

PAHMA Sample Policy

Tenant Selection Plan

SAMPLE

ADOPTED BY PAHMA BOARD OF DIRECTORS

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The Board of Directors of PAHMA provides the following sample as a service to aid owners and management agents in implementing and complying with HUD requirements. PAHMA is not advising that using this sample document will insulate the users from liability or assure compliance. Review or approval by HUD, the Pennsylvania Housing Finance Agency (PHFA) or other contract administrators or regulatory agencies has not been obtained or requested. Owners and management agents may want to review the HUD regulations, HUD occupancy handbook, and this sample document, or have them reviewed by another party, prior to implementation. Owners and management agents are responsible for having policies that is specific to each property. PAHMA provides no warranties.

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I. STATEMENT OF PURPOSE

(Ownership Entity) (O/A) was established for the purpose of owning and operating (Property Name), a HUD-insured and/or HUD-assisted housing development and thereby providing safe and affordable housing under the _____. **(Identify housing program, applicable income category and client group. For example: Section 8 program for elderly households with incomes up to the very low income limit; affordable housing under the 202/8 program who accepts persons 62 years of age and older and persons 18 years of age and older who are disabled and need the specific features of an accessible unit; Section 236 Program for families with income up to the low income limit.)**

This Tenant Selection Plan describes application procedures, screening procedures, and equal opportunity and nondiscrimination requirements for (Property Name). (Property Name) accepts applications, admits applicants, and employs staff without regard to race, color, creed, national origin, disability status, familial status, religion, or sex. Tenants at (Property Name) pay approximately 30% of their adjusted income, calculated in accordance with HUD regulations, for rent.

(Property Name) is (describe number of units/unit mix/population served and any other features unique to this property).

II. FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS

(Property Name) complies with all federal, state, and local laws that prohibit discrimination against persons because of race, color, creed, religion, sex, national origin, disability status, familial status, sexual orientation, gender identity, or marital status.

III. INCOME TARGETING

(Applies to properties with Section 8 housing assistance only. It does not apply to PACS or PRACS and for those properties this section should be removed.)

(Property Name) must make at least 40 percent of the assisted units that become vacant each year available for leasing to families whose income does not exceed 30 percent of the area median income (extremely low-income) at the time of admission. Extremely low income (ELI) means families with incomes at 30% or below median income.

Implementation

Applicants from the property's waiting list will be selected based on the procedure identified below: *(Choose one of the following)*

- Alternate move-ins, beginning the first of each year with an ELI family, or
- Project the number of turnovers for the year and rent the first 40% of that number to ELI families.

If the waiting list does not include eligible applicants with annual incomes at or below 30% of the area median, O/A will market and outreach to achieve the desired mix. If after actively marketing for at least 30 days, O/A is unable to fill vacant units with ELI families, O/A may lease to other eligible families. Documentation of marketing efforts will be maintained on file by O/A.

IV. PREFERENCES

Preferences adopted or required under the specific housing program for use at (Property Name) are defined as follows:

(Define any preference, and the required verification documentation and any rating, ranking or combination of preferences that will affect the order of applicant selection. Section 236 properties should insert the Regulatory Preference here and 221(d)4, 221(d)3 BMIR and 221(d)3 properties should insert the Statutory Preference. Any State, local or residency preferences must have prior HUD approval.)

V. APPLICATION PROCESS

(Note: If a pre-application form is used to determine whether or not applicants should be placed on the waiting list, insert that information here.)

Applications will be accepted during normal business hours, by mail, or other equally effective means of communication. Persons requiring special accommodations or persons with limited English proficiency should contact O/A for assistance. Applications will be mailed upon request.

Applications will be screened in accordance with program eligibility requirements and the criteria set forth in this Tenant Selection Plan. O/A will not prescreen applicants verbally or in person prior to the completion of an application. No person may be refused the right to apply for housing unless the development's waiting list is closed for a particular unit size or type, and notice of the closed waiting list is posted in a prominent common area accessible to tenants and applicants.

Incomplete applications will be returned to the applicant and will not be evaluated until all of the required information has been provided. All household members must be listed on the application form.

O/A will notify applicant in writing of the status of the application. The response will be mailed not more than thirty days from the date of receipt. Alternate formats for responding to an applicant with a disability will be provided upon applicant's request. If applicant is being placed on the waiting list, O/A will provide a written notification to the applicant regarding the status of the application with respect to:

- result of the preliminary determination of eligibility,
- estimate of the time it may take before the applicant will be offered assistance,
- notice that the applicant is responsible for reporting changes in address, phone number, and preference status, and
- applicant's right to meet with the O/A to discuss the determination made.

A sample notification letter of decision on application is included as Attachment 2.

Placement on the waiting list does not constitute acceptance. Further screening is required to determine an applicant's ability to maintain a successful tenancy.

VI. APPLICANTS WITH ACCESSIBILITY OR SPECIAL NEEDS

The applicant must notify (Property Name) of their requirement for a unit with accessibility features. Applicants, whose household includes a person with a disability, may request a current list of accessible units at the property.

Verification that the applicant is disabled may be required when the applicant requests a modification to a unit, a preference based on disability status, or a reasonable accommodation. Inquiries concerning a person's disability or disabilities in this regard will be limited to verification that the applicant is disabled and that there is need for an accommodation or the qualification for a program.

An approved applicant may, at their option, accept a unit without accessibility features and be placed on an internal transfer list for an accessible unit. (*This does not apply to Section 202/8 properties unless the applicant is age 62 or older.*) Placement on the transfer list does not guarantee that an accessible unit will be available.

Reasonable accommodation or modification may be made to a unit by O/A in accordance with Section 504 of the Rehabilitation Act.

VII. WAITING LIST PROCEDURE

Note: O/A maintains a unit transfer waiting list for in-house tenants. These residents will be given preference for a vacant unit over applicants on the waiting list.

Waiting list placement - Once income eligibility requirements and household composition is determined, the applicant will be placed on the appropriate waiting list(s) by date and time of receipt of the application. Applicants may choose to be on more than one waiting list. Applicants eligible for accessible units may choose to be on lists for accessible and standard units. (*This does not apply to Section 202/8 properties and should be modified to read that applicants under the age of 62 are only eligible for accessible units.*) Assignment to the waiting list will be based on this preliminary determination and will be formally verified during the certification process.

Waiting lists will be organized by type of unit, (subsidy, physically adapted unit, etc).

A waiting list will be closed when the number of current applications exceeds ____ years of projected vacancies at Property Name. (i.e.; we will not accept applications), and opened when it drops below ____ years of projected vacancies. (*Tenant Selection Plan may state that waiting list will never be closed.*) The advertising of openings and closings to the waiting list will include _____.

Applicants are chosen from the Waiting List based on the date and time of application, and appropriate unit size becomes available, subject to the preferences identified in Section III.

Applicants will not lose their place on the waiting list if the head of household has provided documentation of social security number. However the household will not be housed until all household members have submitted valid social security numbers and acceptable verification that the social security numbers are correct.

(Optional: If the applicant refuses the unit, the application is returned to the waiting list, annotated as to the date of declination, to be selected again. No penalty is associated with the first refusal, but upon a second refusal, the applicant is placed at the bottom of the waiting list, using the second declination date and time as the new application date and time. Should O/A contact the applicant a third time and receive no response or a declination, the application will be removed from the waiting list.)

In carrying out the above plan, the applicant will be notified in writing by first class mail (*Optional: and by phone on the same day*), and given ____ calendar days to accept or decline the unit offered. (*Optional: If this is the first offer and no word is received within the seven day period the applicant will be treated the same as a first refusal and remain on the waiting list unchanged. Should O/A contact the applicant a second time in less than twelve months and receive no response, the applicant will be removed from the waiting list*).

Periodically, applicants on the waiting list are contacted to determine continued interest in remaining on the waiting list at (Property Name). A letter is sent to the applicant's last known address, allowing the applicant ____ calendar days to contact O/A. If contact by the applicant is not made, or the letter is returned, the applicant is removed from the waiting list.

A sample copy of a waiting list update letter is attached to this document as Attachment 5.

A copy of a notice of removal from waiting list is attached to this document as Attachment 6.

VIII. CHANGES IN FAMILY COMPOSITION

Applicant must notify O/A of any changes in family composition while on the waiting list. *Choose whichever of the following sentences is appropriate based on O/A's policy and delete the other one: Changes in family composition will not affect the family's placement on the waiting list OR O/A will verify date/time family composition changed to determine placement on the waiting list.* Failure to notify O/A may jeopardize applicant's eligibility for housing based on unit size.

IX. PROGRAM ELIGIBILITY CRITERIA

Applicant eligibility will be determined using the following criteria:

- a. The Head of Household must be 18 years of age or older (*Optional: or have been emancipated by a court of competent jurisdiction*). (Emancipation by a court does not apply to Section 811 PRACs.) The head of household must have the capacity under state and local law to enter into a legally binding lease agreement.
- b. Total family income must fall within the applicable program income limits established by HUD (see the 4350.3 REV-2 Program Income Limits at Paragraph 3-6D). Income limits are published annually in the Code of Federal Regulations and can be found in the O/A office.
- c. The rent the applicant would be required to pay using the applicable HUD rent formula must be less than the gross rent for the unit (or the market rent for Section 236 properties). *This requirement does not apply to Section 202 or 811 PRACs and should be removed.*
- d. **If you have specific program eligibility requirements such as age, disability, special population, an elderly preference, list here.**
- e. The applicant is not eligible if the applicant has been evicted from federally assisted housing within the last three years for drug-related criminal activity. (24 CFR 5.854)
- f. The applicant is not eligible if it is determined that any household member is currently engaging in:
 - i. illegal use of a drug; or
 - ii. we determine or have reasonable cause to believe that a household member's illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (24 CFR 5.854)
- g. (*Optional: The applicant is not eligible if it is determined that any household member is currently engaged in, or has been engaged within ____ years before the admission decision:*
 - i. drug-related criminal activity;
 - ii. violent criminal activity;
 - iii. other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
 - iv. other criminal activity that may threaten the health or safety of Property Name O/A, or any employee, contractor, subcontractor or agent of Property Name who is involved in the housing operations. (24 CFR 5.855)
- h. The applicant is not eligible if the applicant or applicant family member is a lifetime sex offender, as registered on the Pennsylvania State website (www.state.pa.us), or on any other state or national list available to the O/A. (24 CFR 5.856)
- i. The applicant is not eligible if it is determined or there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. (24 CFR 5.85)
- j. The applicant is not eligible if they fail to provide accurate social security numbers for each member of the proposed household with the exception of applicants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010. This requirement also applies to persons joining the family after

admission to the program. Failure to furnish verification of social security numbers is grounds for denial of admission or termination of tenancy (*for Section 202 and 811 PRACs remove the last sentence and add the following*) Citizenship is not a requirement so individuals who do not contend eligible immigration status must sign a certification, containing the penalty of perjury clause, certifying to that effect. The certification will be placed in the tenant file to support the individual not being subject to the requirements to disclose or provide verification of a SSN. *Note: for the MOD Rehab Single Room Occupancy Program for Homeless Individuals, applicants have 90 days after admission to provide social security number documentation.*

- k. To be eligible for Section 8 assistance, an applicant who is a student must be 24 years of age, unless they are a veteran, married, have a dependent child or are a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and were receiving Section 8 assistance as of November 30, 2005). Both the applicant and the applicant's parents must meet the applicable income limits, except as discussed in HUD's guidance on student eligibility defining independent student status or have established a household independent of parents/legal guardians for at least one year prior to application. (*If you are a Rent Supplement, RAP, Section 221(d)(3) BMIR, Section 236, Section 202 PAC, Section 202 or Section 811 PRAC remove the Section 8 wording and use the following: To qualify, a student 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, 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.*)
- l. The applicant is not eligible if they fail to sign all relevant verification forms determined applicable by O/A (and failure to do so is not due to extenuating circumstances) or required by HUD (HUD Forms 9887 and 9887A), or fail to submit verification of information where third party does not exist or cannot be reached through a known address or phone number.
- m. (*This does not apply to 221(d)(3), 202 PAC, 202 or 811 PRAC properties or 202 projects with units not receiving assistance under Rent Supplement or Section 8 Programs*) Assistance is restricted to U.S. citizens or nationals and noncitizens that have eligible immigration status. All family members, regardless of age, must declare their citizenship or immigration status. Noncitizens must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status.
- n. (*This part does not apply to 221(d)(3), 202 PAC, 202 or 811 PRAC properties or 202 projects with units not receiving assistance under Rent Supplement or Section 8 Programs*) For the Citizenship/Eligible Immigration Requirement, the status of each member of the family is considered individually before the family's status is defined.
 - i. Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination;

- ii. No Eligible Members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.
- iii. Non-citizen Students and their Non-citizen Families. Applicants who hold a noncitizen student visa are ineligible for assistance as are any noncitizen family members with the student.

A more detailed explanation of Property Name's Citizen of Eligible Immigrant Policy can be found at Attachment 1 to this plan:

X. APPLICANT SCREENING

Applicants will be screened to determine their demonstrated ability to pay rent on time and to meet the requirements of tenancy. A lack of history is not sufficient cause to reject an applicant. These determinations are based on the following:

- a. *(Optional: Credit. Credit Reports are run on each individual applicant age 18 and older. No credit shall be considered as good credit. Each credit report will be reviewed based on the following criteria as a basis for denial:*
 - i. *An open judgment by a creditor,*
 - ii. *Any unpaid utility charges. Note: If the tenant pays utilities, applicant must provide proof they can secure utilities in their name.)*
- b. *(Optional: If the applicant reflects one or more of these negative histories, applicant will be denied based on credit, and given 14 days to meet with management to discuss the situation for possible reconsideration. The (job title) must approve all exceptions in writing and further restrictions may apply.)*
- c. *(Optional: Rental History. Each applicant must provide the most recent five years verifiable rental history, or the last three consecutive places of residence, whichever is greater. The rental history of each adult household member will be reviewed using the following minimum requirements:*
 - i. *No evictions for non-payment of rent where a current balance remains owing to a previous landlord.*
 - ii. *No history of disturbances or behavior that interfered with the landlord or the rights of other residents/neighbors.*
 - iii. *If previously evicted for other than non-payment of rent, each situation will be reviewed on an individual basis to determine merit for possible denial.)*
- d. *(Optional: Home Visits. Visits to the applicant's current residence to assess housekeeping habits if such visits are required in connection with all applicants for housing. A geographic radius within which home visits are made may be established.)*
- e. *Criminal History. A criminal background check shall be completed on all applicants at the time of verification of eligibility to receive program benefits, as authorized by the current or updated application on file and the required release of information authorizations signed by each anticipated household member 18 or over. Sex offender screening will be conducted on all applicants 18 years and older in each state that they ever lived in. This will be done through the criminal screening company, Megan's Law website and/or other agencies and websites.*

Note: The Violence Against Women Act (VAWA) protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, from

being denied housing assistance if the incident of violence is reported and confirmed per the VAWA Policy and Procedures established by Management.

VAWA Protections

1. The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or supporting documentation within the specified timeframe may result in eviction.
4. Owners/Agent will support or assist victims of domestic violence, dating violence or stalking and protect victims, as well as members of their family, from being denied housing or from losing their HUD assisted housing as a consequence of domestic violence, dating violence or stalking.
 - (a) Owners/Agent will provide notice to tenants of their rights and obligations under VAWA.
 - (b) Certification of Domestic Violence, Dating Violence or Stalking.
 - (1) Owners/Agent will provide tenants the option to complete the Certification of Domestic Violence, Dating Violence or Stalking, form HUD-91066. The certification form may be made available to all eligible families at the time of admission or, in the event of a termination or start of an eviction for cause proceeding, the certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) business days. Owners/Agent may extend this time period at their discretion.
 - (2) Alternately, in lieu of the certification form or in addition to it, Owners/Agent may accept:
 - (i) A federal, state, tribal, territorial, or local police record or court record, or
 - (ii) Documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking or, the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional’s belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.
 - (3) Owners/Agent is not required to demand that an individual produce official documentation or physical proof of an individual’s status as a victim of domestic violence, dating violence or stalking in order to receive the protections of the VAWA. Owner/Agent, at their discretion, may provide assistance to an individual based solely

upon the individual's statement or other corroborating evidence. Owners/Agent are encouraged to carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

(4) Owners/Agent should be mindful that the delivery of the certification form to the tenant via mail may place the victim at risk, e.g., the abuser may monitor the mail. Therefore, in order to mitigate risks, owners are encouraged to work with the tenant in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

(c) Confidentiality of Information.

The identity of the victim and all information provided to owners relating to the incident(s) of domestic violence, dating violence or stalking must be retained in confidence by the owner and must not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is:

- (1) Requested or consented to by the individual in writing;
- (2) Required for use in an eviction proceeding; or
- (3) Otherwise required by applicable law. The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.

(d) Retention of information.

Owners/Agent must retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.

(e) VAWA Lease Addendum.

Owners/Agent must have tenants sign the VAWA lease addendum, form HUD-91067. (VAWA 2013 Reauthorization included PRACS but HUD has not provided guidance on implementation for PRAC properties as of this TSP revision. Please follow the HUD Handbook 4350.3 REV-1, Change 4 until HUD provides additional guidance.)

- f. Household Income. All household income must be verified. (*Optional: Zero Income tenants and family members over 18 without income will be recertified every _____ days. All family members 18 and over who claim zero income and are not full-time students, must third-party verify this lack of income by _____.*)
- g. Verification of Information. Verification of information used in determining approval for residence, verifying project eligibility, and calculating the tenant's portion of rent will be sought in writing after receiving written authorization from applicant using the required HUD approved release of information authorization form (HUD 9887 and HUD 9887A). Other forms may be used in conjunction with the required forms (Property Name's verification forms/inquiries, IRS forms, etc.).
- h. Every member of the applicant's household will be screened through the Enterprise Income Verification (EIV) System's Existing Tenant Search. Both Multifamily Housing and Public Indian Housing will be queried to determine if any member is currently receiving rental assistance. If so, O/A will discuss this with the applicant, giving the applicant an opportunity to explain any circumstances relative to receipt of assistance at another location. O/A will also follow-up with the respective Public Housing Authority or O/A to confirm the individual's program participation status before admission. If the applicant meets all required eligibility requirements, O/A will coordinate move-out and move-in dates with the Public Housing Authority or O/A at the other assisted property.

As determined by this document, HUD policies, or owner policies, every appropriate verification form must be completed and signed by the head of the household and household members 18 years and older. Verification of credit and income information for a live-in aid is not necessary because their income is not included in the household income calculation. (Live-in Aid is defined as a person who resides with one or more elderly persons, near elderly persons, or persons with a disability and (a) provides necessary assistance for the care and well being of the person; (b) is not obligated for the support of the household member; and (c) would not be living in the unit except to provide such necessary assistance to the household member.)

It is the policy of Property Name to guard the privacy of individuals in accordance with the Federal Privacy Act of 1974 and to ensure the protection of records maintained by the property concerning the applicants or tenants.

Property Name shall not disclose any personal information contained in its records to any persons or agencies other than HUD or the HUD contract administrator, or other authorized government agency unless the individual about whom information is requested has given signed written consent to such disclosure, or unless disclosure is otherwise in accordance with provisions in the state or federal privacy acts.

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 or to gather information to process reasonable accommodations requests under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Fair Housing Act.

Verification of income, expenses, assets, family characteristics, and circumstances that affect family eligibility, order of applicant selection, or level of assistance will be sought in accordance with acceptable methods to HUD, in order of acceptability:1) upfront-income verification (UIV) with use of EIV being mandatory and use of non-EIV UIV being optional; 2) third-party verification from source (written), 3) third-party verification from source (oral), and 4) family certification. If third-party verification is not available, owners must document the tenant file to explain why third-party verification was not available.

Rejection of Applicants

- a. Applicants with behavioral patterns or habits and practices that may be reasonably expected to have a detrimental effect on the tenants of the project environment will not be selected for occupancy. Examples of such include, but are not limited to, poor housekeeping history, history of quarreling with neighbors, disturbing neighbors, damage or destruction of property at prior residences, etc.
- b. Also, applicants must demonstrate past performance in meeting financial obligations, especially rent; have no unsatisfactory reports/referrals and no evictions for non-payment within the continuous rental history.
- c. The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application.
- d. The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application or a prior application submitted within the last three years, and the applicant fails to establish that the misrepresentation or falsification was unintentional.

- e. The applicant, or a household member, has directed abusive or threatening behavior that was unreasonable and unwarranted towards an O/A's employee during the application or any prior application within the last three years.
- f. The applicant does not intend to occupy housing, if offered, as his/her primary residence.
- g. Applicant has a pet that does not conform to the pet rules and the applicant refuses to give up the pet to attain residency.
- h. In such cases where a member of an applicant family has been evicted or otherwise terminated from an assisted housing program due to drug related criminal activity, such family shall not be eligible for housing in the property within three years of the eviction. In such cases where the offending member is no longer a member of the household and would not be on the lease or residing in the unit, it is within the property's discretion to determine whether the family is eligible for housing. Such determinations shall be made on an individual basis.
- i. The criminal history of proposed tenant family members 18 years and older or emancipated individuals will consider information of any criminal history for denial of your application for housing. The following are minimum requirements:
 - i. No misdemeanor or felony convictions for possession or use of drugs or drug paraphernalia in the last ____ years.
 - ii. No misdemeanor or felony convictions for manufacture or distribution of illegal substances in the last ____ years.
 - iii. No misdemeanor or felony convictions for serious misdemeanors or greater offenses of a crime against a person including, but not limited to, a history of or conviction as a sexual predator requiring the applicant to register as a sex offender in the locality of their residence.
 - iv. No felony convictions.

XI. APPLICANTS DETERMINED INELIGIBLE

Applicants may be rejected for any of the following reasons:

- a. They are ineligible based on HUD guidelines.
- b. The household characteristics are not appropriate for units at this property.
- c. The family size is not appropriate per the occupancy standards of the property.
- d. Applicant does not meet the student eligibility requirements as prescribed by HUD.
- e. Applicant does not meet the property screening criteria.
- f. The applicant fails to sign designated forms/documents upon request.
- g. Applicant is unable to disclose and document social security numbers for each member of the household.
- h. The applicant submits false or incomplete information and refuses to give the necessary data needed to determine eligibility.
- i. *(If applicable) Applicant fails to accept an offered apartment and is removed from the waiting list in accordance with the Tenant Selection Plan.*
- j. *(If applicable) The applicant fails to notify O/A of interest to remain on the waiting list.*
- k. Applicant does not need the subsidy. The rent amount the applicant would be required to pay using the applicable HUD rent formula is more than the gross rent for the unit or the market rent for Section 236 properties. *(Does not apply to Section 202/811 PRACS and should be removed.)*

A sample rejection notice and attachment to rejection notice are included in this plan as Attachments 3 and 4.

XII. APPLICATION APPEAL OF DENIAL OF ASSISTANCE:

- a. Rejected applicants shall receive written notice of the reason(s) for their rejection, and be advised of their right to respond in writing or to request a meeting to discuss the rejection within 14 days. Persons with disabilities or persons with limited English proficiency have the right to request reasonable accommodations to participate in the informal hearing.
- b. Any meeting with the applicant or review of the applicant's written response shall be conducted by a member of the staff other than the initial decision-maker for the rejection decision. The applicant may bring additional data to support their appeal.
- c. After the applicant appeals the rejection, the O/A must give the applicant a written final decision within 5 days of the response or meeting, either by an Acceptance Letter or a Denial Letter.
- d. If through this appeal process, the applicant is found to be eligible, the applicant will be placed back on the waiting list in his or her original place based on date and time of application filing.
- e. This plan provides for the consideration of mitigating factors that include but are not limited to:
 - i. the severity of the potentially disqualifying conduct or condition;
 - ii. the amount of time that has elapsed since the occurrence of such conduct or condition;
 - iii. the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the property and its common areas if the conduct has recurred;
 - iv. the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
 - v. the likelihood that the applicant's behavior in the future will be substantially improved or the condition no longer exists.

In general, the greater degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater must be the strength of showing that a recurrence of behavior (which led to an initial determination that the applicant would not be able to meet the essential requirements of tenancy) will not occur in the future.

Appeals concerning conduct or conditions must provide documentation that refutes the criteria on which the original denial of housing was based. Mitigation circumstances will be verified and the individual performing the verification must corroborate the reason given by the applicant for unacceptable tenancy-related behavior and indicate that the prospect for lease compliance in the future is good because the reason for the unacceptable behavior is either no longer in effect or otherwise controlled.

The O/A shall have the right to request information reasonably needed to verify the mitigating circumstances, even if such information is of a confidential nature. If the applicant refuses to provide or give access to such further information, the O/A may choose not to give further consideration to the mitigating circumstance.

XIII. NEW TENANTS

New tenants will be given an orientation of the policies, the lease agreement, rules and regulations, housekeeping and maintenance procedures, resident's rights and responsibilities. Each new tenant will receive a copy of:

- Lease and any addendums to the lease
- House rules (if applicable)
- Resident Rights and Responsibilities Brochure
- HUD fact sheet "How your rent is determined"
- EIV & You Brochure
- Tenant/Owner Certification (50059 data requirements)
- Pet rules (if applicable)
- Live-in aide addendum (if applicable)
- Signed move in inspection form
- Signed consent forms – forms HUD 9887 and 9887A
- Lead based paint disclosure form (if applicable)
- Lead Paint Hazard Information Pamphlet (if applicable)

XIV. IDENTIFICATION

(Optional: We require that a valid state or federal picture ID be presented when viewing an apartment.)

XV. DETERMINING UNIT SIZE

Selection of the appropriate size unit will be done in accordance with the Owner's General Occupancy Guidelines. The following are factors determining selection for an apartment.

Household members who may be considered when determining bedroom size:

- a. all full-time members of the household,
- b. children away at school, and who live at home during recesses and have not established residency at another location as evidenced by a lease,
- c. children who are subject to a joint custody agreement but live in the unit at least 50 percent of the time,
- d. an unborn child,
- e. foster children who will reside in the unit,
- f. live-in attendants,

g. children who are temporarily in foster care and are expected to return to the family.

General occupancy standards for determining number of bedrooms are:

- a. a maximum of two persons per bedroom,
- b. single persons will not be eligible for a two-bedroom or larger unit, with the exception of a person with a disability who needs the larger unit as a reasonable accommodation, a displaced person when no appropriately sized unit is available, or an elderly person who has a verifiable need for the larger unit.

Definitions of household members or other exceptions to be included when determining household composition/household size:

- All minor children age 17 and under. Child must be a dependent or applicant must have legal guardianship, adoption, or custody 50% or more of the time.
- Foster Children. Are included as a household member in determining unit size with proper program documentation.
- Temporary placement of family members. A person listed on the HUD 50059 as a household member who is temporarily away from home, will be included as a family member.
- Live-in Aides. Shall be included only to determine unit size. Otherwise, the aide has no other legal or financial obligations to that unit. Shall be 18 years of age and older and meet applicable eligibility background criteria. Is essential for the care and well-being of the tenant and would not be living in the unit except to provide the necessary supportive service.
- Medical Equipment. A household member or applicant may be allowed a larger unit in order to accommodate medical equipment, i.e. hospital bed, oxygen tanks, etc., provided the request is verified by a health-care professional.
- Other Adult Household members. Other adult household members must meet program eligibility and screening criteria. Other adult household members must sign the dwelling lease and form HUD 50059.

XVI. UNIT TRANSFER POLICY

O/A maintains a unit transfer waiting list for in-house tenants and these tenants will be given preference for a vacant unit over applicants on the waiting list.

The household may request a transfer to a different unit, if eligible. Transfers shall be recorded based on date and time requested for transfer and tracked on a manual transfer waiting list. When a vacancy occurs, O/A will select the next eligible applicant on the transfer list prior to proceeding to the applicant waiting list. Any change in household composition must be reported immediately to O/A.

Determining factors for transfers can be:

- a. a change in the number of occupants in the household that would exceed or fall below the current occupancy standards for the unit; or

- b. a change in family composition; or
- c. a certified medical reason received from a doctor; or
- d. the need for an accessible unit or reasonable accommodations; or
- e. the need for a different subsidy program covered by another unit.
- f. *(Optional: Rent and all other charges must be current and there can be no outstanding lease violations.)*

XVII. HOUSEHOLD ABSENTEE

This will be the primary place of residency for all persons listed on the HUD 50059. You shall not have any other primary place of residency. If it is verified that you have vacated or are presumed absent from the unit for more than 60 days (180 days for illness) without getting prior written approval from O/A, your assistance may be terminated

XVIII. DEPARTING FAMILY MEMBER

If any departing family member(s) would like to be considered for housing at the property, they will need to complete an application for housing and will be placed on the waiting list according to the date and time the application was received and will be subject to the screening criteria for the property.

XIX. VISITOR POLICY

(Optional: All visitors are considered "guests". Visitors are not permitted to stay in the unit for more than ____ days unless written permission is received from O/A. If a guest remains in the unit for more than ____ days within the term of the Lease Agreement, the guest will be required to furnish proof of residency. Failure to comply with the visitor policy is a lease violation.

All households are responsible for the actions of their guests. If their guests fail to comply with community rules, policies and the Lease Agreement, the tenant household may be evicted in accordance with the terms of the lease and house rules.)

XX. REASONABLE ACCOMMODATION / MODIFICATION

(Optional: The O/A is committed to ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities in connection with the operation of housing services or programs solely on the basis of such disabilities. Therefore, if an individual with a disability requests an accommodation or modification, the owner/agent will fulfill these requests, unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. In such a case, the owner/agent will offer an alternative solution that would not result in a financial or administrative burden.

- a. *The O/A is responsible for informing all residents that a request may be submitted for reasonable accommodations for an individual with a disability.*
- b. *At the time of application, all applicants will be provided with the Request for Reasonable Accommodation Policy or upon the applicant's request, the Policy will be provided in an equally effective format.*
- c. *All applicants/residents will be provided the Request Form when requesting a reasonable accommodation or, upon the applicant/resident's request, the Request Form will be provided in an equally effective format. A resident or applicant may submit the request in writing, orally, or use another equally effective means of communication to request an accommodation or modification.*
- d. *Residents and applicants may contact the O/A office located within the property for information about requests.*
- e. *Upon receiving the request, the O/A will respond to the request within twenty (20) business days. At this time, the O/A may request additional information or verification.*
- f. *The O/A will consent to or deny the request as quickly as possible, but within thirty (30) business days after receiving all necessary information and documentation from the resident. All decisions to grant or deny reasonable accommodations will be communicated in writing or if required, in an alternative format in order to communicate the decision to the applicant/resident. Exceptions to the 30 business day period for notification of the O/A's decision on the request will be provided to the resident setting forth the reasons for the delay.*
- g. *If the request for reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within 10 business days of the date of the written notification of denial. The appeal meeting will be conducted by a staff Person who was not originally involved in the original denial.)*

This policy may be amended to meet HUD changes and requirements as needed.

The following attachments are included in the plan:

Attachment 1 – Citizenship and Immigration Status, Verification Procedures

Attachment 2 – Notification of Decision on Application

Attachment 3 – Rejection Notice

Attachment 4 – Attachment to Rejection Notice

Attachment 5 – Annual Waiting List Update

Attachment 6 – Notice of Removal from Waiting List

Citizen & Immigration Status, Verification Procedures

Part I. Submission of Documents and Verification

HUD requires all members of a Section 8 participant family receiving assistance on June 19, 1995 or after November 29, 1996 to provide written documentation of legal immigration status. Any new family members or unverified existing family members at the time of annual re-certification or interim certification shall provide written proof of immigration status for verification by Property Name. All family members must submit proof as follows:

- Citizens - Signed declaration of U.S. citizenship. Property Name requires verification of citizenship through U.S. passport, voter registration card, birth certificate, or naturalization papers for any family member asserting U.S. citizenship.
- All other non-citizens - Signed declaration of eligible immigration status and specified acceptable Department of Homeland Security (DHS) documents of eligible immigration status.

The family, upon declaration of each family member's citizenship or eligible non-citizen status, shall provide required documentation. Property Name may extend the submission period not to exceed 30 days. The family is required to submit evidence of eligible status only one time while being continuously assisted under the Section 8 program. Property Name shall verify with DHS through primary, and if necessary, secondary verifications of documentary evidence submitted by the family to determine the eligibility of each family member. Once the applicant or participant has submitted the documents of eligibility, Property Name may not deny, delay or terminate assistance solely on the basis that the primary or secondary verification of the immigration documents has not been completed.

Part II. Provision of Notice

In circumstances where DHS has not verified eligibility, the family will be provided with a written notice that shall include:

- a. that the family has a right to request an appeal to DHS of the results of the verification of immigration status;
- b. that the family has the right to request an informal hearing with Property Name upon completion of the DHS appeal; such hearing shall be in accordance with hearing procedures in HUD Handbook 4350.3;
- c. that Section 8 assistance may not be denied or terminated until the conclusion of the DHS or Property Name appeal process; and
- d. Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance, or pro-ration of assistance).

Property Name Tenant Selection Plan Attachment 2

Notification of Decision on Application

Date: _____

RE: Application for Housing

Dear _____:

Please be advised that we are in receipt of your application-dated _____.

Based on the information you have provided, you appear to be eligible for assistance at this development. You have been placed on the _____ bedroom list(s).

All information you provided will be verified at processing. Based on past tenant rental history, we anticipate that your waiting period will be _____ to _____ months. This is only an approximation of your waiting period.

Please be advised that it is your responsibility to report any changes in address, or phone number to this office. Failure to maintain current information at the rental office may jeopardize your opportunity to be considered for housing.

Sincerely,

Property Name Tenant Selection Plan Attachment 3

Rejection Notice

Date_____

Dear _____:

Your application for an apartment at _____ has been rejected for the reason(s) listed below.

- history of poor rental payment
- history of behavior as a tenant which if repeated in our housing would substantially interfere with the rights of other tenants
- providing false or inaccurate information in your application
- failure to provide information which we have requested in order to complete processing your application
- insufficient income to pay the cost of rent and utilities at the property
- failure to pass screening criteria
- failure to provide valid social security numbers for all family members
- other _____

poor credit report received from:

Credit Agency: _____

Address: _____

Phone: _____

You have the right to obtain a copy of your file from the credit reporting agency. You may contact them at the address and phone number which we listed above.

If the unfavorable circumstance listed above is the result of your disability, you may request a reasonable accommodation. A reasonable accommodation is an adjustment to an apartment or a procedure by management which will prevent the problem from reoccurring.

If you believe that the circumstances indicated above did not occur or can be satisfactorily explained, you may request a conference with a representative of Management within 14 calendar days of this notice.

The conference officer shall establish a mutually convenient date and place to hold the conference, but in no event shall the conference be held later than twenty (20) days from the date of the written rejection notice unless otherwise agreed to by the applicant and management.

Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

Failure of an applicant to appear on the scheduled conference date will result in a decision upholding management's rejection of the application.

The conference is an informal proceeding intended to determine whether management's rejection of an applicant is reasonable in light of the evidence presented. At the conference, it is management's burden to present evidence in support of its decision, but the rules of evidence applicable in a court of law will not apply. Both Management and the applicant are permitted, but not required, to have a representative or advocate present during the conference proceedings. Generally, conference proceedings shall be limited to one half hour in length and each party should be prepared to present its case within the time allotted.

You will be notified of the owner's decision within 5 business days of the conference.

Sincerely,

cc. Applicant file

Property Name Tenant Selection Plan Attachment 4

Attachment to Rejection Notice

Section 515b of the Fair Credit Reporting Act requires us to tell you where we obtained reports on you. We relied in whole or in part on the following:

- [] Information contained in a consumer credit report obtained from: (See list below)
- [] A Consumer credit report containing information insufficient to our needs (See list below)
- [] The fact that the consumer reporting agency contact is unable to supply any information about you. That agency was: (See list below)
- [] Information was received from a person or company other than a consumer credit reporting agency. You have a right to make a written request to us within 60 days of receiving this letter for a disclosure of the nature of the information. Pursuant to federal law, we are prohibited from disclosing the sources of the report.
- [] Information received by applicant was not complete. Management is unable to complete application process.
Items missing _____.

SOURCES OF THE REPORT:

RENTAL HISTORY & ARREST/CONVICTION RECORDS:

RETAIL CREDIT:

OTHER:

You have the right to obtain a copy of your credit file from a credit reporting agency. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance or rental dwelling within the previous 60 days. The credit-reporting agency must provide someone to help you interpret the information in your credit file. Once each year, you are entitled to receive from national agencies, a copy of your consumer credit report free of charge. Regional credit bureaus can charge a fee for that report.

You have the right to dispute inaccurate information by contacting the credit reporting agency directly. However, neither you nor any credit repair company or credit service agency has the right to have accurate, current and verifiable information removed from your credit report. In most cases, the consumer credit reporting agency must remove accurate, negative information

from your report if it is over seven (7) years old and must remove bankruptcy information only if it is over ten (10) years old.

If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of the information in our file, the consumer credit reporting agency must then, within 30 business days, reinvestigate and modify, or remove inaccurate information. The consumer-reporting agency may not charge a fee for this service. Any pertinent information and copies of all documents you have, concerning a dispute should be given to the credit-reporting agency.

If reinvestigation does not resolve the dispute to your satisfaction, you may send a statement to the consumer-reporting agency to keep in your file explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about the disputed information in a report issued about you.

You have a right to receive a record of all inquiries relating to a credit transaction initiated in the six months preceding your request or two years in the case of a credit report used for employment purposes. This record shall include the recipients of any consumer credit report.

If you have a disability and this rejection for housing is a result of that disability, you have the right to request a reasonable accommodation if it will remedy this situation. You may ask for a reasonable accommodation by contacting _____, Property Manager at (phone, TDD, fax, email), within five business days.

Property Name Tenant Selection Plan Attachment 5

Annual Waiting List Update

Date: _____

Dear Applicant:

You are currently on the waiting list for an apartment at _____. We are now in the process of updating the wait list. Enclosed you will find information regarding our current rents and income limits to help determine if you are still eligible for an apartment.

It is requested that you complete all relevant information requested in this letter. Please return it to the address shown above. If we do not receive your updated information within _____ days from the date of this letter, your application will be placed in our inactive file and your name will be removed from the waiting list.

Change of address (complete only if your address is different from the one above):

What is your approximate total yearly income (include gross income and any income from assets)?

Number of people in family: _____

Family Composition: Please complete this section only if there has been a change in family members:

Please note, this is only an update of your current information. If all information is correct as originally submitted, please note and return this letter.

I hereby certify that the information contained herein is true and correct:

Signature of Applicant

Date

If you have a disability and/or limited English proficiency, you have the right to request a reasonable accommodation in connection with your application for housing.

Property Name Tenant Selection Plan Attachment 6

Notice of Removal from Waiting List

Date: _____

Dear Applicant:

On _____, this office sent a letter to your last known address to determine if you remain interested in the housing opportunities provided at this development. _____ days have passed since that letter was sent and we have not received a response from you. As a result of your failure to reply, we must remove your name from our waiting list.

If there is a valid reason as to why you did not respond, we will take that into account in reconsidering the removal of your name from our waiting list. You must respond to this notice in writing within _____ days. Otherwise, this determination is final.

You may file a new application at any time the waiting list is open, or you may apply at any other subsidized development you may choose. The removal of your name does not impair your ability to apply elsewhere.

Please call me at _____ if you have any questions.

Sincerely,