

Tenant Selection Plan

Revised July 9, 2021

Arthur & Estelle Sidewater House

780 Byberry Road
Philadelphia, PA 19116



TENANT SELECTION PLAN

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TENANT SELECTION PLAN

The purpose of the Tenant Selection Plan is to ensure that residents are selected for occupancy in accordance with LIHTC requirements and established Management policies. 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.

Arthur & Estelle Sidewater House contains **62** Section 42 Federal Low Income Housing Tax Credit (LIHTC) units. All applicant household members must be at least 62 years of age at the time of application. Of the qualified LIHTC household gross annual income, **11** of the households **must not** exceed 40% of the Area Median Income (AMI) limits, **11** of the households **must not** exceed 50% of the (AMI); **40** of the households **must not** exceed 60% of the (AMI), as established in the LIHTC allocation agreement, based on family size. The MTSP income limits for Philadelphia County, apply for the LIHTC program, as published by the U.S. Department of Housing and Urban Development (HUD) each year. The IRS 'hold harmless rule' states that if the income limits go down, the property can maintain the highest level of income limits in effect after the property was placed in service with tax credits.

This residence is a completely smoke-free building as well as the grounds. No smoking of any kind (tobacco, e-cigarettes, vapor devices or any other substance) is permitted in any unit, in any part of the building or anywhere on the grounds.

FAIR HOUSING AND EQUAL HOUSING OPPORTUNITY REQUIREMENTS

It is the 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, HUD's Equal Access Rule, PA Human Relations Act of 1955 and any legislation protecting the individual rights of applicants, residents, or staff which may subsequently be enacted and is open and available for use by the general public based on applicable eligibility factors and cannot be restricted members of particular organizations.

Management will not discriminate because of race, color, sex, familial status, religion, handicap, disability, sexual orientation, gender identity, marital status, ancestry, domestic or sexual violence, retaliation, source of income, or national origin in the leasing, rental, or other disposition of housing in any of the following ways:

- Deny any household the opportunity apply for housing, nor deny any eligible applicant the opportunity to ease housing suitable to their 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
- 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 and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities.

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Fair Housing and Equal Housing Opportunity Requirements - Continued

Management will not discriminate because of race, creed, color, national origin, age, ancestry, nationality, marital or domestic partnership or civil union status, sex, gender identity or expression, handicap, disability, affectional or sexual orientation, family state, or source of lawful income or source of lawful rent payment. 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: **Jane C. Lahage, Director of Operations, 8900 Roosevelt Blvd., Philadelphia, PA 19115, (215) 673-6446 TTY Number: 711** (National Telecommunications Relay Service). This person is not directly involved in the day-to-day decision-making process involving admitting applicants to the property.

Management 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, Management 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: **Jane C. Lahage, Director of Operations, 8900 Roosevelt Blvd., Philadelphia, PA 19115, (215) 673-6446 TTY Number: 711** (National Telecommunications Relay Service). 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 in 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 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.

PRIVACY POLICY

It is the policy of each 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 shall disclose any personal information contained in its records to any person or agency unless required by law, or unless the individual about whom information is requested shall 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.

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GENERAL ELIGIBILITY REQUIREMENTS

Applicants **must** meet the following requirements to be eligible for occupancy at the above-mentioned property:

A. Income Limits: Income Limits are available in the Management Office upon request.

The family's gross annual income for 11 units must not exceed 40% of the Area Median Income Limits; for 11 units must not exceed 50% of the AMI, and for 40 units must not exceed 60% of the AMI, based on family size.

Family size **must** count all persons living in the unit, foster adults, temporarily absent family members, Live-in Aides/Attendants and guests. All household members must be at least 62 years of age at time of application. Income eligibility **must** be determined prior to approving applicants for tenancy.

B. Social Security Number Requirements:

- 1) In order to determine eligibility and offer a unit, it is required that every household member, including live-in aides, foster children and fostered adults (unless the household is an Exception as noted in [3] below) to have a Social Security Number (SSN).

In addition, the applicant family must provide (for management to copy) a valid Social Security card issued by the Social Security Administration for each household member.

- a) 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 or State ID 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 designated as acceptable
- b) 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.
- 2) Management will make a copy of the Social Security card for the tenant file, returning the original to the applicant.

C. All household members, who are the Head, Spouse or Co-Head, or member, in each applicant family must sign the program-specific *Authorization for Release of Information* forms, and annually thereafter.

D. The unit for which the family is applying must be the only residence of each household member.

E. An applicant must agree to pay the rent required by the program.

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General Eligibility Requirements > SSN requirements > Exceptions - Continued

F. Project Eligibility

Applicant households **must** meet the following eligibility requirement:

- 1) A family is all household members who are at least age 62 at time of application. The family may include one or two persons who are at least 62 years of age living together, or one person who is at least 62 years of age living with one or more Live-in Aides.

G. Student Eligibility

Student eligibility is determined at Move-In /Initial Certification and at each Annual Certification.

The LIHTC program is not designed to provide affordable housing for full-time students. The LIHTC definition of “student” includes any household member attending public or private elementary schools, middle or junior high schools, senior high schools, colleges, universities, technical, trade, or mechanical schools but does not include those attending on-the-job training courses. Households composed entirely of full-time students are not eligible for the LIHTC program unless they meet one of the criteria noted below. Management may require verification.

- 1) The household contains **at least one occupant** who is not a student, has not been a student, and will not be a student for **five (5) or more months during the current and/or upcoming calendar year** (months need not be consecutive).
- 2) The household contains **all** students but is qualified because one of the household members is **a part-time student**.
- 3) The household contains **all full-time students** for five (5) or more months during the current and/or upcoming calendar year (months need not be consecutive) but the household qualifies due to one of the reasons below.
 - a) At least one student is receiving assistance under Title IV of the Social Security Act
 - b) At least one student was previously under the care and placement responsibility of the state agency responsible for administering foster care
 - c) At least one student participates in a program receiving assistance under the Job Training Partnership Act, Workforce Investment Act, or other similar federal, state, or local laws.
 - d) At least one student is a single parent with child(ren) **and** this parent is not a dependent of another individual **and** the child(ren) is/are not dependent(s) of someone other than a parent
 - e) The students are married and entitled to file a joint tax return. Legally married same-sex couples qualify for the married student exemption under the student rule.

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General Eligibility Requirements - Continued

H. The Violence Against Women Act

The *Violence Against Women Reauthorization Act of 2013 (VAWA)* applies for **all** victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation, and will be applied consistent with **all** nondiscrimination and fair housing requirements.

VAWA protects housing applicants and residents who have been victimized by domestic violence, dating violence, stalking and/or sexual assault as follows:

- 1) Applicants cannot be denied housing solely because they were previously evicted from an assisted site for being victims;
- 2) Applicants cannot be denied housing solely for criminal activity or other acts against them that were directly related to domestic violence, dating violence, stalking and/or sexual assault;
- 3) Residents cannot be evicted, nor have their subsidies terminated solely because they were victims of domestic violence, dating violence, stalking and/or sexual assault. Being a victim does not qualify as a “serious or repeated violation of the lease” or “other good cause” for eviction.
- 4) The perpetrator(s) may be evicted and/or their names removed from leases. Remaining household members may continue residency as long as they are eligible.
 - a) The remaining household member will have **90 days** to establish eligibility for the program or to find new housing. Management will issue **one 60 day extension** following the initial **90 day** time frame, if necessary.

The ‘*Notice of Occupancy Rights Under the Violence Against Women Act*’ (Form HUD-5380) and ‘*Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation*’ (Form HUD-5382), will be provided to a tenant or applicant at three (3) specific times:

- 1) When an individual is denied residency
- 2) When an individual is admitted to a LIHTC unit, and
- 3) With any notification of eviction or termination

Each household member 62 or over, that signs the lease will also sign the VAWA lease addendum, each time a lease is executed.

If an individual is a victim of domestic violence, dating violence, stalking and/or sexual assault, the household member will complete the written Certification Form, which includes names of perpetrator(s), if known. In lieu of completing this certification, or in addition to it, the individual may provide a federal, state, tribal, territorial, or local police record or court record; or 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 believe that the incident(s) are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentations. While the above proof may be submitted by the individual in lieu of or in addition to completing the certification, the proof is not required.

The identity of the victim and all information provided to the owner will be retained in confidence and will not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is requested or consented to by the individual in writing, required for use in an eviction proceeding, or otherwise applicable by law.

All documentation relating to an individual’s domestic violence, dating violence, sexual assault or stalking will be retained in a separate file that is kept in a separate, secure location from other tenant files.

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General Eligibility Requirements – Continued

I. 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.

This property **has not** elected to establish a minimum income policy for use in screening and determining eligibility to pay rent under the LIHTC program.

NOTE: This minimum income policy if elected does not apply to applicants with Project-Based Vouchers or Housing Choice Vouchers.

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APPLICATION INTAKE AND PROCESSING

Applications can be requested in writing from Federation Housing, Inc., Corporate Office, 8900 Roosevelt Blvd., Philadelphia, PA 19115; or by visiting the website at www.federationhousing.org

All submitted applications **must** be in writing, on forms provided by Management. If an applicant is unable to complete an application, due to a disability, a third party can assist in the completion of the form or Management may allow some other accommodation. Only fully completed applications will be accepted. Every application **must** be completed and signed by the head of household and all additional household members 62 years of age or older. All members of the household **must** be listed on the application.

Applications **must** be completed and signed and can be returned to the office via U.S.P.S. mail (to the Administrative Assistant, Federation Housing, Inc., 8900 Roosevelt Blvd., Philadelphia, PA 19115).

All applicants will be given the opportunity to report their race and ethnic data as part of the application process, for statistical information and data collection purposes only. Completing this section is optional and there is no penalty for not completing this section. In the event applicants wish not to complete race and ethnicity information, Management will place a notation in the file that the applicant chose not to complete the race and ethnicity information. This demographic information is not used to determine applicant eligibility. The information is gathered to report on the demographic makeup of applicant traffic, and to comply with the project's Affirmative Fair Housing Marketing Plan requirements.

Staff or 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; 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. All applications will be kept at the corporate office or its file storage locations.

If the application received is not fully complete (including any required attachments) and/or is not signed and dated by all adult household members, the application will be returned to the household and the household will not be added to the waiting list.

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APPLICANT SCREENING PROCESS

Screening is used to help ensure that families admitted to the property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully enjoy their homes. Information collected through the screening process enables owners to make informed decisions to admit applicants who are most likely to comply with the terms of the lease. Management relies on the defined screening criteria as an objective means to determine disqualification to ensure that the same criteria is applied consistently among all applicants screened.

Screening results will be stored in the tenant file for the term of **tenancy plus three (3) years** for any households granted admission to the property. For rejected households, the screening results will be stored with the application, and other applicable documentation, for the **three (3) years** following the rejection.

Listed below are the criteria and methods used to review the household's application:

1) **Criminal Background Check**

The presence of a criminal record will not automatically disqualify an applicant. In general, Management will evaluate the nature of the record in context to the age of the criminal record and the risk that the criminal history poses to the health and safety of the residents living within our community, and the risk to the property of our residents. Criminal history checks of convictions will be completed by local, state and federal authorities and/or a professional criminal and credit checking agency.

Criminal history checks of convictions will be completed by local, state and federal authorities and/or a professional criminal and credit checking agency.

- a) Conviction of any household member for **violent criminal activity** within the past **ten (10) years** will result in the rejection of the application.
- b) Any household containing any member with **convictions** within the past **five (5) years**, due to **drug-related criminal activity** will be rejected.
- c) Any conviction within the past **five (5) years** which involved **deliberate injury to a person or property** will result in the application being rejected.
- d) Any conviction for the **passing of worthless checks, theft from employer, fraud (including credit card, welfare, or worker's comp), identity theft or embezzlement, or forgery** within the past **five (5) years** will result in the application being rejected.
- e) Any conviction for the **sale, distribution or manufacture of any controlled or illegal substance**, as well as any conviction within the **past five (5) years** involving **illegal use or possession of any controlled or illegal substance** will result in the application being rejected.
- f) Any conviction for any **sexual offense** within the past **ten (10) years** will result in the application being rejected.
- g) Any conviction which involved **bodily harm to a child** within the past **ten (10) years** will result in the application being rejected.
- h) Management will **reject** a household in which any member is currently engaged in illegal use of drugs or when the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards will be based on behavior, not the condition of drug abuse.
- i) Management will **reject** a household in which there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards will be based on the behavior, not the condition of alcoholism or alcohol abuse.
- j) Management will **prohibit admission** of any household containing any member (including Live-in Aide) who was evicted in the last **three (3) years** from federally assisted housing for **drug-related criminal activity**.
 - No exceptions will be made.

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Applicant Screening Process > Criminal Background Check - Continued

Despite any changes to state laws, the use of medical marijuana is illegal under federal law. Any references to drug use above will include the use of medical marijuana. Management is required to deny admission to any household with a member who they determine is, at the time of application for admission, illegally using marijuana.

If any household member engages in criminal activity (including sex offenses) while living on site, eviction/termination will be pursued to the extent allowed by the lease, 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.

2) Sex Offender Registry Check

Management will ask whether any member of the applicant household is subject to a lifetime sex offender registration requirement in any state. Applicants **must** provide a complete list of **all** states in which every household member has lived. Failure to provide accurate information to Management is grounds to deny the application.

Management prohibits admission of any individual that is subject to a lifetime sex offender registration requirement in any state. Management verifies if any household member is subject to a state sex offender lifetime registration requirement via the **Dru Sjodin National Sex Offender** website at <http://www.nsopw.gov>, which automatically searches sex offender registries in **all** states.

If Management determines that a member of the applicant household is subject to a lifetime sex offender registration requirement in any state, the family will be given the opportunity to remove the ineligible household member from the applicant household.

- If the family chooses not to remove this individual from their applicant family, the household's application will be denied. The written rejection notice will clearly state this as the reason the family is being denied admission.

For rejected applicants, search results will be kept with the application for **three (3) years**. For admitted households, search results will be kept with the approved application, in the tenant file, for the term of tenancy plus **three (3) years**.

If Management identifies that a household member moved in after June 25, 2001, and the tenant falsified information or failed to disclose criminal history; or that Management did not adequately check all states where the household member lived, termination of tenancy and eviction will be immediately pursued in accordance with state and local laws.

Persons who are subject to a state lifetime sex offender registration requirement who were admitted prior to June 25, 2001 **must not** be evicted unless they commit criminal activity while living in federally assisted housing; **or** have some other lease violation, in which case Management will terminate the tenancy and pursue eviction in accordance with state and local laws.

3) Credit Check

Applicants will not 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.

A professional credit checking agency will be used to provide a credit report for each 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 member of the applicant family:

- a) Applicant has had one (1) or more previous non-payment procedure in housing court during the past three (3) years.
 - Exemptions include medical collections and/or if applicant has proof of repayment of debt. Proof must be a statement of satisfaction from creditor, court, or other legal proof.

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Applicant Screening Process - Continued

4) **Prior Landlord Check**

If any household member was a previous resident at this property (or any other property managed by Federation Housing), the tenant file will be checked. If there is documentation that the tenant was repeatedly notified of rules violations, lease violations, or if the household left the property owing unpaid rent or damages, the application will be rejected.

Current and immediately prior 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.

- a) An applicant household will be rejected if any member of the household has left a previous residence owing unpaid rent or damages.
- b) An application will be rejected if the household has been evicted from a previous residence or has a history of lease violations within the past three (3) years.
- c) Management will reject a household in which any member is currently engaged in illegal use of drugs or when the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards will be based on behavior, not the condition of drug abuse.
- d) Management will reject a household in which there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards will be based on the behavior, not the condition of alcoholism or alcohol abuse.
- e) Management will prohibit admission of any household containing any member (including Live-In Aide) who was evicted in the last **three (3) years** from federally assisted housing for drug-related criminal activity.
 - No Exceptions will be made.

Despite any changes to state laws, the use of medical marijuana is **illegal** under federal law. Any references to "drug use" above will include the use of medical marijuana. Management will **deny** admission to any household with a member who they determine 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 occupancy standards:

Bedroom Size	Minimum Occupancy	Maximum Occupancy
1 Bedroom	1 person	2 people

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DETERMINATION OF APPLICANT ELIGIBILITY: APPLICATION ACCEPTANCE AND REJECTION

Information needed to determine applicant eligibility will be obtained, verified, and the determination of applicant eligibility performed, in accordance with LIHTC program and property eligibility requirements. Eligible applicants will be placed on the waiting list(s), and will be promptly issued a preliminary notice of eligibility, or a rejection notice, as appropriate.

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:

- A. Misrepresentation:** Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit.
- B. 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.
- C. 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.
- D. 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.
- E. Owning 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.
- F. Ineligible Students:** Applicant households whose members include an 'ineligible student' per LIHTC regulations. See prior section 'General Eligibility Requirements > Student Eligibility'.
- G. 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.
- H. Criminal Activity:** The presence of a criminal record will not automatically disqualify an applicant. Management has established a policy to reject 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 (prior section) 'Applicant Screening Process, Criminal Background Check'.
- I. Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicates that the family will be unable or would otherwise fail to pay when due rent for the unit and other expenses relating to occupancy of the unit.

All applicant rejections will be made in writing, and will include specific reason(s) for the rejection. 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 will be conducted by a member of the Owner or Management staff who was not involved in the initial decision to deny admission or assistance. Management will provide written determination to the applicant within **five (5) days** of the meeting.

Rejected applicants will be given a copy of The Notice of Occupancy Rights Under the Violence Against Women Act. Rejected applicants will be given the opportunity to assert that he or she is a victim of domestic violence, dating violence, sexual assault and/or stalking and eligible for VAWA protections

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APPLICANTS WHO REQUIRE REASONABLE ACCOMMODATIONS, INCLUDING LIVE-IN AIDES

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. 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 or physical impairment that substantially limits one or more major life activities) 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 an undue financial or administrative burden to the property.

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations the applicant is not eligible and 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 an undue financial or administrative burden to Management or to the owner.

Reasonable accommodations may include changes in the method of administering policies, procedures, or services.

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

- Make structural alterations which 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 dies. 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.

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WAITING LIST PREFERENCES

There are no waiting list preferences

WAITING LIST MANAGEMENT

It is property policy to administer its waiting list as listed below:

A. Opening and Closing the Waiting List(s):

In order to maintain a balanced application pool, the property may restrict or suspend acceptance of applications and close the waiting list. 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 12 month period.

The waiting list will be reopened, for any particular unit size, when the number of active applicants on the waiting list is approximately twice the number of units (counting both vacant and occupied) for that unit size.

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.

B. Updating the Waiting List(s):

The waiting list will be updated **annually** to keep applicant information current, and to remove anyone who 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 calendar 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.

C. Removal of Applicants from the Waiting List(s):

The property will not remove an applicant's name from the Waiting List unless:

- 1) The applicant requests that his/her name be removed.
- 2) 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.
- 3) The property attempted to contact the applicant in writing, but the letter was returned by the U.S. Postal Service as undeliverable.
- 4) 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.
- 5) The applicant refused **two (2) offers** of unit without 'good cause'. See "Offering a Unit" Section for definition of 'good cause'.
- 6) The applicant accepted an offer of a unit but failed to move in on time, without notice.

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Waiting List Management – Removal of Applicants from the Waiting Lists(s)>Continued

- 7) The applicant household needs a different size unit due to a household composition change, and the property has no units of that size.

Any applicant name(s) removed from the waiting list will be documented with the date and time of the removal. If an applicant is removed from the waiting list, and Management later learns that the applicant was removed in error, or the applicant did not respond to information or updates because of a disability, the applicant **must** be reinstated at the original place on the waiting list.

APPLICANT INTERVIEWS

As the applicant approaches the top of the waiting list, Management will interview the applicant, along with appropriate family members and/or caseworkers, and explain the regulations and policies associated with the property. The interview shall be conducted with topics including, but not limited to:

- Income limit restrictions based on family size
- Income/asset information, as well as household composition
- Applicant-paid utilities
- The requirement for all household members age **62+** to sign consent for release of information forms
- 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
- Statutory, state and local preferences, if any
- SSN documentation will be collected for all household members
- Violence Against Women Act

All reasonable efforts will be made to offer reasonable accommodations as requested by applicants with disabilities and/or limited English proficiency during the application process, as well as during tenancy and for all appeal processes.

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VERIFICATION REQUIREMENTS

The applicant(s) must complete and sign a Release of Verification Form for use in obtaining third-party income and asset information. Management staff will obtain verifications as indicated below:

A. Types of Verification Required All information relative to the following items **must** be verified:

- 1) Eligibility for admission, such as:
 - a) Income and asset income
 - b) Household composition
 - c) Social Security Number documentation for all household members
 - d) Need for a unit specifically adapted for mobility, vision, or hearing impairments
 - e) Verification of student status and eligibility
- 2) Compliance with resident selection guidelines, such as:
 - a) Proof of ability to pay rent
 - b) Previously demonstrated adherence to lease for previous rentals
 - c) Positive prior landlord reference: rent-paying, caring for a home with safe, clean, satisfactory housekeeping habits, based on documented Management's visit to current dwelling
 - d) No disqualifying history of drug-related, sex offender or violent criminal activity of any household member,
 - e) 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.

B. Period for Verification:

Only verified information that is within **120 days** of the date presented to Management may be used for verification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

C. Forms of Verification:

Documentation required as part of the verification process may include:

- 1) Checklists completed as part of the interview process, signed by the applicant
- 2) Release of Verification Forms signed / dated by the applicant family
- 3) Verification forms completed and signed by third parties
- 4) Reports of interviews
- 5) Documentation provided by the applicant, i.e. award letters, pay stubs, bank statements
- 6) Notes of telephone conversations with reliable sources, faxes, e-mail or internet correspondence. At a minimum, each file notation will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.
- 7) Verification of student status, as described in General Eligibility Requirements Section G of this plan

Management staff will be the final judge of the credibility of any verifications submitted by an applicant. If front-line staff considers documentation to be doubtful, it will be reviewed by Management staff who will make a ruling about its acceptability. Management staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

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Verification Requirements - Continued

D. Sources of information to be checked may include, but are not limited to:

- 1) The applicant by means of interviews
- 2) Present and former housing providers
- 3) Present and former employers
- 4) Credit Checks
- 5) Social workers, parole officers, court records, drug treatment centers, physician, clergy, INS
- 6) Law enforcement

E. Preferred Forms of Verification: Verifications will be attempted in the following order:

- 1) The Work Number or other state government databases
- 2) Written third-party verification generated by the source of the income, which may be provided by the applicant
- 3) Oral third-party verification from the source of the income
- 4) Family (self) certification when information can't be verified by a method above

F. Applicant history will be checked using the following methods:

- 1) Past performance meeting financial obligations, especially rent:
 - a) Credit checks will be completed with a professional credit checking agency, searching national databases. Criteria for admission is described in (prior section) 'Applicant Intake and Processing, Applicant Screening, 3'.
 - b) Otherwise-eligible households who apply for housing with outstanding balances owed to their current property, or to this property as a past tenant are ineligible.
 - After the applicant presents proof of payment of any such balances, s/he may re-apply and, if otherwise eligible, will be added to the waiting list based on the re-application date
- 2) Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents:
 - a) Staff may check for these potential problems with the current landlord and at least one former landlord.
 - b) If the applicant is not currently living under a lease, the housing provider will be asked to verify the applicant's ability to comply with property lease terms as it relates to these guidelines. Any unit for which the applicant has upkeep responsibility may be physically checked.
 - c) An applicant's behavior toward the Property Manager and other staff will be considered as indicative of future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward property staff will be noted in the file.
- 3) Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
 - a) Criminal history checks of convictions with registries, local, state and federal authorities and/or a professional criminal and credit checking agency will be done.
 - b) Applicants who are listed on lifetime sex offender registries in any state will be rejected.
- 4) A record of eviction from housing or termination from residential programs will be considered:
 - a) Property Management will check property records, Management records, and other records to determine whether the applicants have been evicted from this property, any other assisted housing, or any other property in the past.
 - b) Records of evictions from residential programs will be checked with service agencies and with any housing Providers referred by the applicant.

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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 and/or assets
- Household composition
- Social Security Numbers
- Preferences and priorities
- 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.

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OFFERING A UNIT

If a household requests to be placed on the waiting list, the applicant will be notified when s/he nears the top of the list for an available unit.

The applicant may refuse the first unit and continue to wait for another unit with no change in waitlist position, if applicant has good cause for refusing the unit offered. “Good cause” includes medical reasons; recent death of a close family member; and facing recovery from a hospital stay within the projected move-in period.. 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. Management will require documentation to support the “good cause.”

If an applicant refuses a unit a second time, regardless if there is good cause or not, the applicant will be removed from the waiting list.

When an applicant reaches the top of the waiting list, Management will schedule a final screening appointment within **one week**. The applicant **must** come in to the office for this appointment, and **must** bring **all** items requested by Management. If the applicant fails to attend and/or fails to supply all items, the unit will be offered to the next applicant on the list. The first applicant will retain his/her place on the waiting list the first time this occurs. If the applicant fails to attend a second scheduled interview and/or fails to supply all required items a second time, the applicant will be removed from the waiting list.

A unit offer will be made in writing to an applicant household only after all criminal, credit and landlord checks have been completed; the applicant interview has been completed; and verification documents have been received. **All** applicants on the waiting list are required to report, in writing, to the rental office any change of address, telephone numbers or other information that may affect eligibility. If an applicant cannot be reached by the rental office due to unreported changes, the applicant will be removed from the waiting list.

If an applicant household fails to meet the property’s eligibility criteria, and the application is rejected, there is an appeals process. These procedures will be provided to the applicant household as part of the rejection letter.

If mail sent to the address the applicant listed as his/her current address is returned by the U.S. 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 **five (5) business days** by alternate means, the unit 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 unit 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 the waiting list and the unit 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.

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PRIORITIES FOR ACCESSIBLE OR ADAPTABLE UNITS

For units accessible to or adaptable for persons with mobility, visual, or hearing impairments, households containing at least one person with such an impairment will have first priority (as applicable) for a particular unit feature.

Current residents who require accessible/adaptable unit will be given priority over applicants requiring the same type of unit. 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.

When there are no residents or applicants who need the features of existing accessible units, persons without disabilities may move into those units. However, they **must** agree to move to an available unit of the appropriate bedroom size with no such design features, if an applicant or current resident requires that accessible unit.

PRIOR TO MOVE-IN

A. Management will explain the regulations regarding the following:

- 1) Leases and lease terms
- 2) Security deposits
- 3) Annual recertifications
- 4) Unit inspections
- 5) Community policies
- 6) Unit transfer policies

B. All adult household members will sign the Lease, Community Policies or House Rules, program-specific Authorization for Release of Information and related documents and addenda.

C. Social Security Number documentation must be provided for every household member, including Live-in Aides, and foster adults.

D. The applicant and Management will inspect the unit and sign the Move-In Inspection form either prior to Move-In or on Move-In day.

E. The applicant will pay the applicable Security Deposit.

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

G. The applicant will be given a copy of the Move-In Certification, Lease, Move-In Inspection form, Community Policies/House Rules, all other LIHTC-required forms and notices, and a receipt for the Security Deposit and first month's rent.

H. Bed Bug Screening

Bed bug screening/examination of all incoming furniture is done at time of move-in.

UNIT INSPECTION

All units **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, 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 other governing agencies.

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UNIT TRANSFER POLICIES

A. Unit transfer requests must be submitted in writing to the Management Office in writing. Residents will be placed on a transfer waiting list in date received order, if they meet one of the following conditions:

- 1) Unit transfers is needed due to change in family size and composition
- 2) Unit transfer is needed for medical reasons which are certified by doctor, **or**
- 3) Unit transfer is needed for VAWA reasons (protection from domestic violence, dating violence, sexual assault and stalking). The survivor resident only needs to self-certify in order to exercise their rights under VAWA.

Current residents who meet any of the qualifications above will be given priority over applicants.

B. Residents requesting transfers for the above reasons will be placed on a unit transfer list

C. Transfers should occur after the completion of the initial lease term (except those based on VAWA and/or accessibility needs).

- a. **Unit Transfers Within Same Building:** The Next Available Unit Rule permits unit transfers within the same building. If an over income household transfers between units in the same building, the units swap status and the 140% status will transfer with the household to the new unit.

NOTE: A Tenant Income Certification (TIC) must be completed at the time of transfer in order to track the current residence of the tenant.

For all transfers, the effective dates for the recertifications that follow do not change. The effective date should always be the anniversary date of the household's move-in.

D. Security Deposits:

When a household transfers to a new unit, Management will close out the existing security deposit, deduct resident charges (if applicable), and determine a new security deposit amount based on the new unit.

E. Costs associated with the unit transfer:

Depending upon the circumstances of the transfer, a tenant may be obligated to pay **all** costs associated with the move. However, if a tenant is transferred as a reasonable accommodation to a household member's disability, then the property **must** pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

LIHTC ANNUAL RECERTIFICATIONS

LIHTC regulations require an annual recertification of income, assets for rent determination the first year after move in, and annually thereafter unless a recertification waiver has been granted. At each additional recertification, households must complete the appropriate recertification and eligibility forms and an income and asset verification release form and/or self-certification.

Management will process a Sex Offender Registry check through **Dru Sjodin National Sex Offender** website at <http://www.nsopw.gov> for household members at every annual recertification. If the household moved in after June 25, 2001, and was subject to a state lifetime registration requirement, termination of tenancy will be pursued immediately.

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, including Live-In Aides, as are required for new households (with the exception of credit checks for Live-In Aides).

For 100% LIHTC projects, if a waiver has been granted, the Owner/Agent **must** recertify only student status **annually**.

There are no interim recertifications in the LIHTC program. Individuals added to households during a certification year are income-certified individually and their income is added to the most recent TIC. The household is considered the same household as long as **one** original member remains in the unit. Increases in income do not require a household to move out.

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REMAINING FAMILY MEMBERS

A household may continue to add members as long as at least one member of the original low-income household continues to live in the unit. Once all the original tenants have moved out of the unit, the remaining tenants must be certified as a new income-qualified household unless:

1. For 100% LIHTC buildings, the remaining tenants were independently income qualified at the time they moved into the unit.

PETS AND ASSISTANCE ANIMALS

The property allows **(one) 1** pet. Refer to the Pet Policy for types of pets. A Pet Deposit in the amount of **\$300** (for a cat or dog) is required. Management will allow the deposit to be paid in installments, with an initial amount of \$50 and subsequent monthly payments of \$10 per month until paid. Management will allow tenant to pay the entire amount or increments greater than \$10, if tenant so chooses. Refer to the Pet Policy for tenant pet care responsibilities.

Assistance animals are permitted as a reasonable accommodation for persons with verified disabilities, once the need has been properly verified by a physician, psychiatrist, social worker, or other licensed medical professional.

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. Also, any restrictions on type and size of animal noted above are not applicable to an assistance animal. **All** state and local health, safety, and licensing laws apply.

Management reserves the right to deny a specific assistance animal 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 shows that the presence of the assistance animal would fundamentally alter the nature of this property's services.

Note:

Section 8 voucher holders will not be refused based upon status of voucher holder, but must otherwise be eligible.