shelter*) of such living arrangement in lieu of certification.

The victim is not required to name the perpetrator if doing so would result in imminent threat or if the victim does not know the name of the perpetrator.

To ensure that a person is not wrongly accused of committing an offense covered under VAWA, the owner/agent will carefully evaluate the perpetrators claim as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

The applicant/resident is required to provide all necessary documentation to the owner/agent no more than ten (10) business days after submitting the certification to the owner/agent. If the victim is unable to provide required documentation within the required timeframe, the owner/agent will deny the request.

The owner/agent will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. The owner/agent may provide the response in any manner acceptable to the victim and the owner/agent. Responses include:

- Approval of the Request
- Denial of the Request
- Request for additional information or request to meet

If the request is denied, the person seeking VAWA protections will have the right to appeal. Requests to appeal must be received within ten (10) business days of the date of the denial. When requested, the appeal will be held with someone who was not involved in the original decision to deny. The owner/agent will grant a reasonable accommodation when there is the presence of disability.

### Lease Bifurcation

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent with the authority to bifurcate a lease (*i.e., remove, evict, or terminate housing assistance to any perpetrator*), while allowing the victim, who lawfully occupies the home, to maintain tenancy.

The owner/agent may attempt to evict the accused perpetrator, but residents should know that state/local tenant/landlord laws prevail and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.



Owner/agents must keep in mind that the eviction of or the termination action against, the individual must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the victim and persons affiliated with the victim, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a “remaining household member”.

If a lease is bifurcated or if a resident is evicted from the property because of an offense covered under Violence Against Women Act, that removed person will be barred from the property.

Inviting a person who has been evicted because of an offense covered under Violence Against Women Act or encouraging such person to remain on the property is a lease violation. The resident agrees to notify the owner/agent and/or the local authorities if such person enters the property.

### Legal Action

Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, the owner/agent may file a restraining order against the accused perpetrator to prevent the abuser from entering the property.

VAWA does not limit the authority of an owner/agent, when notified of a court order, to comply with a court order with respect to:

- The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking, or
- The distribution or possession of property among members of a household.

### Termination of Tenancy or Termination of Assistance

VAWA does not limit an owner/agent's authority to deny, evict or terminate assistance to an applicant/resident for any violation that is not the result of an act domestic violence, dating violence, sexual assault, or stalking.

The owner/agent will not subject the applicant/resident, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking to a more demanding standard than other applicants/resident in determining whether to evict or terminate assistance.

VAWA does not limit an owner/agent's authority to deny, terminate assistance to, or evict an applicant/resident under a covered housing program when the owner/agent can demonstrate an actual and imminent threat (*to other applicants/resident or those employed at or providing service to property of the covered housing provider*) would be present if that applicant/resident or lawful occupant is not evicted/terminated. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat if they meet the standards provided in the definition of “actual and imminent threat”.

**Note:** *Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, likelihood that the potential harm will occur, and the length of time before the potential harm would occur.*

Determinations about the presence of imminent danger will not be based on stereotypes but will be tailored to particularized concerns about individual residents.

The owner/agent will take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.



### Lease Addendum

The HUD approved VAWA Lease Addendum (HUD Form 91067) will be implemented and provided in accordance with HUD guidance. All Applicants/Residents 18 or older must sign and date the VAWA Lease Addendum (HUD form 91067).

### **ELIGIBILITY REQUIREMENTS**

#### **PROGRAM ELIGIBILITY**

Based on federal regulations, the owner/agent may admit only eligible applicant families. In the selection of applicant families for admission, eligibility criteria have been established in accordance with HUD guidelines.

The following eligibility standards will be applied in accordance with HUD requirements:

- 1) The household's annual income must not exceed program income limits at move-in
- 2) The head, co-head and the spouse (regardless of age) and all adults in each household must sign an Authorization for Release of Information (HUD Forms 9887 and 9887A) and owner/agent created verification documents prior to receiving assistance and annually thereafter
- 3) The unit for which the household is applying must be the household's only residence
- 4) An applicant family must agree to pay the rent required by the program
- 5) Only U.S. citizens or nationals or eligible non-citizens may receive assistance
- 6) Applicants who claim eligible status must disclose Social Security Numbers for all household members and provide proof of the numbers reported (*See additional information below*)
- 7) The household size must be appropriate for the available apartments (*See occupancy Standards*)
- 8) All information reported by the household is subject to verification

#### **Disclosure and Verification of Social Security Numbers**

All household members receiving HUD housing assistance or applying to receive HUD housing assistance are required to provide a Social Security Number and adequate documentation necessary to verify that number.

This rule applies to all household members including live-in aides, foster children and foster adults. Adequate documentation includes a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:

- Original Social Security card
- Driver's license with SSN
- Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union.
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

Documents that are not originals, or that have been altered, mutilated or are illegible, or that appear to be forged, will be rejected. In this case, owner/agent will explain the reason why the document is not acceptable, and will request the submission of acceptable documentation within five (5) calendar days of the interview with management.

All new adult household members added to the household must provide SSN before being added to the existing household. All children under the age of 6 without a social security number, the household has 90 days to provide SSN documentation. An additional 90 days will be granted only if failure to provide documentation is due to circumstances beyond the resident's control.



If acceptable SSN documentation is not provided by the deadline date, eviction proceedings will begin to terminate tenancy of the household, since the household will be in non-compliance with the lease.

### Exceptions to Disclosure of Social Security Number

The Social Security Number requirements do not apply to:

1. Individual's age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
  - The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
  - Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. An owner/agent cannot accept a certification from the applicant.
  - 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/her participation in a HUD housing assistance program.
2. Individuals who do not contend eligible immigration status.
  - When applicants and residents 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.
3. A child under the age of 6 years added to the applicant family within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe. HUD requires that the owner/agent terminate tenancy.
4. Foster children or adults when:
  - The foster agency will not provide the SSN or adequate documentation to verify the SSN; and
  - HUD approves.

When a unit becomes available, if all of the non-exempt household members have not provided adequate documentation necessary to verify Social Security Numbers, the next eligible applicant must be offered the available unit.

All non-exempt household members have ninety (90) days from the date they are first notified that a unit is available to provide documentation necessary to verify the Social Security Numbers. During this ninety (90) day period, the household may retain its place on the waiting list, but will not be considered again until the required documentation is provided.

After ninety (90) days, if the applicant family is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the household will be determined ineligible and removed from the waiting list.

The applicant family may apply again, after obtaining the appropriate documentation. The applicant family will be placed on the waiting list based on the date and time the **new** application is received.

### Secondary Verification of the Social Security Number

The Social Security Number provided will be compared to the information recorded in the Social Security Administration database through HUD's Enterprise Income Verification System (EIV) to ensure that the Social Security Number, birth date and last name match.

If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error must be returned to HUD.



If the applicant/resident deliberately provides an inaccurate Social Security Number, the owner/agent and/or HUD may pursue additional penalties due to attempted fraud.

### Citizenship/Immigration Status Requirements

Applicants are required by HUD to declare U.S. citizenship or submit evidence of eligible immigration status for each household member seeking housing assistance.

The owner/agent is required to obtain the following:

- 1) Family Summary Sheet (*lists all household members who will reside in the assisted unit*)
- 2) Citizenship Declaration - Each household member listed on the Family Summary Sheet must complete a declaration of citizen or non-citizen status
- 3) Forms and/or evidence of citizen/immigration status as required by HUD

If any applicant has questions or experiences difficulty in providing the described information or determining the type of documentation required, the applicant should contact the management office.

If any applicant is unable to provide the required documentation in the timeframe indicated, the applicant must contact the management office to request an extension.

If any applicant fails to provide this information, the owner/agent cannot provide assistance and the applicant family will be rejected.

The owner/agent will offer the household assistance, providing subsidy to those household members whose documents were received on time, when the following criteria are met:

- 1) Assistance/unit is available
- 2) The household is the next household to be selected from the waiting list
- 3) At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this tenant selection plan

Proof of declared citizenship status must be provided for all household members. Members who claim U.S. citizenship can provide any documents approved by HUD or the Department of Homeland Security (DHS)

Applicants must be able to provide proof of citizenship or legal immigration status.

Citizenship eligibility must be reviewed after move-in if eligibility status changes. If any household member is determined to be an ineligible non-citizen, either at application after move-in, assistance and/or tenancy may be denied, terminated or be prorated as appropriate.

Non-citizens claiming eligible status must provide the required documentation listed below.

### Required Documentation

The owner/agent must obtain the following documentation for each household member regardless of age:

- U.S. citizens, a signed declaration of citizenship. The owner/agent requires verification of the declaration. The following documents will be accepted as proof of citizenship
  - United States (U.S.) Passport
  - U.S. birth certificate
  - Other documentation as provided by HUD or DHS
- Non-citizens claiming eligible status who is 62 or older:
  - A signed declaration of eligible immigration status and
  - Proof of age
- Non-citizens claiming eligible status who is not 62 or older:
  - A signed declaration of eligible immigration status **and**
  - A signed consent form **and**
    - One of the DHS-approved documents
      - Form I-551, *Permanent Resident Card*.





- Form I-94, *Arrival-Departure Record* annotated with one of the following:
  - “Admitted as a Refugee Pursuant to Section 207”;
  - “Section 208” or “Asylum”;
  - “Section 243(h)” or “Deportation stayed by Attorney General”;
  - “Paroled Pursuant to Section 212(d)(5) of the INA.”
- Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
  - A final court decision granting asylum (but only if no appeal is taken);
  - A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (application filed was before October 1, 1990);
  - A court decision granting withholding of deportation; or
  - A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant's entitlement to the document has been verified.
- Other acceptable evidence.

If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.

#### *Timeframes for Submitting Evidence of Citizenship/Immigration Status to the Owner/Agent*

Applicants must submit required documentation of citizenship/immigration status no later than the date the owner/agent initiates verification of other eligibility factors (application). Owner/agents determine the applicant's citizenship or immigration status during the initial eligibility determination prior to move-in.

If the applicant cannot supply the documentation within the owner/agent's specified timeframe, the owner/agent **may** grant the applicant an extension of not more than thirty (30) days, **but only if** the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation.

The owner/agent will inform the applicant in writing if an extension request is granted or denied. If the request is granted, the owner/agent will include the new deadline for submitting the documentation. If the request is denied, the owner/agent will state the reasons for the denial in the response. When granting or rejecting extensions, owner/agent will treat all applicants consistently.

#### *Reviewing and Verification of a Household's Citizenship/Immigration Status*

Owner/agents will conduct primary verification through the (Systematic Alien Verification for Entitlements) SAVE ASVI database - the Department of Homeland Security (DHS) automated system.

After accessing the ASIV database, the owner/agent enters the required data fields. The system will display one of the following messages for immigration status confirmation on the screen.

- Lawful Permanent Resident
- Temporary Resident
- Conditional Resident
- Asylee
- Refugee
- Cuban\Haitian Entrant
- Conditional Entrant

**Secondary verification** - If the message “institute secondary verification” is displayed on the screen, the electronic verification process must be used.



Within ten (10) days of receiving an “Institute Secondary Verification” response, the owner/agent will process the DHS G-845, *Document Verification Request electronically*; attaching the photocopies of the DHS documents submitted by the applicant to the DHS office serving the property’s jurisdiction.

DHS will return to the owner/agent the electronic DHS G-845 indicating the results of the automated search.

#### Notification to Applicants

Owner/agents will notify households in writing that they are:

- Eligible for assistance
- Eligible for partial assistance, as a mixed household

The owner/agent will notify applicants and/or residents in writing if they are found to be ineligible based upon citizenship/immigration status.

#### Mixed Households

A mixed household is a household with one or more ineligible members and one or more eligible household members. The household may receive:

- Prorated assistance, or
- Continued assistance

#### Appealing Determinations of Ineligibility

The owner/agent will notify the household in writing as soon as possible if the secondary verification process returns a negative result.

The applicant or resident has thirty (30) days from receipt of the notice to choose which option to follow.

The applicant or resident may appeal the owner/agent’s decision directly to the DHS. The applicant or resident must send a copy of the appeal directly to the owner/agent. The DHS should respond to the appeal within thirty (30) days.

If the DHS decision results in a positive determination of eligibility, the owner/agent can provide the appropriate housing assistance. If the DHS decision results in a negative determination of eligibility, the household has **thirty (30) days** to request a hearing with the owner/agent.

#### Prohibition Against Delay of Assistance

Owner/agents may not delay the household’s assistance if the applicant or resident submitted immigration information in a timely manner but the DHS verification or appeals process has not been completed.

If a unit is available, the household has come to the top of the waiting list, and at least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible, the owner/agent will offer the household a unit and provide full assistance to those household members whose documents were received on time. The owner/agent will continue to provide full assistance to such households until information establishing the immigration status of any remaining non-citizen household members has been received and verified.

#### Temporary Deferral of Termination of Assistance

Families that were receiving assistance on June 19, 1995 under one of the programs covered by the non-citizen rules are eligible for temporary deferral of termination of assistance. If the following applies:

- Family has no eligible members; or
- Mixed family qualifies for prorated assistance (and does not qualify for continued assistance) and chooses not to accept the partial assistance.

The deferral allows the family time to find other suitable housing before HUD terminates assistance. During the deferral period, the family continues to receive its current level of assistance.



The initial deferral period is for six months and may be extended for an additional six-month period, not to exceed 18 months.

- At the beginning of each, deferral period, the owner must inform the family of its ineligibility for financial assistance and offer the family information concerning, and referrals to assist in finding, other affordable housing.

**NOTE:** If the family receiving assistance on June 19, 1995 includes a refugee under section 207 of the immigration and Nationality Act, or an individual seeking asylum under section 208 of the Act, a deferral can be given to the family and there is no time limitation on the deferral period. The 18-month deferral limitation does not apply.

**Eligibility of Students Enrolled at an Institute for Higher Education for Assisted Housing under Section 8 of the US Housing Act of 1937**

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who 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; when the student:

- Is at least 24 years of age;
- Is married;
- Is a veteran of the United States military;
- Has a dependent child;
- Is a person with disabilities, defined in section 3 (b) (3) (E) of the U.S. Housing Act of 1937 (42 U.S.C. 1437 a (b) (3) (E) and was receiving Section 8 assistance as of November 30, 2005;
- Is living with his/her parents who are receiving Section 8 assistance;
- Is individually eligible to receive Section 8 assistance or has parents (individually or jointly) who are income eligible to receive Section 8 assistance;

Establish Independence from Parents. Owner must use, and the student must meet, one or more of the following criteria:

- a. Is 24 years of age or older by December 31 of the award year;
  - b. Is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court at any time when the individual was 13 years of age or older;
  - c. Is or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
  - d. Is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes;
  - e. Is a graduate or professional student;
  - f. Is a married individual;
  - g. Has legal dependent other than a spouse (e.g., dependent child or dependent parent);
- Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
    - h. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
      - i. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
      - ii. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
      - iii. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director;
      - iv. A financial aid administrator.



- i. Is an individual student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances;

If a student does not meet the eligibility criteria above, the owner/agent must verify a student's independence from his or her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by completing all of the following:

- Review and verify previous address information to determine evidence of a separate household or verifying the student meets the US Department of Education's definition of "independent student";
- Review a student's prior year income tax returns to verify the student is independent;
- Verify income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income (except if the student meets the US Department of Education's definition of "independent student").

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 and other fees is included in annual income, except:

1. If the student is over the age of 23 with dependent children or
2. If the student is living with his or her parents who are receiving section 8 assistance

Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

**NOTE:** *An owner cannot evict or require an ineligible student to move from a unit as long as the student is following the terms of the lease.*

#### **Prohibition of Assistance to Noncitizen Students**

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:

- A resident of another country to which the individual intends to return;
- A bona fide student pursuing a course of study in the United States; and
- A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

#### **PROCEDURES FOR TAKING APPLICATIONS**

It is the owner/agent's policy to accept and process applications in accordance with HUD guidance. The owner/agent will make a reasonable accommodation to assist in the application process if the applicant or any member of the applicant household is disabled.

Upon request, the owner/agent will provide interested parties with a paper copy of the application packet.

Applications can be requested:

- In person during posted office hours
- By calling the property's posted telephone number or TDD number to request an application to be mailed
- In writing to be mailed



Applications must be completed and signed by each adult household member 18 years or older as instructed. All household members must be listed on each application submitted. All completed applications must be submitted to the property's office in person with photo ID – used to verify the identity of the applicant. The owner/agent will also accept the application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability.

The owner/agent may require a birth certificate or other documentation that can be used to verify age, citizen/non-citizen eligibility status and relationship to other household members as required by HUD.

Applicants may bring an individual with them, to help with the completion of the application, if desired. Property staff will be available upon request to answer any questions concerning the application. The Property staff cannot complete the application for the applicant.

All documents in the Application Packet must be **completed in full**, signed and dated in order to be accepted. Applicants **will not** be added to the waiting list until all application forms have been properly completed and signed as appropriate.

### *Incomplete Applications*

Incomplete Application Packets will be returned without consideration.

If the application received is not fully complete (including any required attachments), the application will be returned to the household at the address listed on the application, along with a Notice of Applicant Status that indicates that the application is incomplete and cannot be accepted. If there is no address listed on the application, the application will be retained until the applicant inquires about the household's status on the waiting list.

### *Preliminary Determination of Applicant Eligibility*

Information needed to determine applicant eligibility shall be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD and property eligibility requirements.

Upon receipt of the completed the application, the owner/agent will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility. The applicant will be notified within 48 hours if his/her application has been selected for immediate occupancy, placed on the waiting list, or rejected.

If a preliminary eligibility review indicates that a household appears eligible for tenancy, but units of appropriate size are not available, the owner/agent will place the applicant household on the waiting list and notify the household when a suitable unit becomes available.

If the applicant family is otherwise eligible but no appropriate unit size exists in the property, the owner/agent will reject the Applicant family.

Placement on the waiting list does not indicate that the family qualifies for selection; that determination can only be made after verifications and screenings have been completed.

### *Final Determination of Eligibility*

When a unit becomes available, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, does not guarantee that the application will be approved.

All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history, credit history and criminal history.

Criminal history, credit history and landlord history will be conducted before all other screening and before the owner/agent begins the processes required to determine eligibility.

If criminal history, credit history and landlord history are not acceptable, the owner/agent will notify the applicant and/or reject the application as required by HUD. The owner/agent will not conduct additional screening and will not take steps to determine applicant eligibility.



If criminal history, credit history and landlord history are acceptable, the owner/agent will complete the tasks necessary to determine eligibility.

### **LIVE-IN AIDES**

Applicants must contact the management office staff if a live-in aide will be moving in to the unit. Live-in aides are considered to be a reasonable accommodation. If the family plans to include a live-in aide, the live-in aide is not required to complete the same Application forms. Live-in aides must complete the Live-in Aide Application and Information form and participate in screening and other owner/agent verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide.

The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a "reasonable time", no more than fourteen (14) calendar days if the resident is absent for an extended period of time or if the resident leaves for any reason.

The live-in aide will be required to sign the Caregiver Agreement & Affidavit, that the live-in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death.

### **WAITING LISTS**

To ensure that applicants are appropriately and fairly selected for the next available unit, it is essential for the owner/agent to maintain waiting lists. The owner/agent will place the applicant household on the waiting list after preliminary eligibility determination is complete.

Applicants will have the option of specifying a desired unit size or multiple unit sizes when completing the application. The applicant family will be placed on the waiting list for all indicated unit sizes/types as long as:

- The applicant family meets the Occupancy Standards described in this plan, and
- The waiting list for the unit size is open

The applicant family will be contacted, based on the waiting list selection criteria, for the first unit that becomes available based on the selection guidelines described in this plan.

#### **Maintaining Waiting Lists**

It is the policy of the owner/agent to administer its waiting list as required by HUD handbooks and regulations. The owner/agent will send the Notice of Applicant Status at a minimum of 12 months to update the waiting list.

Applicants are required to update their contact information and confirm their interest in remaining on the waiting list for the property by returning the NOAS.

If the applicant fails to respond to the owner/agent inquiries regarding the desire to remain on the waiting list, the applicant family will be removed from the waiting list.

If the NOAS is unable to be delivered by the U.S. Postal Service, the applicant family will be rejected and the household will be removed from the waiting list.

In addition, if the household information changes on the application the applicant family must contact the property, to fill out the Application Information Update, before the changes become effective.

If, as a result of the applicant family composition change, it is determined that the applicant family will be on the waiting list for a different unit type/size than originally indicated, the applicant family will maintain their place on the waiting list with the original application date and time.

If there are no units of the appropriate size on the property, the applicant family will be rejected and will be removed from the waiting list.



### Removal of Applicants from the Waiting List

The owner/agent will remove an applicant family name from the waiting list when if any of the following apply:

- Applicant family requests to be removed
- The unit that is needed – using household size as the basis – has changed, and no appropriate size unit exists in the property
- Applicant family fails to meet eligibility requirements
- Applicant family fails to meet occupancy standards
- Applicant family fails to meet screening requirements
- Applicant family is rejected for any reason described in this plan
- Applicant family cannot be contacted by US Mail (letters are returned or undeliverable)
- Applicant family cannot be contacted by phone (number disconnected or changed)
- Applicant family fails to keep application information up to date based on the requirements described in this plan
- Applicant family was clearly advised, in writing, of the requirement to notify the owner/agent of his/her continued interest in housing by updating the application every 6 months and failed to do so
- Applicant family refused second offer of a unit
- The owner/agent has notified the applicant of its intention to remove the applicant's name, because the applicant no longer qualifies for HUD Section 8 housing assistance at this property

If an applicant family is removed from the waiting list, and subsequently the owner/agent determines that an error was made in removing the applicant family, the applicant family will be reinstated at the original place on the waiting list.

If an applicant is removed from the waiting list and later, the applicant family feels that they are now qualified for assistance/tenancy, the applicant family must submit a new application. The applicant family will be placed on the waiting list, as necessary, based on the submission date and time of the **new** application, as long as the waiting list is open.

There are certain situations when the owner/agent may refuse to accept an application. The owner/agent will not accept applications from individuals who were previously rejected because a member of the applicant family:

- Is subject to a state lifetime sex offender registry
- Has been convicted of a crime as indicated in the criminal screening criteria
- Has been evicted from another property managed or owned by the owner/agent
- Has been evicted from a federally assisted property for drug use in the last three years

In addition, if an applicant family previously accepted a unit offered by the owner/agent and the applicant family failed to take possession of the unit on the agreed upon date without notice to the owner/agent, the owner/agent reserves the right to refuse all future applications.

### Selecting Applicant Families from the Waiting List

When a unit becomes available, the owner/agent will contact the next Applicant family on the waiting list (*based on the selection criteria described in this plan*) and all adult household members will be required to meet with management for an eligibility interview.

No decisions to offer the unit shall be made until all information presented by the applicant family has been verified and the final eligibility determination is complete.

### Income Targeting

Based on the HUD contract for this property, the owner/agent is required to comply with the Income Targeting Requirement. Income Targeting requires that the owner/agent implement policies to ensure that, during the property fiscal year, 40% of all applicant family's that move in to the property or who begin receiving assistance fall within the Extremely Low-Income Limits for the area where the property is located.

The owner/agent is required to monitor compliance throughout the year. If, after periodic review, the owner/agent discovers that the Income Targeting Requirement will not be attained, the owner/agent will only select, in order,



those applicants whose income falls within the extremely-low income levels. Once the Income Targeting Requirement is met, the owner/agent will return to the property's method of selection order.

Owner/agent 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, selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached.

At any point, if the property is unable to meet the income targeting requirements within the fiscal year, advertising for a minimum of thirty (30) days will begin. After that period, owner/agent may admit other eligible families. Advertising using media and methods to attract extremely low-income applicants will continue on an ongoing basis.

### Opening and Closing Waiting List

In order to ensure that applicant families on the waiting list are processed in a reasonable amount of time, the owner/agent may stop accepting applications and close waiting lists in whole or in part.

Decisions about closing and opening the waiting list will be based on the number of applications available for a particular size and type of apartment and the ability of the owner/agent to house an applicant family in an appropriate apartment within a reasonable period of time.

The owner/agent will use a 12-month waiting period to determine whether the waiting list may be closed. If the owner/agent has sufficient applications, the waiting list may be closed completely.

Notices announcing that the waiting list is closed or open will be publicly announced in the following manner:

- Local newspapers
- Publication(s) likely to be read by potential applicants
- Publications described in the Affirmative Fair Housing Marketing Plan
- Flyers distributed in applicable neighborhoods

Advertisement will include information about where and when to apply, and will conform to the advertising and outreach practices described in the property's Affirmative Fair Housing Marketing Plan.

Interested parties who insist on submitting applications when the waiting list is closed **will not be considered**. The application **will not be reviewed** and will be returned.

During the period when the waiting list is closed, the owner/agent **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

When opening the wait list for a limited period of time, the acceptance of applications will be a minimum period of one week to allow all applicants the opportunity to apply for housing during normal or posted business hours.

### PRIVACY POLICY

It is the policy of the owner/agent to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the owner/agent.

Unless the individual about whom information is requested gives consent to such disclosure, neither the property nor its agents shall disclose any personal information to any person or agency, other than:

- Staff associated with the property as appropriate;
- Service providers as appropriate;
- HUD;
- HUD's agents;
- Contract Administrators;
- Other federal/state entity or investor auditing entities.





This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

## **VERIFICATION**

The owner/agent shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development.

After the preliminary eligibility determination, no decision to approve an application shall be made until information provided on the Application and/or the Certification/Move-In Checklist and during subsequent interviews has been collected and any necessary follow-up interviews have been performed.

All information relative to the following items must be verified as described in these procedures:

### **Information to be Verified**

Information to be verified includes, but is not limited to:

- 1) Eligibility for Admission, such as
  - a) Income
  - b) Assets and Asset Income
  - c) Identification
  - d) Age
  - e) Household Composition
  - f) Social Security Numbers
  - g) Citizenship And/or Legal Status *(Note from RBD: If the property is located in a sanctuary city, this requirement may not be allowed)*
  - h) Student Status
  - i) Current HUD Assistance
- 2) Allowances, such as
  - a) Age
  - b) Disability
  - c) Full Time Student Status
  - d) Child Care Expenses
  - e) Disability Assistance Expenses
  - f) Medical Expenses (For Elderly/Disabled Households Only)
- 3) Preferences
  - a) Working Family
  - b) VAWA Emergency Transfers for Existing Residents
  - c) Veteran status
  - d) Displacement – 221(d) (4) Properties
- 4) Compliance with Applicant Screening Guidelines, such as
  - a) Criminal History
  - b) Credit History
  - c) Rental/Residence History
- 5) The Need for an Accessible Unit

### **Methods of Verification**

Verifications will be attempted in the following order:

- 1) Upfront Income Verification (UIV)
- 2) Third-party from source (written)
- 3) Verbal third-party from source (oral)
- 4) Self-Certification - In the absence of any of the above, a written certification from a household member signed and witnessed by management **OR** the use of a notarized document is acceptable. Each file will be documented, when appropriate, to show that the property staff attempted to obtain third-party verification before relying on a self-certification



### Sources of Information

Sources of information may include, **but are not limited to**:

- Any member of the applicant family
- Present and former housing providers/landlords
- Present and former employers
- Banks
- Insurance Companies
- Any Asset Manager
- Family members
- Any person or organization providing gifts/regular contributions to the household
- Credit Screening providers
- Criminal Screening providers
- Eviction Screening providers
- Social workers/Parole Officers
- Court records
- Drug Treatment Centers
- Health Providers
- Physicians
- Clergy
- Schools/Institutes of Higher Education
- Department of Homeland Security (DHS)
- Department of Health and Human Services (HHS)
- The Internal Revenue Service (IRS)
- The Social Security Administration (SSA)
- Medicare/Medicaid
- Representative of the United States Armed Forces
- Any federal/local benefit providers
- Pharmacies
- Utility Providers
- Local and non-local law enforcement
- Automated criminal databases
- Sexual Offenders registries when available
- The world wide web (internet)

The owner/agent will be the final judge of the credibility of any verification submitted by an applicant. If the owner/agent questions the validity of a document or the validity of information provided, it will be reviewed by management staff for a ruling regarding acceptability.

### Period for Verification

Only verified information that is less than 120 days old from the date received may be used for verification. Verified information not subject to change (such as a person's date of birth) will not be re-verified.

### Consent and Verification Forms

Regardless of age, the head, co-head, spouse and all adult members of the household 18 years or older must sign HUD's consent forms so that the owner/agent can verify eligibility.

- 1) HUD-9887, *Notice and Consent for the Release of Information to HUD and to a PHA*
- 2) HUD-9887-A, *Applicant's/Resident's Consent to the Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance*

Consent and verification forms protect the rights and privacy of applicants and residents by allowing them to have control over any information collected about them.



All adult members of an applicant family or resident household must also sign individual verification forms authorizing the owner/agent to verify household income and other applicable eligibility factors (e.g., disability status) and to allow for screening.

When a minor living in the unit turns 18, he/she will have thirty (30) days to meet with the management staff and sign the HUD 9887 and HUD 9887A. Failure to do so will result in termination of subsidy for the entire household.

#### **Provisions for Refusal to Sign Required Verification Forms**

If any member of the applicant's family does not sign and submit the consent forms as required, the owner/agent must reject the application and deny assistance and/or tenancy.

#### **MISREPRESENTATION**

Any information, provided by the applicant that proves to be untrue may be used to disqualify the applicant family because of misrepresentation or attempted fraud.

The owner/agent will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until the owner/agent has independently investigated the information. The owner/agent considers false information about the following to be grounds for rejecting an applicant family:

- Identity
- Social Security Numbers/Information
- Income
- Assets/Income from Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, And/or Eligible Immigration Status
- Eviction History
- Criminal History
- Sexual Offender Status
- Eligibility for Preferences and Priorities
- Allowances
- Current/Previous Residence History
- Current Housing Assistance
- Status as A Student

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicant families.

#### **APPLICANT SCREENING CRITERIA**

Screening is performed in a manner that is reasonable, consistent, and complies with fair housing laws. Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully enjoy their homes.

**Anyone who wishes to live on this property must be screened and approved prior to moving in.** This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in. *Certain exceptions apply to children/minors.* The current screening guidelines in place at the time the new household member applies will be used to determine eligibility for admission.

#### **SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

HUD has established standards that prohibit admission of:

1. Any applicant family in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity



2. An applicant family in which any member is currently engaged in illegal use of drugs or for which the owner/agent has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. (The owner/agent has implemented a policy to address the term "currently engaged". Current will be indicated and investigated if there is a record of arrest or conviction within the last two (2) years.)
3. Any applicant family member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.
4. Any applicant family household member who is subject to any state lifetime sex offender registration program. The household will have the opportunity to remove any ineligible household member(s) from the application and request a redetermination of eligibility. If the applicant is admitted, the ineligible household member(s) will not be allowed to reside with the applicant. The household will have ten (10) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members. In this case, the owner/agent reserves the right to monitor household composition after move-in. If the owner/agent discovers that a state lifetime sex offender has moved in to the unit, assistance will be terminated and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD.

Sex offender screening will also be completed for all individual household members 18 and older during the Annual Recertification process.

In addition to HUD requirements, the owner/agent has established a policy to reject all applications where the applicant family or any household member has engaged in criminal activity as described in this document.

The owner/agent will reject applications if any household member's criminal history includes one or more of the following:

1. Criminal activities resulting in felony conviction involving violence, potential violence, human trafficking, destruction of property, terrorist activities, weapon charges, burglary, fraud or the illegal distribution or manufacture of a controlled substance if the conviction or exit from incarceration occurred within seven (7) years.
2. Criminal activities resulting in felony conviction other than crimes involving violence, potential violence, human trafficking, destruction of property, burglary, fraud or the illegal distribution or manufacture of a controlled substance if the conviction or exit from incarceration occurred within seven (7) years
3. Criminal activities resulting in misdemeanor convictions involving violence, potential violence, human trafficking, destruction of property, burglary, fraud or the illegal distribution or manufacture of a controlled substance within seven (7) years of conviction or exit from incarceration, whichever is later.
4. Criminal activities resulting in misdemeanor convictions other than crimes involving violence, potential violence, human trafficking, destruction of property, burglary, fraud or the illegal distribution or manufacture of a controlled substance within seven (7) years of conviction or exit from incarceration, whichever is later

If the owner/agent is unable to complete required criminal or sexual offender screening due to the applicant's failure to provide required information or release forms, the application will be rejected.

If the owner/agent discovers an unresolved criminal charge of an offense covered under the Violence Against Women Act, charge of a felony, charge of a misdemeanor or a charge involving the possession or distribution of an illegal controlled substance, the circumstances surrounding the arrest will be investigated.

If there is evidence that the applicant participated in such illegal activity, the application may be suspended until the charge is resolved. At that time, the owner/agent's current screening criteria will be applied.

If the charges result in the applicant's conviction, the applicant will be deemed ineligible.



If an applicant or resident has requested VAWA protections and such protections have been justified based on owner/agent investigation, the abuser/perpetrator will not be approved to live on the property.

Management will review certain criminal history, based on HUD recommendations, for all adult household members at each annual certification.

### Consideration of Extenuating Circumstances

In deciding whether to exercise discretion to admit an individual or applicant family that has engaged in prohibited criminal activity, the owner/agent will, upon request, consider all of the circumstances relevant to the particular admission or eviction decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire applicant family would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, the owner/agent will, upon request, consider whether the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

### Criminal Screening Discoveries

If the criminal background investigation results indicate that the applicant does not meet the criminal screening criteria, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

Before rejecting the household, the owner/agent will compare the information provided by the applicant with the criminal history report. If the information conflicts, the owner/agent will:

- Notify the applicant family of the proposed action based on the information;
- Provide the content of the criminal record and information about how to obtain a copy of the information;
- Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- Allow the applicant family the opportunity to remove the household member.

In this situation, applicants will have ten (10) business days to contact the owner/agent and provide documentation to refute the criminal discovery. If the applicant fails to contact the owner/agent or indicates that he/she cannot provide documentation to refute the criminal discovery, the owner/agent will reject the application and remove the applicant family from the waiting list.

If, after move-in, the owner/agent discovers that there was criminal history that would have resulted in rejection, the owner/agent will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility determination, the owner/agent will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

### Screening for Credit History

The owner/agent reviews each adult applicant's credit history.

Applicants may be rejected for poor credit history but cannot be rejected for lack of credit history.

The following items will serve as a basis for the rejection of the application:

- Unpaid Collections and grossly delinquent past due balances (including tax lien, repossession, or other public records) – do not exceed \$5,000.
- Amounts Owed to Landlord - Applicant who has left another property owing unpaid rent, damages, or other amounts which have not been satisfied.
- Bankruptcy - Bankruptcy will not be considered if cleared or discharged.



## Credit History Exclusions

- Medical accounts in collection
- Student Loans in collection
- Past due Child Support
- Foreclosures/Mortgage – Delinquency/Defaults

## Screening for Rental History

### Rental Scores

The approval of credit is based on rental scores. Rental scores are relied upon to estimate the relative financial risk of leasing an apartment to you. Scores are calculated using a weighted average of factors, and your rental score results from a mathematical analysis of information found in your credit report and application. Such information may include your bill-paying history, the number and type of accounts you have, open bankruptcies, unpaid utility bills, collection actions, charge-off, repossession, eviction histories, outstanding debt, income relationships (rent-to-income and debt-to-income ratios), and other attributes that reflect on your qualifications to meet the terms of your lease.

Because your rental score is based upon real data and statistics, it is more reliable than subjective methods of evaluating your information. Rental scoring treats all applicants consistently and impartially.

### Rental History

Each applicant must have recent, consecutive, and a minimum of twelve months, verifiable third-party or mortgage payment history. Note: Applicants living with family members will not be considered as having third-party rental history. Applicants not having verifiable third-party rental or mortgage history may be required to provide additional references, including but not limited to three (3) character references.

### Negative Rental History

Applicants will be denied for, but not limited to, the following reasons:

- Rental history listed but unobtainable
- Not fulfilling a lease
- Late payments:
  - If an applicant has two (2) or less late payments or two (2) or less returned check payments within a twelve (12) month period, full approval may be given.
  - If an applicant has more than two (2) late payments but less than four (4) in a twelve (12) month period, the applicant will be conditionally approved and the highest deposit is applied as if the score was a 5.9.
  - If an applicant has more than four (4) late payments or more than two (2) returned check payments within a twelve (12) month period, the applicant will be denied.
- An outstanding debt to a current or previous landlord
- Documented lease violations (housekeeping, pest infestation, unauthorized pets/pet damage, residency misuse, neglect, drugs, unauthorized occupants, noise, or other unacceptable behavior)
- Current or prior landlord not re-renting to the applicant

Domestic Violence, Dating Violence, Sexual Assault and/or Stalking – Owner/Agent will not reject an applicant based on a negative rental history or reference that is a result of VAWA Crimes.

VAWA Crime history must be documented and verified by a third party. Certification forms are required.

### Rental History Verification

This property uses a third-party vendor to conduct rental history verification on their behalf.



### Screening for Receipt of HUD Assistance in Another Unit

All applicants **MUST** disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit on this property.

The owner/agent will use the **EIV Existing Tenant Report** provided via HUD's Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant family is currently receiving HUD housing assistance. This includes minors and live-aides.

*Note: The owner/agent cannot review the Existing Tenant Search for applicants who are exempt from the Social Security Number disclosure requirements.*

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, each member of the applicant must move out from the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to minor children where two assisted families share custody

If an applicant fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information and the applicant family will be removed from the waiting list. This information will be reviewed periodically after move-in.

If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving HUD assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

### **REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS**

The owner/agent reserves the right to reject applicants for admission based on the following:

- No unit of the appropriate size exists on the property
- The applicant family fails to meet the HUD indicated eligibility requirements for the assistance program/property
- Any non-exempt member of the applicant family fails to provide a Social Security Number or adequate documentation to verify the Social Security Number (SSN)
- Any member of the applicant family fails to meet the applicant screening requirements
- Any member of the applicant family fails to sign appropriate verification documents
- Misrepresentation
- Fraud
- Any member of the applicant family fails to respond to management inquiries for additional information during the application process
- Any member of the applicant family fails to respond to management inquiries while on the waiting list
- The owner/agent is unable to contact the applicant family via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the household has a record of eviction, for lease violations, from any property
- There is record of outstanding or overdue payments to a previous landlord
- There is record of outstanding or overdue payments to HUD
- There is record of outstanding or overdue payments to utility providers
- The applicant family is unable to pay the security deposit required
- The applicant family is unable to take possession of the unit within 30 days
- The applicant family is unable to pay the first month's rent (TTP)
- The applicant family refuses two or more unit offers

### Rejection Notices

The owner/agent will promptly notify the Applicant, in writing, of the denial of admission or assistance. The rejection letter will be sent to the applicant via First Class Mail. The rejection notice will include the reason(s) for the rejection.



### Appealing the Decision to Reject

Any applicant may make a request to appeal the denial in writing **fourteen (14) calendar days from the date of the rejection**. The owner/agent will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the property management office.

If there is no appeal request **within fourteen (14) days**, the rejection will be considered final. Reasons to appeal include:

- You believe the decision has been made in error
- You believe there are extenuating circumstances that should be considered
- You or a member of your household is a victim of abuse covered by the Violence Against Women Act and you feel your status as a victim contributes to the decision to deny
- You or a member of your household is a person with a disability, and you believe a reasonable accommodation would allow us to continue processing the application
- The applicant family was rejected because a member is someone who did not “pass” criminal screening or is a registered sex offender and the applicant family wishes to remove that household member.

Any staff person engaged in the initial review will not be involved in the appeal. Applicants may include ~~bring~~ a representative to assist in the appeal meeting. Applicants and/or their representatives have the right to request a reasonable accommodation to:

- Assist in facilitating your request for appeal
- To assist in your participation during the appeal meeting

The owner/agent will provide written notification to the applicant with a final decision within five (5) business days of the meeting.

### OFFERING AN APARTMENT

When a unit becomes available and eligibility is determined, available units will be offered using one or more of the following methods:

- In writing
- Over the phone
- By mail

If the owner/agent has no response from the applicant family to accept the offered unit within ten (10) business days from the date of the letter, the offer will be cancelled and the unit will be offered to the next applicant family based on the selection criteria described in this plan.

Failure to respond to the owner/agent will be considered a refusal of the unit offer (see Right to Refusal) on page 28.

### Offering Accessible Units

Units that have been made accessible in accordance with the Universal Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines will be offered to applicant families with disabled members first. In some cases, the owner/agent may implement marketing effort to ensure that disabled households occupy accessible units.

An accessible unit will be offered as follows:

- 1) Units with communication accessible features will be offered to households with a verified need for communication accessible units first
- 2) Units with mobility accessible features will be offered to households with a verified need for mobility accessible units first

After move-in, if the members of the household who required the special features of the accessible unit no longer reside in the unit, and where the lease permits, the owner will require the remaining members of the household to move to a unit without accessibility features when such a unit of the appropriate size becomes available.





If there is no applicant or resident on the waiting list that has requested an accessible unit, the unit will then be offered to the next household based on the selection order.

Before the applicant family can accept that accessible unit, all adult members of the applicant family must sign an agreement that includes a requirement to move, at the household's expense, to the first available non-accessible unit that meets the household's occupancy requirements as described in this plan. The resident household will not be required to move if:

- 1) No unit that meets the household's occupancy requirements is available
- 2) There is no applicant family on the waiting list requesting an accessible unit

In either of the cases above, the household will have a maximum of thirty (30) calendar days to complete the move. If the applicant family fails to move in thirty (30) calendar days, assistance will be terminated. The rule, in no way, affects the single residence criteria. The household can only accept assistance in one unit on any given day.

#### Offering Units to Applicant Families Requesting Accessibility Features

The owner/agent will not skip over a household that has reached the top of the waiting list and has indicated a need for certain unit features because of a disability.

The household will be given the opportunity to benefit from the program and decide for itself, in compliance with the Fair Housing Act and Section 504, whether a unit meets the needs of the disabled household member. The household may accept the unit and request some modification to the unit as a reasonable accommodation.

#### Offering Units to Applicant Families or Residents with Preferences

Applicants/residents with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

#### Applicant/Resident Selection Order

When a unit is available, that unit will be offered in the following order.

#### Accessible Apartments

- 1) The next household on the waiting list who resides in an accessible unit and who is requesting a unit transfer to a different accessible unit based on a verified need for a reasonable accommodation
- 2) The next household on the waiting list who resides in an accessible unit and who is requesting a unit transfer to a different unit based on a verified medical need
- 3) The next household on the waiting list who resides in an accessible unit and who is requesting a unit transfer to a different accessible unit based on a change in household size or composition
- 4) The next household on the waiting list who resides in a non-accessible unit and who is requesting a unit transfer to an accessible unit based on a verified need for an accessible unit
- 5) The next household on the waiting list who resides in an accessible unit and who is requesting a unit transfer to a different accessible unit – no medical need or reasonable accommodation (certain requirements apply)
- 6) The next applicant household on the waiting list with a verified need for an accessible unit
- 7) The next household on the waiting list who does not need an accessible unit but who is requesting a unit transfer to a different unit based on a verified need for a reasonable accommodation when no applicants or residents require the features of an accessible unit
- 8) The next household on the waiting list who does not need an accessible unit but who is requesting a unit transfer based on a verified medical need when no applicants or residents require the features of an accessible unit
- 9) The next household on the waiting list who does not need an accessible unit but who is requesting a unit transfer to a different size unit based on change in household size or composition when no applicants or residents require the features of an accessible unit
- 10) The next household on the waiting list requesting a unit transfer – no medical need or reasonable accommodation (certain requirements apply)
- 11) The next applicant household on the waiting list



## Standard Apartments

- 1) The next household on the waiting list being transferred to a different unit because no one in the household requires the accessibility features of the unit in which they are currently living
- 2) The next household on the waiting list requesting a unit transfer based on a verified need for a reasonable accommodation
- 3) The next household on the waiting list requesting a unit transfer based on a verified medical need
- 4) The next household on the waiting list requesting a unit transfer to a different unit based on a change in household size and/or family composition
- 5) The next household on the waiting list requesting a unit transfer because no one in the household requires the accessible features of the unit in which they currently live
- 6) The next household on the waiting list requesting a unit transfer – no medical need or reasonable accommodation (certain requirements apply)
- 7) The next applicant household on the waiting list

## Right to Refusal

The Right to Refusal Policy applies to applicant families and existing residents who have submitted a Unit Transfer Request. Residents requesting unit transfer and applicants will be offered available units based on the information included in this tenant selection plan.

Each household will be offered the opportunity to accept an offered apartment two (2) times. If an applicant family/resident does not wish to accept an offered apartment, they have the right to refuse the offer.

Applicant families/residents must notify the owner/agent of their intent to refuse the unit offered by using one or more of the following methods:

- In writing (delivered by fax, mail or other means)
- By mail
- Over the phone

*Note: If the refusal is made over the phone, contact must be made with a member of the management staff. Leaving a message is not adequate.*

The first time an applicant family or resident refuses a unit they applied for, the unit will be offered to the next qualified household based on the selection order described above. The applicant family or resident will retain the same place on the waiting list. The second time an applicant family or resident refuses an offered unit they applied for; the household will be removed from the waiting list.

Right to refusal policies will be modified in five cases:

- 1) If a disabled applicant family or resident is at the top of the waiting list, they will be offered units as they become available regardless of whether they include accessible features. A disabled household has the right to refuse an unlimited number of non-accessible units or units that do not meet specific accessibility requirements.

*Note: Certain restrictions apply to non-elderly disabled households when HUD's program eligibility requires the need for an accessible unit.*

- 2) If an applicant family or resident household with no disabled members is at the top of the waiting list, and there are no disabled households on the waiting list, that household may be offered an accessible unit. An applicant family with no disabled household members has the right to refuse an unlimited number of accessible units or units that do not meet their needs.
- 3) Any applicant family may reject an available unit on a property set aside for the elderly and/or disabled if this unit is close to another unit with an animal. This action will not negatively affect the household's application for occupancy or position on the waiting list to be eligible for the next available unit. The owner/agent is not obligated at the time the applicant family rejects a unit to provide an alternate unit.
- 4) The applicant or resident qualifies for a VAWA Emergency Transfer and the person who is a victim of a VAWA crime or the person who is affiliated with the person who is a victim of a VAWA crime does not consider the unit "safe".



- 5) If an applicant family or resident has requested a smoking unit or a non-smoking unit (if applicable), and the unit offered does not match the request, the applicant family or resident may refuse that unit with no penalty.

#### **Timeframe for Taking Possession of a Unit**

If the applicant family does not complete appropriate paperwork and does not take possession of the unit within the agreed move-in date, the applicant family will be subsequently rejected and removed from all waiting lists. (Extenuating circumstances related to verified medical situations will be considered).

The owner/agent reserves the right to refuse subsequent applications. The unit will be offered to the next eligible applicant family.

Upon applicant family request, an apartment will be held for a maximum of thirty (30) days to allow the applicant family to provide their current landlord a 30-day notice to vacate.

- The holding period will end the earlier of the thirty (30) days after the applicant family is notified of approval for move-in, or
- At the end of the applicant family's current rental agreement required move-out notice period.

The holding period will be available only if the applicant provides both a copy of the written Intent to Move Notice given to their current landlord, and a copy of the applicant's rental agreement verifying the required move-out notice period. These documents must be provided to management with five (5) days of the applicant being offered a unit for move-in. Without both of those documents, the apartment will not be held for the applicant.

Failure to comply with these requirements will be considered a refusal, and the application will be rejected and removed from the all waiting lists.

#### **UNIT TRANSFER**

This property offers both Priority Transfers and Non-Priority Transfers for existing households. All transfers are subject to program and management approval.

The Resident/Management Transfer Request must be completed and signed by the household with written verification of the need for transfer.

Transfers with a propriety status will be granted on a first-come, first-served basis.

If household members wish to separate into individual units for reasons of personal preference or disputes, this is not considered to be a transfer. Members wishing to leave the unit must complete an application, and are considered to be, and are treated the same way as, an outside applicant. (In situations wherein VAWA federal regulations apply, bifurcation of the shared lease will override this policy).

Management will conduct a pre-transfer unit inspection, to determine appropriate damage charges and/or security deposit forfeitures, if any. Such damages, and/or inadequate housekeeping practices, may result in a denial of the transfer request until the situation is corrected.

A waiting list for transfers will be kept, separate from the applicant waiting list. When a unit comes available management will provide the resident with a thirty (30) day written notice.

Transfer costs are the responsibility of the household, not the property with the exception of reasonable accommodations. Note: Management is not required to pay for the cost of transferring any utilities

#### **Priority Transfers**

All priority transfers will be made prior to making any non-priority transfers and processing new applicants.

Households requesting priority transfers will be placed on the Unit Transfer software Waiting list with Priority Status.

The selection process to transfer units will include one (1) existing household (Transfer Wait List) to every two (2) applicants from the (Outside Master Wait List).



Management initiated Transfers – including Underutilized or Overcrowded households will be processed on a case-by-case basis at management's discretion.

No preference or priority shall be granted to households seeking transfers to new units for reasons other than the following:

- 1) Verified need for an accessible unit
- 2) Verified need for a reasonable accommodation
- 3) Verified need for medical reasons
- 4) Verified need for Safety reasons
- 5) VAWA Emergency Transfers: In some cases, families that qualify for a VAWA Emergency Transfer may receive preference over other residents who have requested a unit transfer. Please see the VAWA Policy and the VAWA Emergency Transfer Plan and/or contact management staff for additional information.

### Non-Priority Transfers

Households requesting and qualifying for a different unit based on family size and/or family composition, but who do not qualify for a priority transfer, will be placed on the Waiting List for Transfer and/or Assistance without a Priority Status.

Households with non-priority transfer requests are not eligible for transfer during the first twelve (12) months of occupancy.

Except under specific circumstances, unit transfers will be granted only if:

- The household has not given notice to move
- The resident is not being evicted
- The resident is current for all outstanding charges
- The resident has not entered into a repayment agreement for failing to fully and accurately report income or household composition
- The resident has no record of more than one minor lease violation in the last 12 months
- The resident has no record of any major lease violations
- The resident complies with lease provisions regarding decent, safe and sanitary conditions of the current unit

### Refusal of Unit Transfer

- 1) Resident-Requested Transfer
  - a. When management offers the resident a unit to transfer into, the resident will have 48 hours to accept or reject the unit.
  - b. If the household fails to either accept or reject the transfer to that unit within 48 hours, the household will be removed from the Unit Transfer Affordable Software Waiting list.
  - c. If the resident rejects the unit for transfer, the household will be removed from the Unit Transfer Affordable Software Waiting list.
  - d. Once removed from the Unit Transfer Affordable Software Waiting list, the resident may request a transfer in writing at a later date, and be added to the bottom of the Unit Transfer Affordable Software Waiting list.
- 2) Management Required Transfer
  - Per HUD regulation, when a unit becomes overcrowded or underutilized, the household must transfer to an appropriate-sized unit, if available, or lose HUD subsidy.

When a household transfers to a new apartment, management will transfer the existing security deposit and a new lease packet will be executed.

### Security Deposit, Pet Deposit and Unit Transfers

When a resident transfer to a new unit with all other household members, the owner/agent will transfer the existing security deposit to the new unit and, if applicable, the pet deposit. The resident will receive a bill for fees or damages for the prior unit. The resident will be required to pay the fees/damages within 30 days or make payment arrangements.



## **CHANGES IN HOUSEHOLD COMPOSITION**

### **Adding Household Members After Initial Occupancy**

The owner/agent must approve any new adult household member **before** he/she moves in to the unit.

Eligibility criteria, screening criteria and compliance with occupancy standards will be reviewed before the new household member is approved or denied.

The request to add a new household member will not be considered if the resident has provided notice to vacate the unit. This helps prevent applicants from “jumping” ahead on the waiting list.

Any new adult household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the tenant selection plan in place at the time of the eligibility determination.

The rent/assistance payment will be re-calculated to reflect any income or allowances for the new household member. If the rent increases, the increase will take effect the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the addition of the new household member.

This policy applies to live-in aides as well. Screening criteria will also be applied to live-in aides, **except for the criterion regarding credit performance or the ability to pay rent on time** because live-in aides are not responsible for rental payments.

However, live in aides must meet other screening criteria established by the owner/agent. Income and/or allowances received by live-in aides will not be considered.

Information about new household members who are minors must be provided to the owner/agent as quickly as possible but within no more than thirty (30) calendar days. This includes, as applicable, required eligibility information including Social Security Numbers, proof of citizenship or non-citizen eligibility and other pertinent information.

If the new household member is under the age of six, special consideration regarding Social Security Number disclosure and verification of Social Security Numbers is given. The household will be given ninety (90) days to provide the Social Security Number and adequate documentation to verify the Social Security Number provided. In some cases, an additional ninety (90) days may be provided.

If the household fails to provide the required Social Security Number information within the allotted timeframe, the household's tenancy will be terminated (eviction) in accordance with HUD requirements.

Each dependent child that lives in the unit may be eligible for a \$480 deduction that decreases the monthly rent payment by roughly \$12.00 per month. The rent payment will be re-calculated to reflect any income or allowances for the new household member.

If the rent increases, the increase will take effect the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the addition of the new household member.

Failure to notify the owner/agent within ten (10) days of the change in household composition as described above may result in retroactive rent changes and/or termination of subsidy/tenancy for the entire household. Contact the owner/agent or property staff if you have questions about this policy.

### **Removing Household Members After Initial Occupancy**

Residents must notify the owner/agent if any household member listed on the lease or on HUD Form 50059 leaves the unit.

Upon notice, the rent payment will be re-calculated to remove any income or allowances for the previous household member. If the rent increases, the increase will take effect the first of the month following delivery of a



30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the removal of the household member.

Failure to provide notice to the owner/agent, could result in rent increases retroactive to the first of the month after the household member left. Subsidy paid in error will be returned, as required, to the Department of Housing & Urban Development.

If the resident fails to notify the owner/agent within ten (10) days of the change in household composition, and that change would result in a rent decrease, the owner/agent will make the decrease effective the first of the month following the notice. No retroactive rent credits will be returned to the resident.

Failure to notify the owner/agent about changes in household composition may result in termination of subsidy and/or tenancy for the entire household. Contact the owner/agent if you have questions about this policy.

### **Remaining Family Members**

In order to stay in the unit as a remaining household member, if the Head of Household leaves the unit, the household member must already be on the lease when the Head of Household leaves, and must be of legal contract age under state law.

### **APARTMENT INSPECTIONS**

All apartments must undergo periodic inspections conducted by the property staff, HUD or HUD's representatives/agents. These inspections include not only interior but also exterior inspections. Residents have the right to be present, and are, in fact encouraged, to be present during unit inspection.

**The move-in inspection** is an opportunity to familiarize the new resident with the property and the unit, as well as to document its current condition. By performing move-in inspections, the owner/agent and residents are assured that the unit is in livable condition and is free of damages. A move-in inspection gives the owner/agent an opportunity to familiarize residents with the operation of appliances and equipment in the unit.

**The move-out inspection** is conducted when a household vacates a unit. The owner/agent will list the damages on the Move-Out Inspection Form and compare it with the Move-In Inspection Form completed at move-in to determine if there is any damage or excessive wear-and-tear.

In addition, the owner/agent will perform **unit inspections on at least an annual basis** to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced. This is also an opportunity to determine any damage to the unit and, if so, make the necessary repairs. At this time, residents may be charged for damages to the unit so long as those damages are not the result of normal wear-and-tear.

**HUD, or its authorized contractor(s), has the right to inspect the units** and the entire property to ensure that the property is being well maintained. These inspections assure HUD that owners and their agents are fulfilling their obligations under the regulatory agreements and/or subsidy contracts and that residents are provided with decent, safe, and sanitary housing.

### **CHANGES TO THE TENANT SELECTION PLAN**

Applicants will be notified in writing when the tenant selection plan undergoes significant change or when preferences are added or removed. At that time, applicant families will be:

- 1) Given an opportunity to review the new plan
- 2) Notified of changes to preferences
- 3) Asked if they wish to remain on the waiting list

If the applicant household does not respond, that household will be deemed ineligible and removed from the waiting list. The current tenant selection plan, in place at the time of final eligibility determination, will be used to make a final decision to approve or reject the application.

