



# Tenant Selection Plan

Revised 5/31/2024 Per HOTMA Requirements

Plan Implementation Date is dependent on the property-specific date that the TRACS 203A version of software was implemented.

Fowler Communities  
105 Juliette Fowler Street, Dallas, TX 75214  
(214) 827-0813 or National 711 Relay

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*We do not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, our federally assisted programs and activities. If you are disabled and would like to request an accommodation or if you have difficulty understanding English, please request our assistance and we will ensure that you are provided with meaningful access based on your individual needs. Federal civil rights laws addressing fair housing prohibit discrimination against applicants or tenants based on one or more of the following classifications: race, color, national origin, sexual orientation, gender identification, disability, religion, and familial status.*

The following Tenant Selection Plan is used at multiple properties within the Fowler Communities portfolio of affordable communities. All requirements pertain to all properties, unless specifically noted otherwise, within the applicable sections of this document. Properties using this document have either HUD Multifamily Project-Based Assistance (PBRA) or Low-Income Housing Tax Credits, or both funding programs in place. Program requirements set forth by other local regulatory agencies providing funding to the property (like Bond, HOME, PBV, or SIA) are not discussed within this document. The following table lists properties that follow this plan, along with identifying attributes of each property.

## Portfolio Listing

Property Name	Federal Programs in Place	Population Served	Bedroom Sizes Available on Program	Total Number of HUD subsidized units	HUD Program Type	Income Limit County	Maximum Income Limit
Fowler Christian Apartments 1	HUD only	Elderly/Disabled	1 and 3	145	New Construction	Dallas	Low
Fowler Christian Apartments 2	HUD only	Elderly	1	20	202 PRAC	Dallas	Very low
Fowler Communities 3	HUD only	Elderly	1	36	202 PRAC	Dallas	Very low

## Disclosures

Property employees are not permitted to accept any money connected with the application procedure, criminal or credit checks and/or apartment designation.

A copy of this Tenant Selection Plan will be provided, at no charge, to any applicant, tenant, or member of the general public at his/her request.

In the event of changes to this Tenant Selection Plan, all applicants will be notified that the Plan has changed, and that a copy of the revised Plan will be provided, at no charge, upon request. Notification will be made via U.S. first-class mail to applicants.

## Smoking Policies

No smoking of any kind (tobacco, marijuana, herbal substances, etc.) via any method of delivery (e-cigarettes, cigarette, cigar, pipe, or vapor devices) is permitted in any unit or in any part of the property grounds, except for the designated smoking areas.

All staff, applicants, residents, guests, and vendors must be willing to refrain from smoking while on property, except for the designated smoking areas. Additional terms, conditions, and rules related to smoking are also discussed in the property's House Rules within the Resident Handbook and are an attachment to the residential lease agreement.

Applicants that accept unit offers acknowledge that the Landlord's adoption of a smoke-free living environment and the efforts to designate the premises as smoke-free do not in any way guarantee that the property is any

safer, more habitable, or improved in terms of air quality standards as compared to other rental premises. The Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or improved air quality standards than any other rental property. The Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Adherence to this policy is largely dependent on voluntary compliance by residents and their guests.

## **Prohibited Use of Marijuana at All Federally Funded Properties**

Regardless of whether marijuana use (in any form and chemical ratio of THC) is legal or not 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 (QHWRA). Based on federal law, both medicinal and recreational use of marijuana is prohibited at this property.

Use of illegal or controlled substances is grounds for denial of the application.

## **Fair Housing and Equal Opportunity Requirements**

It is this property's policy to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act Amendments of 1988, E.O. 13166, the Elliot-Larson Act, HUD's Equal Access Rule and any legislation protecting the individual rights of applicants, residents, or staff which may subsequently be enacted by HUD and or the State in which the property is located.

The property will not discriminate because of race, color, sex, familial status, religion, handicap, disability, sexual orientation, gender identity, marital status or national origin in the leasing, rental, or other disposition of housing in any of the following ways:

- Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs,
- Provide housing which is different than that provided others,
- Subject a person to segregation or disparate treatment,
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program,
- Treat a person differently in determining eligibility or other requirements for admission,
- Deny a person access to the same level or services, or
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

It is the policy of this property, pursuant to Section 504 of the Rehabilitation Act (if applicable) and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities. Questions and inquiries regarding applicant treatment relative to Section 504 of the Rehabilitation Act of 1973 should be addressed by mail to the following person, responsible for related policies:



Corporate Manager  
105 Juliette Fowler Street, Dallas, TX 75214  
(214) 515-1363, 711 National Relay is also available

The property will do its due diligence to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, the Property will make reasonable accommodations for individuals with handicaps or disabilities as well as for individuals with limited English proficiency (applicants or residents).

Questions and inquiries regarding applicant treatment relative to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, E.O. 13166 or the Fair Housing Act Amendments of 1988 should be addressed by mail to the following person, responsible for related policies:

Corporate Manager  
105 Juliette Fowler Street, Dallas, TX 75214  
(214) 515-1363, 711 National Relay is also available

This person is not directly involved in the day-to-day decision-making process involving admitting applicants to the property.

## Limited English Proficiency

Management complies with Executive Order 13166 and all subsequent HUD regulations related to its efforts to improve access to all of its programs and activities for persons who, as a result of national origin, are limited in their English proficiency. A separate Limited English Proficiency Plan and any required Language Access Plan, which outlines the specific language assistance that is provided for persons who are limited in their English proficiency, is available for review upon request. These supplemental Plans outline steps management will take to identify the frequency in which limited English proficiency is encountered, along with proactive steps staff will take to overcome any hurdles in effectively communicating (orally and in writing) with individuals that may not speak, write, read, or understand English fluently.

## Privacy Policy

It is the policy of the property 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 property. Therefore, neither the property nor its agents will disclose any personal information contained in its records to any person or agency unless required by law or governmental contractual obligations, or unless the individual about whom information is requested will give written consent to such disclosure.

This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained regarding handicap or disability will be treated in a confidential manner.



## Services Provided

Please be advised, unless specified in their HUD contract, the owner and property staff are tasked with providing housing services only- not nursing or assisted living services. Management does not offer personal care, supervision, or medical services to residents. Residents must be able to adhere to the lease requirements, with or without assistance. Applicants interested in determining whether a property offers additional supportive services should inquire with the property management before signing a lease.

## General HUD Program Eligibility Requirements

All applicants at all HUD Multifamily communities (those identified as HUD only or Mixed in the Portfolio Listing table) must meet the following HUD program eligibility requirements to be eligible for occupancy and housing assistance:

- At Move in or Initial Certification, the family's annual income must not exceed the income limits established for the particular county, based on family size. These limit categories are listed, by property, on the table beginning under the heading "Portfolio Listing. " Income eligibility must be determined prior to approving applicants for tenancy. The owner/agent will provide applicants a copy of the current income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <https://www.huduser.gov/portal/datasets/il.html>. Income limits are updated at least annually. HUD requires that property managers incorporate the most recently published income limits when determining eligibility.

*Exception: If the household is undergoing an Initial Certification to reinstate assistance at a 100% subsidized property because of an income loss, and the termination of assistance was solely a result of an increased ability to pay a higher rent (in other words, not a result of program noncompliance), the household's income will not be compared to the income limits.*

- Income- eligible household's rent calculation must yield an assistance payment – meaning the calculated TTP must be less than the Gross Rent of the unit. *Note: This requirement does not apply to PRAC or applicants at properties that have undergone a PBRA RAD conversion Component I (a conversion from Public Housing to Project-Based Section 8). The MI TTP for the RAD household cannot be higher than the lesser of HUD calculated TTP, 100% of Fair Market Rent established for that unit size at the time of move in, or LIHTC Max Rent (if the property is layered with tax credits).*

All adults, as well as any adjudicated minors who are the Head, Spouse or Co-Head in each applicant family must sign and date an Authorization for Release of Information (HUD 9887/9887A) prior to receiving assistance. This release and consent must also be executed when a new member is added to the unit if that new member is 18 years of age or older, or a new co-HOH/spouse regardless of age. Existing household members must also sign the forms when they turn 18 years of age.

- Once signed, this authorization remains active unless the household revokes it or the household moves out.



If revoked, the family's assistance will be terminated immediately following expiration of a 30-day written notice of termination issued to the household.

- The unit for which the family is applying must be the only residence of each household member. During the application process, applicants must disclose if they are currently being HUD-assisted at another community. This does not prevent them from submitting an application, but it alerts management that subsidy for this individual must end at the current property before receiving it at the new property. There are three (3) specific exceptions to this rule. #1 and #2 below may be long term exceptions. However, #3 will only apply for a maximum of 60 days.
  1. Joint custody dependents (verified as such through court documents) can receive HUD assistance in two units simultaneously if both households are assisted. However, only one household will receive the dependent deduction. The determination is based on which household is permitted to have the child the majority of the time. This determination will be discussed with families, if applicable. Both households may claim eligible childcare expenses.
  2. Foster members wherein the biological household and the foster household are both receiving HUD assistance, will appear on both certifications (each with unique special status codes).
  3. Adults in currently assisted households can apply to establish residency in another unit when they are removed from the original household. In some instances, there is a brief period of overlap wherein the exiting adult member is listed on both households' certifications as members until the new Interim Recertification at the original property goes into effect.
- An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.
- The applicant must have previously demonstrated an ability to pay rent and adhere to a lease. Applicants will not be rejected due to a lack of rental history but may be rejected for a poor rental history or unpaid balances with prior landlords.
- Social Security number requirements:

In order to determine eligibility and offer a unit, HUD requires every household member, including live-in aides, foster children and fostered adults to disclose if they have a Social Security Number SSN.

If they do, the applicant family must provide (for management to copy) a valid Social Security card issued by the Social Security Administration for each household member. If the household member cannot produce his/her valid Social Security card, at least one of the following alternative documents must be provided as documentation:

- An original document issued by a federal or state government agency which shows the person's name and SSN along with other identifying information (i.e. SSA benefit award letter)
- Driver's license that shows the Social Security Number





- Earnings statement on payroll stubs
- Bank statement or Form 1099
- Retirement benefit letter
- Life insurance policy or court records
- Other evidence that HUD designates as acceptable (please reference Appendix 3 of HUD Handbook 4350.3, Rev-1, Change 4).

Documents that are not originals, or that have been altered, are mutilated or are illegible, or that appear to be forged, will be rejected. In this case, management will explain the reason why the document is not acceptable and will request the submission of acceptable documentation within a reasonable time frame, prior to a unit being offered.

After making a copy of the Social Security card the original will be returned to the applicant. Within 120 days of the electronic transmission of the Move-In certification, the SSN will be verified via the EIV computer matching program with the Social Security Administration, and a copy of that verification (EIV Income Summary Report) will be retained in the tenant file.

If the applicant cannot provide any of the above, the owner/agent may accept self-certification of SSN and at least one third-party document, such as a bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual. When no other accepted method is available and if verifying an individual's SSN using this method, the owner/agent must document why the other SSN documentation was not available. After transmission of the Move In, if the resident's SSN becomes verified in EIV, then no further verification is required. However, if the resident's SSN fails the SSA identity match, then the owner/agent must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The resident family's assistance must be terminated if they fail to provide the required documentation.

Exceptions:

- Individuals who acknowledge that they are not entitled to housing assistance because they do not have eligible immigration status. Mixed households with unassisted, ineligible noncitizens can be admitted with prorated assistance, even though the unassisted individuals do not have SSN documentation.
- Household members who were age 62+ as of 1/31/10 AND whose initial determination of eligibility had already begun prior to 1/31/10:
  - o Persons who previously lived in either a Public and Indian Housing or Multifamily HUD-assisted program will have 50058 or 50059 move-in certifications, with effective dates to support this exception. Documentation must be obtained from the prior property (not from the applicant) and will be kept in the tenant file. Exception status for these individuals remains valid, even when the person moves to another HUD-assisted program, and/or if there is a break in tenancy.



- A child under the age of 6 years old added to the applicant household 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 appropriate documentation. A 90-day extension may be granted under certain circumstances. If the household does not provide the Social Security number and appropriate documentation within the prescribed timeframe, HUD regulations require that the household's assistance be terminated.
- Foster children or adults- some foster agencies will not provide SSN verification to fostering parents. In this case, the local HUD office must be contacted to request approval for a waiver. If the waiver is granted, the tenant file will be noted accordingly.

Timeframes for providing Social Security Numbers and documentation:

Although applicants are not required to provide Social Security Number documentation when the application is submitted, documentation for all non-exempt household members must be provided before a household can be housed.

If there is missing SSN documentation for any non-exempt household member when the household reaches the top of the waiting list and a unit is available, then the household will be skipped, in order to admit the next eligible household.

The skipped applicant household may keep its position on the waiting list for 90 days from the date they are first offered a unit, to allow them time to provide acceptable SSN documentation. After 90 days, if any household member has not provided SSN documentation, the household will be determined as ineligible and will be removed from the waiting list. Should they reapply at a later date, the updated application date will be used to place the household back on the waiting list.

Adding household members after move-in:

For a new member, regardless of age, who has a social security number, SSN documentation must be provided no later than the processing of the certification that adds the new person to the household.

If the new member is a child under 6 without a social security number, the member is added to the certification and the household is granted 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 tenant's control. During this time, the child will appear on tenant certifications with all appropriate benefits and deductions. When the SSN documentation is provided, a new certification will be processed to reflect the verified SSN. If acceptable SSN documentation is not provided by the deadline date, the owner will initiate termination of assistance.

- Citizenship Requirements (***requirements in this section do not apply to PRAC only properties***)

All applicants must complete a Citizenship Declaration. For children 18 years of age and younger, the Declaration may be completed by the parent/guardian. The household must also complete a Family



Summary Sheet that lists all household members residing in the unit. This Family Summary Sheet should be updated when members leave or join and thus, composition changes.

Each family member must have U.S. citizenship, naturalization, and/or verified eligible immigration status, if under 62 years of age, to qualify for subsidy. Non-citizens aged 62 and older must sign a declaration of eligible immigration status and provide a proof of age document.

A person claiming to be an eligible non-citizen who is under age 62, must sign a Verification Consent Form and present one of the following documents, along with the completed application, or prior to the determination of eligibility:

- (a) Form I-551, Permanent Resident Card
- (b) Form I-94, Arrival Departure Record, with one of the following annotations
  - (1) "Admitted as refugee Pursuant to Section 207", or
  - (2) "Section 208" or "Asylum", or
  - (3) "Section 243(h)" or "Deportation stayed by Attorney General", or
  - (4) "Paroled Pursuant to Sec. 212(d)(5) of the INA".
- (c) If Form I-94 is not annotated, one of the following documents must be provided:
  - (1) Final court decision granting asylum, but only if no appeal is taken, or
  - (2) Letter from a DHS asylum officer granting asylum (if application was filed on/after 10/1/90), or from a DHS district director granting asylum (if application was filed before 10/1/90), or
  - (3) Court decision granting withholding of deportation, or
  - (4) Letter from a DHS asylum officer granting withholding of deportation (if application was filed on/after 10/1/90)
- (d) 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.
- (e) Other acceptable evidence: other documents determined by the DHS to constitute acceptable evidence of eligible immigration status, as announced by notice published in the Federal Register.

All persons claiming to be eligible non-citizens, who are under age 62, will have their citizenship eligibility status verified through the computerized SAVE System provided by the Department of Homeland Security (DHS).

If secondary verification is necessary and is not provided within the SAVE System, immigration status will be verified using the paper process. A completed Document Verification Request, Form G-845S, and photocopies of the immigration documentation provided by the applicant will be mailed to the local immigration office to receive verification of the validity of the documents.

- 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.

## Project Specific Eligibility Requirements

Some properties listed in the "Portfolio Listing" table have additional, project specific eligibility restrictions and are designated for specific populations that have members that are elderly and/or disabled. Qualifying members of these households must meet specific definitions of disabled or elderly persons, as determined by the Section of the Housing Act referenced in their contract and outlined below.

For the following property or properties, these project specific eligibility definitions apply.

Fowler Christian Apartments 1
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"Elderly Families" are families where the Head-of-Household, Co-Head, or spouse is 62 years of age or older.

**Definition D - Disabled Family. [24 CFR 5.403]** A disabled family is a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

**Definition E - Person with Disabilities. [24 CFR 5.403]** A person with disabilities for purposes of program eligibility:

- (1) Means a person who:
  - (i) Has a disability, as defined in 42 U.S.C. 423;
    - (A) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
    - (B) In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i)(1) of this title, means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied



by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.

- (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
    - (A) Is expected to be of long-continued and indefinite duration,
    - (B) Substantially impedes his or her ability to live independently, and
    - (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
  - (iii) Has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that
    - (A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
    - (B) Is manifested before the person attains age 22;
    - (C) Is likely to continue indefinitely;
    - (D) Results in substantial functional limitation in three or more of the following areas of major life activity:
      - a. Self-care,
      - b. Receptive and expressive language,
      - c. Learning,
      - d. Mobility,
      - e. Self-direction,
      - f. Capacity for independent living, and
      - g. Economic self-sufficiency; and
    - (E) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- (2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or: any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
  - (3) For purposes of qualifying for low-income housing, does not include a person whose disability based solely on any drug or alcohol dependence; and
  - (4) Means person with disabilities (individual with handicaps), as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

For the following property or properties, these project specific eligibility definitions apply.

Fowler Christian Apartments 2
Fowler Communities 3

"Elderly Families" are families where the Head-of-Household, Co-Head, or spouse is 62 years of age or older.

## Eligibility Restrictions Based On Assets



- Home Ownership - Real Property Rule

An applicant household will not be admitted to a Section 8 unit if they:

- Have a present ownership interest in, legal right to reside in, and the effective legal authority to sell real property in the jurisdiction in which the property is located that is suitable for occupancy by the family as a residence. This includes, but is not limited to a home, condominium, townhome, duplex, mobile home, etc.
- This restriction does not apply if:
  - The property is jointly owned by a member of the family and at least one non-household member, who does not live with the family, if the person resides in the jointly owned property.
  - The property is not large enough for the size of the family.
  - If there are any disabled family members and the features of the home do not provide for the disability-related needs. (*e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation and necessary support services, etc.*).
  - The property is currently offered for sale. To demonstrate that a family is offering property for sale, the family must provide evidence that the property has been listed for sale.
  - The property is considered unsafe to reside in when the property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied.
  - The family may not reside in the property under State or local laws of the jurisdiction where the property is located.
  - The property is owned by a survivor of a VAWA crime (*domestic violence, dating violence, sexual assault, stalking*) and such status prevents access to or use of the home or is there a possibility that the survivor could be in imminent danger if the survivor attempted to access the home.
  - The property is located so that the distance or commuting time between the property and the family's place of work/educational institution/reoccurring medical appointments/treatments, etc. would create a hardship for the family.
  - The property is a manufactured home for which the family is receiving Section 8 tenant-based assistance.
  - The family receives homeownership assistance from a PHA.
  - The property is part of an irrevocable trust.
  - The property is currently occupied as rental property.

- Asset Cap Rule

An applicant household cannot move into a Section 8 community if the net family assets (as defined in § 5.603) exceed the current Asset Cap established by HUD (certain assets are excluded). This "cap"



may be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD. The current Asset Cap established by HUD is \$100,000. As this cap is adjusted, it will be updated on the attached threshold adjustment log attached to the end of this plan.

*Note: This eligibility restriction will also apply in a very specific situation at properties with Section 8 assistance that are not 100% subsidized. If an in-place household previously had their assistance terminated, due to program noncompliance versus increased ability to pay), and was now requesting to have available assistance reinstated, the in-place household would be subject to this asset cap rule.*

*This rule does not apply to PBRA RAD conversion Initial Certifications.*

Certain assets are excluded when applying the Asset Cap Rule. Owners will not include in the tallying of net cash value of assets the following:

- ABLE Accounts
- Amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty that resulted in a member of the family being disabled.
- Value of any Coverdell Education Savings Account or any qualified tuition program under Section 529
- Family Self Sufficiency Escrow Accounts (FSS)
- Interest in Indian Trust land
- Irrevocable Trust
- Revocable Trusts when no one in the family controls the trust
- Retirement Accounts as defined by the IRS
- Real property when the family does not have legal authority to sell such property
- Equity in property for which a family receives HCV homeownership assistance from a PHA
- Equity in a manufactured home where the family receives Section 8 tenant-based assistance
- Other assets as announced by HUD through Federal Register Notice

This property's rules regarding the application of asset restrictions for in-place Section 8 households are further discussed in the property's House Rules. This owner has opted to not enforce the asset restrictions on in-place households at recertification. This is further discussed in the House Rules.

## **Eligibility of Students Enrolled in Institutes of Higher Education**

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

Properties that offer Section 8 assistance have unique eligibility restrictions. A student who is otherwise eligible and meets screening requirements is eligible for Section 8 assistance if the student meets the criteria indicated below.

- The student 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; and

- Is living with his or her parents who are receiving Section 8 assistance
- Is individually eligible to receive Section 8 assistance or has parents who are independently or jointly income eligible to receive Section 8 assistance.
- Is a veteran of the United States military or on active duty for other than training (i.e., not Guard or Reserve)
- Is married.
- Is a graduate or professional student.
- Has a dependent other than a spouse (e.g. dependent child).
- Is at least 24 years of age as of 12/31 of the award year.
- Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005.
- Is classified a Vulnerable Youth, meaning:
  - The individual 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.
  - The individual 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.
  - 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
    - A local educational agency homeless liaison designated pursuant to the McKinney-Vento Homeless Assistance Act.
    - The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director.
    - 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; or
    - A financial aid administrator; or
  - The individual is a 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, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. To substantiate independence from parents, the applicant must:

- Be of legal contract age under state law.
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the U.S. Department of Education's definition of an independent student.
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed





by the individual providing the support. This certification is required even if no assistance will be provided.

Circumstances on what can be provided, in terms of verification, to substantiate independence from parents may be unique for applicant households. Please see property staff for additional information about verification documents to be provided.

If an ineligible student applies for assistance, they will be rejected. If the student is identified, during recertification, as a member of an existing household receiving Section 8 assistance, the assistance for the household will be terminated. **NOTE:** An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

### 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.

## **Student Financial Assistance Rules for all HUD Multifamily Properties**

A student's financial assistance will be examined and verified at move in and initial certification and again at recertification.

Any financial assistance that is provided through a qualified Coverdell Education Savings Account (ESA) or other qualified ESA, is excluded.

Student loans that must be repaid are excluded.

Any financial assistance a student receives (1) from private sources, (2) from an institution of higher education, or (3) under the Higher Education Act of 1965, that is in excess of amounts received for tuition and other qualified fees, is included except if the student is the HOH, co-HOH or spouse and is over the age of 23 with a dependent child or children (as defined by HUD).

Student financial assistance that is provided by persons not living in the unit is not included if the student meets the Department of Education's definition of "vulnerable youth".



Covered fees include tuition, books, supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and fees required and charged to a student by an institution of higher education (as defined under section 102 of the Higher Education Act of 1965). All covered fees are excluded from income.

For a student who is not the Head-of-Household, Co-HOH/Spouse, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

## Application Intake and Processing

It is the property's policy to accept and process applications in accordance with applicable HUD regulations.

This property will perform marketing activities in accordance with its Affirmative Fair Housing Marketing Plan, with the aim of marketing to potential applicants in its geographical area who are least likely to apply.

All submitted applications must be in writing, on forms provided. If, due to a disability, an applicant is unable to complete an application, a third party can assist in the completion of the form. Only fully completed applications will be accepted. Every application must be completed and signed by the head of household and all additional household members 18 years of age or older. All of the members of the household must be listed.

Applications can be emailed to interested individuals upon request. Applications can be returned in person or via U.S. mail.

All applicants will be provided with HUD Form 92006, Supplement to the Application. This form gives applicant households the option of including contact information for a family member, friend or social service agency worker who can assist with services and special needs, or in resolving tenant issues. Although the applicant is not required to provide another contact, the applicant must sign and return the form along with the completed application.

All applicants will also be provided with HUD Form 27061-H, Race and Ethnic Data Reporting Form, which must be returned along with the completed application. While this demographic information is not used to determine applicant eligibility, it is gathered as a means of tracking the demographic makeup of applicant traffic—a statistic that is called for in the property's Affirmative Fair Housing Marketing Plan. Disclosure of race and ethnic categories remains voluntary on the form.

Staff-provided assistance will be available upon request. This may take the form of answering questions about the application, helping applicants who might have literacy, vision, or limited English proficiency challenges via oral or written translation or large print. Assistance will be provided, as needed, and, in general, make it possible for interested parties to apply for assisted housing. Applicants may bring an individual with them, to help with the application, if desired.



Upon determination that the application is completed, staff will add, via handwriting or stamp, the date and time the application was received, followed by the initials of the person accepting the application. The applicant will be added to the waiting list(s), if applicable.

If the application received is not fully complete (including any required attachments) and/or is not signed/dated by all household members age 18 years or older, the application will be returned to the household and the household will not be added to the waiting list until such time a complete application is received by management.

Upon receipt of the completed application, the owner/agent will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. The owner/agent will review the application to ensure that there are no obvious factors that would make the applicant family ineligible.

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 household on the waiting list for the property and notify the household when a suitable unit becomes available.

If no appropriate unit exists in the property, the owner/agent will reject the applicant family.

## Income Targeting Procedures

*Restrictions in this section are applicable only to communities designated as Section 8 in the "Portfolio Listing" table.*

At least forty percent (40%) of all available units (within each project fiscal year) will be offered to families who are at or below Extremely Low-income limit as established by HUD.

In the event the natural, chronological order of applicants does not result in the property meeting the minimum threshold, the property will select eligible applicants from the waiting list whose income is at or below the extremely low-income limit on an alternating basis to fill vacancies. Management will select the first Extremely Low-income applicant on the waiting list (which may mean skipping over 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, tenant selection will continue 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. To ensure that the 40% targeting requirement is met, the waiting list, that tracks applicant income levels, will be monitored and appropriate documentation will be kept on file.

Within the above guidelines, eligible applicants will be offered available units based on the date and time of application receipt. This will be clearly written or stamped on the application along with the initials of the individual accepting the application.



# Criminal Background Checks

In developing this property's criminal background screening practices, the following HUD issued guidance has been considered:

- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions issued on April 4, 2016.
- Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions
- Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs Proposed Final Rule
- Screening and Eviction for Drug Abuse and Other Criminal Activity - Final Rule

This property will prohibit admission of any household containing any member who was evicted in the last 3 years from federally assisted housing for drug-related criminal activity.

Criminal history checks of convictions and outstanding warrants will be completed with a professional criminal and credit checking agency. The following parameters will be used to determine if an individual meets the property's criteria.

## Criminal Background Rejection Criteria

<b>Conviction Type</b>	<b>Felony Conviction within the listed timeframe will result in rejection</b>	<b>Misdemeanor Conviction within the listed timeframe will result in rejection</b>
Items such as arson, breaking & entering, burglary, criminal damage, grand larceny, malicious injury to property, receiving stolen property, theft.	All Records	All Records
Items such as abandonment or neglect of animal, animal abuse, animal bite or attack, dog fighting.	3 Years	3 Years
Items such as abandonment, abuse, domestic violence, endangering a child, injury to child.	All Records	All Records
Items such as accessory to crime, disturbing the peace, fail to pay fare, loitering, disorderly conduct, public swearing.	3 Years	3 Years
Items such as affray, menacing, reckless endangerment, terroristic threats.	3 Years	3 Years
Items such as aid and abet theft, petty theft, shoplifting, tampering,	3 Years	3 Years



<b>Conviction Type</b>	<b>Felony Conviction within the listed timeframe will result in rejection</b>	<b>Misdemeanor Conviction within the listed timeframe will result in rejection</b>
vandalism.		
Items such as altered license plate or tags or registration, use false id, worthless check.	3 Years	3 Years
Items such as assault on police officer, contempt, deliver drugs/weapons to prisoner, escape, fleeing police, hindering apprehension, obstruction of justice, false statement to officer, resisting arrest.	5 Years	5 Years
Items such as assault with deadly weapon, discharging firearm, felon possessing firearm, manufacture destructive device, negligent use of weapon, throwing missiles.	10 Years	3 Years
Items such as assault, battery, deadly conduct, kidnapping, manslaughter, murder, robbery.	All Records	All Records
Items such as attempt to purchase, maintain place for drug use, manufacture for sale, possession of cocaine/meth, trafficking or smuggling.	10 Years	3 Years
Items such as blackmail, extortion, racketeering, gang participation.	10 Years	10 Years
Items such as brandishing weapon, carrying concealed weapon, no gun permit.	5 Years	5 Years
Items such as bribery, disobey police officer, failure to appear, misuse of 911	3 Years	3 Years
Items such as child pornography, prostitution, public lewdness, sexual assault, rape, sex abuse, sex exploitation of minor, sodomy, statutory rape.	All Records	All Records
Items such as conspiracy, attempt to engage in organized crime.	3 Years	3 Years
Items such as contracting without license, fireworks, littering, ordinance violation, overgrown grass, sell tobacco to minors.	3 Years	3 Years
Items such as contributing to the delinquency, harboring a runaway	5 Years	5 Years



<b>Conviction Type</b>	<b>Felony Conviction within the listed timeframe will result in rejection</b>	<b>Misdemeanor Conviction within the listed timeframe will result in rejection</b>
child, non-support, truancy.		
Items such as counterfeiting, credit card abuse, embezzlement, forgery, identity theft, insurance fraud, obtain by false pretenses, uttering, welfare fraud.	5 Years	5 years
Items such as criminal mischief, criminal attempt, engage in riot, fighting, hit and run, harassment, stalking.	5 Years	3 Years
Items such as cyber stalking, damage computer software, hacking, wiretapping.	5 Years	5 years
Items such as driving without license, reckless driving, driving while license revoked.	3 Years	3 Years
Items such as drug abuse, possession of marijuana, possession of paraphernalia.	3 Years	3 Years
Items such as DUI, DWI, DUI causing injury, drunk and disorderly.	3 Years	3 Years
Items such as fail to register as sex offender, indecent exposure, peeping.	All Records	All Records
Items such as improper telephone usage, use or possession of access device.	5 Years	5 Years
Items such as keeping a gambling place, possess gambling device, promotion of gambling.	3 Years	3 Years
Items such as minor in possession, open container in vehicle, providing to minor, sell without a license, public intoxication.	3 Years	3 Years
Items such as probation violation, trespassing.	3 Years	3 Years
Items such as wagering, public gaming.	3 Years	3 Years

*The aforementioned are examples of offense types and the applicable denial period. Please note that this list is not exhaustive. Management does not consider arrest records (arrests that do not result in a conviction).*

*Management applies these standards only to actual conviction records. Periods listed above must have begun*



*after release if incarceration resulted from a prior conviction. If a charge is pending, management reserves the right to await the outcome of that charge prior to making a final determination of suitability for housing.*

If any household member engages in criminal activity (including sex offenses) while living on site, subsidy termination and/or eviction will be pursued to the extent allowed by the lease, HUD regulations, and state/local law. To avoid eviction of the household, the family will be given the opportunity to remove the member engaging in criminal activity from the household.

## **Sex Offender Registry Checks**

Applicants must provide a complete list of all states in which any household member has lived. Failure to provide accurate information to management is grounds to deny the application.

Management is required to ask whether the applicant, or any member of the applicant household, is subject to a lifetime sex offender registration requirement in any state. If so, the family will be given the opportunity to remove the ineligible household member from the applicant household. If the family member who is subject to a lifetime sex offender registration requirement remains part of the applicant family, the application will be denied. The written rejection notice will clearly state this as the reason that the family is being denied admission.

Prior to offering a unit, a criminal background check to determine whether any household member is subject to a lifetime sex offender registration requirement will be completed. This check will be done using reputable vendors that automatically search sex offender registries in all states.

Search results will be kept with the application, in the tenant file, for the term of tenancy plus three years. For rejected applicants, search results will be kept with the application for three years.

If, after moving in, management discovers that a tenant was admitted in error (s/he/they were admitted after June 25, 2001, and were subject to a state's lifetime registration requirement), eviction will be pursued immediately.

If any member of the applicant family is listed on any state's sex offender registry, the household's application will be rejected.

## **Rental History**

If any household member was a previous resident at this property, the tenant file will be checked. If there is documentation that the tenant was repeatedly notified of rules violations or lease violations, or if the household left the property owing overpaid HUD assistance, unpaid rent or damages, the application will be rejected. After the applicant presents proof of payment of any such balances, s/he/they may re-apply and, if otherwise eligible, will be added to the waiting list based on the re-application date.



Previous landlords may be contacted to ask for comments regarding the applicant's rental history. Acceptable topics of discussion include but are not limited to: cooperation with recertification processes, compliance with the lease and house rules, rent payment, and housekeeping.

An applicant household will be rejected if any member of the household has left another HUD-assisted property owing overpaid HUD assistance, unpaid rent or damages.

#### Current residence in other HUD assisted housing

Applicants living in other HUD-assisted housing may apply to this property. However, the applicant must move out of the current property before HUD assistance can begin at this property. Special circumstances exist:

- for minor children where both parents legally share 50% custody.
- foster members placed in foster care that have both biological and foster families living in HUD assisted units.
- for HUD-assisted household members in another property who are moving to establish a new household, when remaining family members will stay in the old unit.

Applicant households must disclose if any household member is currently receiving HUD housing assistance. Households are not permitted to receive assistance in multiple households for the same time period, or to receive assistance if more than one residence will be maintained.

For HUD properties only, management will use the EIV (computerized Enterprise Income Verification) system's Existing Tenant Search report to identify household members who currently reside in HUD's Public and Indian Housing, or Multifamily programs.

This report will be printed for each member of the applicant family when processing the applicant for admission, prior to offering a unit. This Report will also be printed for individuals (including Live-In Aides) who wish to move into an already-existing tenant household.

If any family member is currently living in another PIH/MF assisted unit, plans to vacate that unit will be discussed with the applicant. Move-Out/Move-In dates will be coordinated with management at the other assisted property to avoid HUD being billed for double subsidy. Results of discussions with the applicant and/or other site will be recorded on the Existing Tenant Search.

Prior to receiving the keys to the apartment on move-in day, the applicant is required to provide proof that the family has moved out of prior HUD-assisted housing (if applicable). This can consist of any of the following documents:

- Copy of signed, dated move-out inspection report or final account statement.
- Hand-written note from the prior landlord (signed and dated), on property letterhead, stating that the keys to the prior unit have been returned.
- Copy of the move-out 50059A certification form from the prior property





For applicants who move into the property, the Existing Tenant Search report(s), along with all documentation, will be kept in the tenant file with the application for the term of tenancy plus three years. For applicants who do not move in, the report(s) and documentation will be retained, along with the application, for three years.

If any member of the applicant household fails to accurately disclose his/her rental status, the application may be denied based on "misrepresentation of information."

After move-in, if any household member receives, or tries to receive, HUD housing assistance at another property while still living at this property, the household will be required to repay HUD for all overpaid assistance.

## Credit Screening

Applicants may be rejected for a poor credit history but cannot be rejected for lack of a credit history. Previous landlords may be contacted to determine if the applicant paid rent on time and/or left the property with any unpaid balances. Live in aides will not be subject to credit screening. Unlike conventional properties, there is no minimum credit score or minimum income requirement to be eligible for housing.

Third party screening entities will be used to provide a credit report for each adult in the applicant household. No cost will be charged to the applicant. Applicants will be rejected if any of the following credit information is verified for any adult member of the applicant family:

- Applicant currently has any outstanding landlord or utility collections or housing judgements.
- Applicant has filed an active bankruptcy claim not yet discharged.

\*Exemptions are permitted if the applicant has proof of repayment of debt. Proof must be a statement of satisfaction from the creditor, court, or other legal proof.

## Patterns of Illegal Drug Use or Alcohol Abuse

This property will reject a household in which any member is currently engaged in illegal use of drugs or shows a pattern of illegal drug use that may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.

The property will reject a household in which any member shows a pattern of alcohol abuse that may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.

Despite any changes to state laws, the use of "medical marijuana" is illegal under federal law. HUD requires that owners deny admission to any household with a member who the owner determines is, at the time of application for admission, illegally using marijuana.



# Occupancy Standards

Applicant households must meet the established occupancy standards of local Landlord/Tenant laws. As a general policy, there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management will take into consideration mitigating circumstances such as reasonable accommodations for disabilities and verified medical reasons for a larger unit.

Units will be assigned in accordance with the following standards as they apply to the particular property an applicant is applying for:

Unit Size	Minimum Occupancy	Maximum Occupancy
1 Bedroom	1 person	2 persons
3 Bedroom	3 persons	6 persons

After moving in, if changes in household composition cause a household to become over housed or underhoused, the family must transfer, within 30 days, to the first available unit of the proper size based on these occupancy standards. Failure to transfer to an available unit will result in termination of assistance and the assessment of contract rent. Similarly, if a household that does not require the accessibility features of a unit moves in and that unit is later needed for a household that does require those features, the first household must be willing to transfer to a non-accessible unit to make their unit available to the household requiring the features. An acknowledgement indicating their willingness to transfer must be signed at move in.

Management does not dictate what are appropriate sleeping arrangements within households. If a household meets the occupancy standards for multiple unit types, they may apply for multiple unit types. However, exception for instances wherein an accessible unit becomes occupied by a household that does not require accessibility features (as detailed in the previous paragraph), once a household accepts a unit and moves in, they must re-enter the internal unit transfer list with an updated date and time stamp for this request in order to move to a larger unit type and they must meet the requirements that qualify them for a transfer.

## Application Rejections

The property complies with applicant rejection requirements set forth in the HUD Handbook 4350.3. Management reserves the right to reject applicants for admission if it is determined that the applicant or any member of the household falls within any one or more of the following categories:



- **Misrepresentation:** Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit.
- **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes documented instances of behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.
- **Violent Behavior:** Includes documented evidence of acts of violence or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.
- **Non-Compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping unauthorized pets, or other acts in violation of rules and regulations.
- **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.
- **Ineligible Students:** Applicant households whose members include an ineligible student who is enrolled in an institution of higher education as noted in the section titled Student Eligibility.
- **Poor Credit History:** *For properties performing credit screening*
- **Unsanitary or Hazardous Housekeeping:** Includes creating any health or safety hazard through acts of neglect, and/or causing or permitting any damage to, or misuse of premises and equipment; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to reasonably and properly use all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or damage to the premises.
- **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are defined in this plan.
- **Social Security Number Documentation:** If there is missing SSN documentation for any non-exempt household member when the household reaches the top of the waiting list and a unit is available, then the household will be skipped, in order to admit the next eligible household. The skipped applicant household may keep its position on the waiting list for 90 days from the date they are first offered a unit, to allow them time to provide acceptable SSN documentation. After 90 days, if any



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household member has not provided SSN documentation or acceptable alternative documentation permitted, the household will be determined as ineligible and will be removed from the waiting list.

All applicant rejections will be made in writing and will include specific reason(s) for the rejection. Per the VAWA Final Rule, the VAWA Continued Occupancy Rights Notice and VAWA Certification will also be provided to all rejected applicants, as an attachment to the rejection notification.

The rejected applicant has the right to respond, in writing, within 14 days, to request a meeting to dispute the rejection. Persons with disabilities have the right to request reasonable accommodations to participate in the grievance process. This meeting must be conducted by a member of the owner's staff who was not involved in the initial decision to deny admission or assistance. Management will provide a written determination to the applicant within 5 (five) days of the meeting.

## Reasonable Accommodations

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job. Reasonable accommodations may include changes in the method of administering policies, procedures, or services. Examples of reasonable accommodations include physical adaptations to units, live-in aides and assistance animals.

For reasonable accommodations to apply there are several requirements. First, the applicant must have a verifiable disability (mental, developmental, or physical impairment that substantially limits one or more major life activities) as defined by HUD as applicable to the property's program type.

Next, the disability must have a direct correlation to the accommodation being requested by the applicant. And, the applicant must request a reasonable accommodation and provide verification of his/her disability and his/her need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in a financial or administrative burden to the property.

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements and adhere to terms of the lease (either independently or with assistance). In these situations, the applicant will be rejected.

Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the property's program.

If an applicant makes a request, management will provide a reasonable accommodation if the applicant has a verifiable disability that is directly related to the request and providing the reasonable accommodation will not result in a financial or administrative burden to management or to the owner.



In providing reasonable accommodations for, or performing structural modifications for an otherwise qualified individual with disabilities, the property is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structure,
- Provide support services that are not already part of its housing programs,
- Take any action that would result in a fundamental alteration in the nature of the program or service, or
- Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

If the site is unable to make a reasonable accommodation due to a resulting financial burden, the applicant may, at his/her own expense, make the accommodation after structural approval by management. Management may require that the tenant remove the accommodation (or have it removed) upon vacating the unit.

Live-In Aides are considered to be a reasonable accommodation. Property management must obtain verification that the Live-In Aide is needed to provide necessary supportive services essential to the care and well-being of the individual, and that there is a disability-related need for the Live-In Aide. This verification will be obtained from the individual's physician, medical practitioner or health care provider.

The Live-In Aide cannot stay in the unit as a remaining family member, once the tenant who needs the services leaves the unit or passes away. Live-In Aides will have 14 calendar days to remove their belongings from the unit and relinquish keys to management. Live-In Aides who violate any of the property's House Rules will be subject to eviction. Live-In Aides must meet the same screening criteria as any other applicant, with the exception of credit checks.

## Waiting List Preferences and List Management

This portfolio of properties has no established preferences.

It is property policy to administer its waiting list as required by HUD handbooks and regulations and maintains a digital waiting list that can be sorted by unit type.

### Opening and Closing the Waiting List(s):

In order to maintain a balanced application pool, the property may restrict or suspend application-taking and close the waiting list. The property will also update the waiting list by removing the names of those who are no longer interested in, or no longer qualify for, housing.

Decisions about closing the waiting list will be determined based on the number of applications available for a particular unit size and the ability of the property to house an applicant in an appropriate apartment within a 3-year period.

Closing and reopening of the waiting list, as well as any restrictions on accepting applications, will be publicly announced in publication(s) likely to be read by potential applicants. Advertisements 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.

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

#### Updating the Waiting List:

The waiting list will be updated annually to keep applicant information current, and to remove anyone who does not respond to the update request or wants to be removed or no longer qualifies for admission to the property.

A letter will be sent to each applicant, asking for outdated information to be updated in writing, and asking whether the applicant wishes to remain on the waiting list or not. Confirmation must be returned to the property, in writing, using any forms which may be provided, within 14 (fourteen) days of the letter's postmark date. Upon request, assistance will be provided to any applicant households with disabilities or limited English proficiency, to enable them to meet this deadline.

When applicants notify the property of changes in household composition, the waiting list information will be updated, and a determination will be made as to whether or not the household needs a different unit size. The household will keep its original application date and place on the waiting list in the event of this type of change.

#### Removal of Applications from the Waiting List:

The property will remove an applicant's name from the Waiting List when:

- The applicant requests that his/her name be removed.
- The applicant was clearly told, in writing, of the requirement to advise the property of his/her continued interest in housing by a particular time, and failed to do so, even after being provided with reasonable accommodations in the event of handicap or disability.
- The property attempted to contact the applicant in writing, but the letter was returned by the U.S. Postal Service as undeliverable.
- The property has notified the applicant, in writing, of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.
- The applicant refused two offers of units for other than a verifiable medically-related reason, by a medical professional.
- The applicant accepted an offer of a unit but failed to move in on time, without notice.
- The applicant household needs a larger size unit due to a household composition change, and the property has no units of that size.
- The applicant household failed to provide SSN documentation for any non-exempt household member after the expiration of the provided grace period.

## Tenant Interviews



As the applicant approaches the top of the waiting list, a final interview must be scheduled. Management will issue a letter, requiring the applicant to report for the interview within 10 business days, at a mutually agreed upon time with the leasing staff. If unforeseen circumstances occur, the applicant will be permitted to request a rescheduling of the final interview one time and that rescheduled interview must occur within 5 business days of the original interview appointment. Failure to show up for any scheduled or rescheduled interview will result in the applicant being rejected and a rejection notice will be issued.

An applicant's behavior toward the property manager and other staff will be considered a strong indicator of future behavior toward neighbors and/or management staff. Physical or verbal abuse or threats by an applicant toward property staff will be noted in the file and can be used as the basis for applicant rejection if warranted.

Appropriate attire is required when visiting the property office. If not dressed appropriately with shoes, shirts and pants, shorts, or skirt, the individual will be asked to leave.

To ensure privacy guidelines are followed, the use of cell phones or recording devices are prohibited unless both parties consent to their unit or if the device is being used as an accommodation measure to alleviate the symptoms of a disability.

The interview will be conducted in accordance with current, published regulatory guidance pertaining to the applicable housing programs. Topics will include, but are not limited to:

- Income/asset/expense information, as well as household composition
- All program eligibility requirements and documents that must be provided to proceed with approval
- The requirement for all household members age 18+ to sign consent for release of information forms
- Citizenship requirements (if applicable to the program)
- Proof of legal residence will be collected
- Applicant's ability and willingness to comply with the terms of the property's lease and community's policies
- HUD-required SSN documentation will be collected for all household members

## Verification Requirements

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.

Documentation required as part of the verification process may include:

- Checklists completed as part of the interview process, signed by the applicant.
- Verification forms completed and signed by third parties.



- Use of HUD's EIV (Enterprise Income Verification) system, a computerized database containing Social Security and employment/unemployment income.
- Documentation provided by the applicant, i.e. award letters, pay stubs, bank statements.
- Notes of telephone conversations with reliable sources, faxes, e-mail or internet correspondence

All information relative to the following items must be verified:

- Eligibility for admission, such as
  - o Age and disability status (for properties with this eligibility restriction).
  - o Income, property rule, asset cap eligibility, assets, and asset income.
  - o Household composition.
  - o Social Security number documentation for all non-exempt household members.
  - o Need for a unit specifically adapted for vision, hearing or mobility impairments.
  - o Verification of student status and eligibility.
  - o Citizenship status (*if required per this property's eligibility requirements*).
  - o Current HUD assistance (if any).
- Allowable deductions, for items such as
  - o Age 62+, disability, or handicap of household head, spouse and/or co-head
  - o Full time student status
  - o Childcare costs
  - o Disability and Apparatus expenses
  - o Medical expenses (permitting for elderly/handicapped households only)
- Compliance with resident selection guidelines, such as
  - o Proof of ability to pay rent and previously demonstrated adherence to the lease
  - o Positive prior landlord reference: rent-paying, satisfactory housekeeping habits
  - o No disqualifying history of drug-related, sex offender or violent criminal activity of any household member
  - o Absence of objectively verified behavior that would give management reasonable cause to believe that the applicant's abuse of drugs/alcohol would interfere with the health, safety and right to peaceful enjoyment of the property by other residents or staff.

Any of the above items which result in the denial of the applicant must be documented, and appropriate verification forms/letters placed in the applicant's file.

Verified information not subject to change (such as a person's date of birth) need not be re-verified from year to year.

## **Hierarchy of Verifications**





Properties using this plan have opted not to use means tested verification. Thus, the following order of verification hierarchy will be followed:

- Upfront Income Verification (UIV): The Work Number or other state government databases.
- Written third-party verification generated by the source: This is an original or authentic document generated by a third-party source dated within 120 days of the date received by the owner/agent. For fixed-income sources, a statement for the appropriate benefit year is acceptable documentation.
- Oral third-party verification from the source of the income. Staff will record and include in the tenant's file the following information: Third-party's name, position, and contact information, information reported, name of the person who conducted the telephone/internet interview, and date and time of the call.
- Family (self) certification when information can't be verified by a method above.

Following admission to the HUD Program, an additional verification option can then be utilized during reexaminations for assisted households: EIV Income Detail Reports accompanied by household self-certification denoting agreement with the sources and figures can be used as verification for any type of EIV-recognized income source (wages, unemployment, and SSA federally administered benefits).

## Streamlined Verification of Assets at Admission

This portfolio of properties has opted to utilize the following streamlined verification processes when processing households for admission and/or at recertification.

- **Streamlined Verification of Assets When the Net Cash Value of Assets Is at Or Below The Current Asset Threshold Established By HUD (currently \$51,600 - Subject To Annual Adjustment by HUD).** This option is not available to households whose net cash value of assets that are not specifically excluded exceeds \$51,600. Via this option, management will accept the family's witnessed self-certification providing the net cash value of assets not specifically excluded and any known income from those assets.

Any additional streamlined verification methods utilized with in-place household at reexaminations are expanded upon in the Resident Handbook.

## Addressing Errors Identified in Eligibility Determinations or Rent Calculations After Admission

If management suspects that a household has inaccurately supplied or misrepresented information that affected the rent or a family's initial eligibility, staff must investigate and document the resident file.

If, after meeting with the family, staff determines that the inaccurate information was an unintentional program violation, they will correct the rent calculation, if applicable, and provide the tenant with notice of the change in



rent. If the resident received an improper payment, the resident will be required to return that improper payments, in compliance with the HUD lease.

If the resident family is unable to repay the full amount, staff and tenant may enter into a repayment agreement. If the resident refuses to execute the repayment, the family will be evicted.

- *For all programs except PRAC*, if, after the income adjustment, the family no longer qualifies for assistance, the family may remain in the property subject to making repayments and paying contract rent or the maximum tax credit rent if this is a tax credit community.
- *For PRAC communities*, if the family did not qualify for assistance at MI/IC, management will terminate tenancy (evict).

If staff determines the resident knowingly provided inaccurate or incomplete information, and this can be substantiated through documentation, the owner will pursue the incident as fraud.

If staff determines that they (management) were the party that made the error in the rent calculations or eligibility determinations, they must correct the affected certification(s) and determine the appropriate course of action to correct the rent charges on the resident's ledger and to return any overpaid subsidy on the monthly voucher sent to HUD.

For corrections resulting in a TTP that is higher, management will return the overpaid subsidy to HUD via the voucher and absorb that loss in rent. Management will meet with the household and provide them with an explanation of what the correct rent charge should have been and the future effective date when the higher rent will be due from the household. This future effective date must be after expiration of a 30-day notice.

For corrections resulting in a TTP that is lower, the resident will be entitled to a retroactive refund of rent. Again, management will request a meeting to discuss their error and provide the family with written notification that will include the correct amount of rent and the effective date it should have originally been charged. The household will then be given the option to either immediately be issued a full refund or authorize (via a written statement) management to apply a rent credit to future monthly rent payments. Please note that any credit/overpayment will be applied to any outstanding rent payment before calculating the amount due to the resident family.

## Attempted Fraud

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. The property considers false information about the following to be grounds for rejecting an applicant:

- Income, assets and/or expenses
- Household composition



- Citizenship status (if applicable to the program)
- Social Security Numbers
- Preferences and priorities, if any
- Eligibility for allowances
- Previous residence history or criminal history

If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise willfully misrepresented any facts about his/her current situation, criminal history, or behavior in a manner that would affect eligibility, priorities, application selection criteria qualification, allowances or rent, the application will be rejected.

During the course of processing an application, there may be errors in name spellings, dates of birth and other such data, resulting in inaccurate criminal, credit, or other screening. In these cases, screening may be re-done. If these checks result in documentation of circumstances that would have caused an applicant to be rejected, the application will be rejected. If the applicant has already moved in, this evidence may be the cause of eviction proceedings.

Unintentional errors will not be used as a basis to reject applicants.

## Offering an Apartment

When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for the apartment size based on any eligible preferences and the date and time stamp. From that group, eligible families with handicapped/disabled members needing specific handicap features of a unit will be selected first, for available units which are accessible in ways specifically adapted for their use.

If a household requests to be placed on the waiting list for more than one unit size the applicant will be notified when s/he nears the top of the waiting list for which a unit becomes available first. The applicant may refuse the first unit type and continue to wait for the other unit type with no change in waitlist position for the other unit type. If the next unit available is not the other unit type, the household must either occupy the vacant unit offered, or be placed at the bottom of the waitlist for the other unit type.

Although applicants other than the Head of Household are not required to provide Social Security Number documentation when the application is submitted, documentation for all non-exempt household members must be provided before a household can be housed. If there is missing SSN documentation for any non-exempt household member when the household reaches the top of the waiting list and a unit is available, then the household will be skipped, in order to admit the next eligible household.

The skipped applicant household may keep its position on the waiting list for 90 days from the date they are first offered a unit, to allow them time to provide acceptable SSN documentation. After 90 days, if any household member has not provided SSN documentation, the household will be determined as ineligible and will be removed from the waiting list.



If an applicant rejects an offer without good cause, the applicant is removed from all waiting lists. "Good cause" includes, but is not limited to, medical reasons, recent death of a close family member, desire to give 30-day notice to the family's existing property, and rejection of a unit because the available unit is close to a unit with an assistance animal or pet to which someone in the applicant family is allergic. When a unit is rejected for good cause, the applicant will keep his/her place on the waiting list, and management will offer the available unit to the next applicant.

When an applicant reaches the top of the waiting list, management will schedule a final screening appointment within 10 business days. The applicant must come into the office for this appointment, and must bring all items requested by management. If the applicant fails to attend, the applicant will be rejected. If the applicant previously requested a rescheduling, prior to the original appointment, He/She/They will retain his/her/their place on the waiting list the first time this occurs. If the applicant fails to attend the second scheduled interview, the applicant will be removed from all waiting lists.

**If during the final interview, required items of documentation are missing, management will provide the household with a final period of 7 calendar days to provide the missing information. If the applicant household fails to provide the requested information in those 7 calendar days, the applicant will be rejected.**

Any family placed in a unit size different than that defined in the property's Occupancy Standards must agree to transfer to an appropriate size unit when one becomes available. HUD regulations do not allow single member households to move into 2 bedroom units unless the applicant household has a verifiable reason for the larger unit or it satisfies a reasonable accommodation request.

A unit offer will be made in writing to an applicant household only after all criminal and landlord checks have been completed, and the tenant interview has been completed, and all verification documents have been received.

If mail sent to the address the applicant listed as his/her current address is returned by the Postal Service, the document will be kept on file and an attempt will be made to contact the applicant via other means. If the applicant cannot be contacted within 3 working days by alternate means, the apartment will be offered to the next applicant on the waiting list. Attempts to contact the household will be documented in the applicant file, and the applicant will be removed from the waiting list.

If the applicant is offered a unit in writing but fails to reply by the date noted on the offer letter, the applicant will be removed from the waiting list. The apartment will be offered to the next applicant on the waiting list.

If an applicant fails to move in on the agreed-upon date without notice, the application will be rejected, the applicant's name will be removed from all waiting lists and the apartment will be offered to the next household on the waiting list. An exception will be made in the case of a medical extenuating circumstance; in this case, the applicant will retain his/her place on the waiting list, and the unit will be offered to the next applicant on the list.



When there are no residents or applicants who need the features of existing accessible units, persons without disabilities may move into those apartments. However, they must agree to move to an available apartment of the appropriate bedroom size with no such design features, if an applicant or current resident requires that accessible unit. Units designed for the mobility-impaired are set aside for individuals who are mobility impaired.

## How Rent is Calculated (HUD Properties only)

Each HUD-assisted household's rent will be calculated using HUD defined calculation methods. Because several factors such as income, assets, and expenses and deductions vary from one household to the next, each household's resulting calculation of the Total Tenant Payment (TTP) is specific to that household's financials and other factors outlined in HUD rules. The family will pay the greater of:

1. 10% of Monthly Income;
2. 30% of Monthly Adjusted Income; or
3. Welfare rent (welfare recipients in as-paid localities only); or

In some cases, HUD may provide a Utility Allowance that will be applied to reduce the TTP to a lower amount, referred to as Tenant Rent.

There are very specific situations wherein Hardship Exemptions can apply to households that will impact the TTP calculations. Please see the Hardship Supplemental Policy at the end of this Tenant Selection Plan to learn more about these exemptions.

## Prior to Move-In

Management will explain the HUD regulations regarding the following:

- Security deposits- the amount due is dependent on the household's Total Tenant Payment and thus, may vary from one household to the next. If a move in certification for a HUD program is corrected after move in, the deposit amount may be recalculated and any resulting deposit difference collected or returned, as applicable.
- Annual and Interim recertification requirements
- Unit inspections
- Community policies
- Transfer policies

All adult household members (age 18 and older and any adjudicated minors who are the Head, Spouse or Co-Head) will sign the Lease, the Resident Handbook (Community Policies or House Rules), Verification Consent Forms including the 9887/9887A, and related documents and addenda.

The applicant will pay the security deposit and rent for the first month, as set forth in the Lease.



## Apartment Inspection

All apartments must undergo a move-in inspection by management and the tenant the day of or prior to the day of move-in. A move-in inspection form will be completed and signed and dated by the tenant and management, confirming that the unit is in decent, safe, and sanitary condition.

After move-in, inspections will be completed at least annually by management and inspections may also be conducted by overseeing regulatory agencies.

## Unit Transfer Policies

Residents will be placed on a separate internal unit transfer waiting list if they meet one of the following ranked conditions:

- VAWA emergency transfers within the property.
- Unit transfer needed for medical reasons which are certified by doctor or needed based on the need for an accessible unit, as certified by a physician or other medical professional, as a reasonable accommodation for persons with verified disabilities.
- Unit transfer is needed due to a change in family composition and/or family size.
  - This includes scenarios wherein households internally decide that current sleeping arrangements are no longer appropriate for all members and the household qualifies (under the Occupancy Standards) for a larger unit size.

Current residents who require unit transfers for these reasons will always be accommodated before assigning units to external applicants.

If a tenant is transferred as a reasonable accommodation to a household member's verified disability, the owner will pay the costs (not to include transfer of utilities) associated with the transfer, unless doing so would be an undue financial/administrative burden.

Unit transfers will not be granted if the household:

- Has provided management with notice of their intent to move.
- Is currently under eviction proceedings.
- Has an outstanding balance on the resident ledger (rent or damage charges or late fees) and/or subsidy repayment agreement.
- Did not pass the last completed unit inspection because of unsafe or insanitary conditions.

TRACS transmissions for unit transfer span two days: one to move out of the current apartment, and one to move into the new apartment.



When a household transfers to a new apartment, management will transfer the existing security deposit to the new unit.

## Annual and Interim Recertifications

HUD regulations require an annual recertification of income, assets, student status, and expenses for rent determination. Interim recertifications depend upon certain resident changes such as changes to household composition, member status, and/or changes in income, assets or expenses. These policies pertaining to the reexamination of in-place households are summarized at a high level here, but expanded upon, in great detail, in the Resident Handbook.

Tenants are required to notify management when there is any change in household composition. The same screening criteria are used for all new household members as are required for new households (with the exception of credit checks for Live-In Aides).

Residents are required to report changes, between Annual Recertifications, based on requirements outlined in the HUD Model Lease and discretionary policies the owner has opted to utilize as outlined in the Resident Handbook. Changes that result in an income increase or removal of a member must be reported within 10 days.

### Income Reductions

If the change reported results in any reduction to the household's annual adjusted income of 10% or more of annual adjusted income, management will process an Interim Recertification (IR) to reflect this change.

### Income Increases

- Unearned Income Change Only: If the change is pertaining to unearned income (like monthly benefits) and results in an income increase in the family's Annual Adjusted Income of 10% or more, management will complete an Interim Recertification adjusting rent. The only exception to this rule is if the change was reported timely (within 10 days) and within 3 months of the next annual recertification date. In that scenario, no interim recertification will be processed. The change will be incorporated into the upcoming annual recertification.
- Earned Income Change Only: If the reported change includes an increase to earned income that creates an increase of AAI of less than 10%, no Interim Recertification will be processed. If the reported change includes an increase to earned income that creates an increase of AAI of 10% or more, management must determine if there was an Interim Recertification processed since the last Annual showing a decrease in annual adjusted income.
  - o If there was a prior interim processed since the last Annual, the owner will process the new interim reflecting the increase in earned income unless the change is reported within 3 months of the next Annual Recertification Date.
  - o If there was no interim processed since the last Annual reflecting the decrease in income, the



owner/agent will document the resident file, but will not process the Interim to recalculate the rent.

In situations where a combination of unearned and earned income increases are simultaneously being reported by the household, the owner will make separate determinations regarding whether to process the interim to include one, both, or neither of the two categories of increases based on the parameters above.

If the household complies with reporting requirements, rent changes will be implemented as follows:

- **Rent increases:** If the rent increases, the owner will give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month after the end of the 30-day period.
- **Rent decreases:** If the rent decreases, the change in rent is effective on the first day of the month after the date of action (e.g., first of the month after the date of loss of employment.) A 30-day notice is not required for rent decreases.

If the residents do not comply with the reporting requirements, and the owner discovers the tenant has failed to report changes as required, the owner will implement rent changes as follows:

- **Rent increases:** Owners must implement any resulting rent increase retroactive to the first of the month following the date that the action occurred.
- **Rent decreases:** The resulting rent decrease will be implemented the first rent period following completion of the recertification. The owner/agent will only make rent decreases retroactive under certain circumstances that include:
  - o The resident was hospitalized and unable to report the decrease due to medical circumstances.
  - o The household has requested VAWA Protections
  - o The household has requested Section 504 accommodation or modification to the policy because of a developmental disability.
  - o The household has requested an exception because of Limited English Proficiency.

Those retroactive rent decreases will only go back to the first of the month following the effective date of the last full certification processed.

## Remaining Family Members

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

If the individual who establishes eligibility for the project leaves the unit for any reason other than death in a Section 202/8 project, the owner must determine if the individual(s) still residing in the unit meet the eligibility





requirements for the project, income and age or disability. If the individual is not eligible for the project, he/she may not receive rental assistance and depending upon the type of project, he or she may or may not be allowed to remain in the unit.

- In a 202/8 project, the individual may remain in the unit but must pay contract rent.
- In a Section 202 PRAC project, the individual may not remain in the unit.

## Assistance Animals and Pets

Please refer to the table below, which denotes which properties do or do not allow pets.

Property Name	Designated Population Served	Pets Allowed (type of pet and any weight restrictions)	\$ Amount of Refundable Deposit Required per Cat or Dog	Breed limitations
Fowler Christian Apartments 1	Elderly/Disabled	One Dog or Cat - 30 lbs. max  Fish, Turtles, Small Rodents - 5 gallon max on aquariums  Caged Birds - 2 max	300	N/A
Fowler Christian Apartments 2	Elderly	One Dog or Cat - 30 lbs. max  Fish, Turtles, Small Rodents - 5 gallon max on aquariums  Caged Birds - 2 max	300	N/A
Fowler Communities 3	Elderly	One Dog or Cat - 30 lbs. max  Fish, Turtles, Small Rodents - 5 gallon max on aquariums  Caged Birds - 2 max	300	N/A

If permitted, residents are allowed to keep pets in the unit only after having received management approval. While pet deposits are required at HUD communities, no pet fees or monthly pet rent is charged. Certain rules and restrictions apply and are expanded upon in the Supplemental Animal Policy and in the Resident Handbook.

Assistance animals are not pets and are always permitted as a reasonable accommodation for persons with verified disabilities to alleviate the symptoms of a disability. This need will be properly verified by a physician, psychiatrist, social worker, or other professional with the capacity to provide this verification.



There must be a direct relationship between the person's disability and his or her need for the animal. Neither a security deposit nor a pet fee is required for an assistance animal. All state and local health, safety, and licensing laws apply. Refer to the Supplemental Animal Policy in the Resident Handbook for animal care responsibilities, as these rules apply to both assistive animals and household pets.

Management reserves the right to deny a specific assistance animal only if:

- There is documented proof, based on prior behavior of the animal, that it poses a direct threat to the health and safety of others that cannot be reduced or eliminated by a reasonable accommodation, or
- There is documented proof, based on prior behavior of the animal, that it would cause substantial physical damage to the property of others, or
- It can be specifically documented that the presence of the assistance animal would pose an undue financial and administrative burden to the provider, or
- Documented evidence must show that the presence of the assistance animal would fundamentally alter the nature of this property's services.

## Protections Under VAWA

In addition to the language below, this property also has a VAWA Policy outlining steps management must follow with regards to handling requests for VAWA protections.

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking. The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault and/or stalking, victims of violence have certain rights under the Violence Against Women Reauthorization Act of 2013.

This policy is intended to support or assist victims of domestic violence, dating violence, sexual assault and/or stalking (hereafter referred to as VAWA crimes) and protect persons seeking to exercise VAWA protections, as well as affiliated individuals (as defined by HUD), from being denied housing or from losing their housing/ HUD assisted housing as a consequence of their status as victim of VAWA crimes.

Only residents who are assisted by a covered housing program can invoke the VAWA protections that apply solely to residents. The term "resident" refers to an assisted family and the members of the household on their lease but does not include guests or unreported members of a household.

In addition, a live-in aide or caregiver is not a resident, unless otherwise provided by program regulations, and cannot invoke VAWA protections.

VAWA ensures that person seeking to exercise VAWA protections are not denied housing and housing assistance is not terminated **solely** because the person is a victim of an offense covered under the VAWA (domestic violence, dating violence, stalking and/or sexual assault).



However, being a victim of a VAWA crime is not reason to change the eligibility or applicant screening requirements set forth in the tenant selection plan unless such requirements interfere with protections provided under the VAWA.

Being a person seeking to exercise VAWA protections of an offense covered under the VAWA is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the 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 the VAWA, the applicant/resident must specify that He/She/They wishes to exercise these protections.

If any applicant or resident wishes to exercise their VAWA protections, He/She/They should contact the owner/agent or property management staff immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

### Confidentiality

The identity of the person seeking to exercise VAWA protections and all information provided to owner/agent relating to the incident(s) of abuse covered under the 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:

- Requested or consented to by the person seeking to exercise VAWA protections in writing;
- Required for use in an eviction proceeding or termination of assistance; or
- 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 other applicant or resident files.

### Requests & Certification

When the owner/agent responds to a request for protections provided under the VAWA the owner/agent will request that an individual complete, sign, and submit a certification form. 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 person seeking to exercise VAWA protections 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 office to pick up the certification form or making other discreet arrangements.

If the applicant/resident has sought assistance in addressing VAWA crimes 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 person seeking to exercise VAWA protections service provider, an attorney, medical personnel, etc.) From whom the person seeking to exercise VAWA protections has sought assistance in addressing domestic violence, dating violence 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 person seeking to exercise VAWA protections of such crimes has signed or attested to the documentation.
- If the applicant is currently living in a shelter established to protect person seeking to exercise VAWA protections s of violence covered under the VAWA, the owner/agent will accept verification of such living arrangement in lieu of the certification or other forms as noted above.

The person seeking to exercise VAWA protections must provide such documentation within fourteen (14) business days of the request. The owner/agent may consider extending the deadline if requested and if specific circumstances prevent the person seeking to exercise VAWA protections from submitting the form within fourteen (14) business days.

The person seeking to exercise VAWA protections is not required to name his/her abuser if doing so would result in imminent threat or if the person seeking to exercise VAWA protections does not know the name of his/her abuser.

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

### Criminal Background Check

Domestic violence can often have negative criminal consequences for a victim of VAWA crimes. The perpetrator may cause damage to the victim's property causing eviction. The perpetrator may force a victim to participate in criminal activity, or a victim may be arrested and/or listed on a police report as part of policies that require arresting both parties in a domestic disturbance. Management will take such extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.

### Rental History

Domestic violence can often have negative consequences for a victim of VAWA crimes. The perpetrator may cause damage to a victim's property causing eviction and/or poor rental history. The perpetrator may force a victim to participate in criminal activity or a victim may be arrested as part of policies that require arresting both parties in a domestic disturbance. Management will take such extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.



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 person seeking to exercise VAWA protections and the owner/agent. Responses include:

- Approval of the Request
- Denial of the Request
- Request for additional information

If the request is denied, the person seeking to exercise VAWA protections may appeal the decision. The appeal meeting will be conducted by someone who was not involved in the original decision to deny.

### 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 abuser, while allowing the person seeking to exercise VAWA protections, who lawfully occupies the home, to maintain tenancy.)

The owner/agent may attempt to evict the abuser, 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 person seeking to exercise VAWA protections, 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 the Violence Against Women Act, the person will be permanently barred from the property.

Inviting a person evicted because of an offense covered under the 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.

### Nonretaliation



The owner/agent will not discriminate against any person because that person has opposed any act or practice made unlawful by the Violence Against Women Act or because that person testified, assisted, or participated in any matter related to the Violence Against Women Act or a VAWA crime.

### Noncoercion

The owner/agent shall not coerce, intimidate, threaten, or interfere with, or retaliate against, any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any rights or protections under the Violence Against Women Act including:

1. Intimidating or threatening any person because that person is assisting or encouraging a person entitled to claim the rights or protections under the Violence Against Women Act.
2. Retaliating against any person because that person has participated in any investigation or action to enforce the Violence Against Women Act.

### Protection to Report Crimes from Home

Owner/agents, residents, occupants, service providers, guests and applicants shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance. This individual will not be penalized based on their requests for assistance or based on criminal activity of which they are a survivor or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities. Prohibited penalties include actual or threatened assessment of monetary or criminal penalties, eviction, refusal to rent or renew tenancy, or closure of the property.

### Emergency Transfer

Pursuant to HUD requirements, this property also has a separate VAWA Emergency Transfer Plan that expands further on the staff processes that must be followed to handle such a request.

The owner/agent will consider an Emergency Transfer Request when a person seeking to exercise VAWA protections feels that He/She/They is:

- In imminent danger
- Was sexually assaulted on the property within 90 days of the request

The owner/agent will accept the Emergency Transfer Request directly from the person seeking to exercise VAWA protections or from an advocate working on behalf of the person seeking to exercise VAWA protections.

### Lease Addendum



HUD's VAWA lease addendum will be implemented and provided in accordance with current and future HUD guidance specific to this HUD housing program.

## **Bed Bug Screening and Treatment**

Prior to move in, a vacant unit will be inspected for bed bugs. If bed bugs are found, management will treat this unit at no cost to the tenant.



# Hardship Exemption Policy Supplemental Policy

There are four categories of instances wherein the owner may grant a Hardship Exemption waiving a family's requirement to pay the full amount of calculated rent. These are:

- For Section 8 communities in the portfolio: The standard minimum Total Tenant Payment is \$25. An owner can approve a request for a Minimum Rent Hardship and not apply this minimum and allow the household to pay the lower calculated Total Tenant Payment.
- For all properties participating in HUD Multifamily programs: The owner may approve a request to allow a household to:
  - o Continue to receive a childcare deduction based on continuing out of pocket expenses even when no member of the household is working, looking for work, or going to school.
  - o To pay a reduced 5% (as opposed to the standard 10%) of annual income as their out-of-pocket portion of Health & Medical Expenses.
  - o To pay a reduced 5% (as opposed to the standard 10%) of annual income as their out-of-pocket portion of Attendant Care & Auxiliary Apparatus Expenses.

To qualify for a Hardship Exemption, the household must provide self-certification that one or more of the following conditions exists for the household and that, as a result of these circumstances, it will be difficult for the household to pay their rent:

Childcare Exemption	Health and Medical Exemption	Attendant Care and Auxiliary Apparatus Exemption
I have another scenario that would qualify a household that I want to discuss with you on my policy customization call.	I have other scenario examples I want to discuss with you on my policy customization call.	

To request a Hardship Exemption please contact the property staff for a Hardship Exemption Request Form.

To document the start of a hardship exemption, a recertification will be processed (Hardship Exemptions can be applied to a Move In Certification). While the exemption is active, the household must agree to meet with management every 90 days to discuss circumstances and evaluate if the family remains eligible for the hardship. The management will document these meetings. Following the meeting, the exemption will either:

- Be extended an additional 90 days (no certification will be processed for extensions). There is no limit to the number of extensions the owner may grant; or
- The owner will process a recertification to reflect modification to the number of approved exemption categories; or
- Expire and not be renewed, reverting the household back to the standard TTP calculation.

The Hardship Exemption ends at the earliest of:





- Ninety (90) calendar days from the Effective Date of the Certification implementing the exemption.
- The owner is made aware of a change in circumstances and determines the need for the Financial Hardship Exemption no longer exists and the family is able to pay their rent without the relief.
- Assistance is terminated;
- The resident fails to meet with property staff or provide information/signatures, as required, at least every 90 days or upon request from the owner/agent.



## **Phase In of Health/Medical and Attendant Care/Auxiliary Apparatus Expenses Supplemental Policy**

With the implementation of HOTMA, the amount of out-of-pocket medical and disability related expenses a qualified household must pay before a deduction is applied has increased from 3% of annual income to 10% of annual income. Because the resident's portion of the expense they are responsible for paying is increasing, the amount of the deduction applied to the household's rent calculation is decreasing.

For all applicant households, the amount of qualified expenses the household must pay before the deduction is applied is 10% of household annual gross income.

HUD granted owners discretionary authority to either allow or not allow households moving directly from HUD assisted properties to this community, the ability to continue the phase in of their reduced deduction amount on their Move In Certification. This property has opted to not extend eligibility for continuation of phase in for new applicants. Therefore, policies related to phase in will not apply to any applicant households.

The procedures outlining mandatory implementation of reduced standard expense deductions for Health and Medical and Attendant Care and Auxiliary Apparatus for in-place households, pursuant to HOTMA implementation, is discussed in detail in this property's Resident Handbook.

