

**Faith Presbyterian Village, Inc.**  
**Lake East I & Lake East II**  
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## **RESIDENT SELECTION PLAN**

**OWNER:**  
Faith Presbyterian Village, Inc.

**MANAGEMENT AGENT:**  
Presbyterian Homes and Housing Foundation of Florida, Inc.

**MAILING ADDRESS:**  
6229 14<sup>th</sup> Street West #301  
Bradenton, Florida 34207

This Resident Selection Plan has been prepared in accordance with HUD Handbook 4350.3 requirements, as well as 24 CFR Part 884. Revisions shall be made to the Plan as required by The United States Department of Housing and Urban Development, by Rural Development, or as needed by the Management Agent.

Revised on September 3, 2020

This company does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).



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## Required

### I. Project Eligibility Requirements:

#### A. Community Specific Requirements

**Lake East I** was originally funded in 1979 by the United States Department of Agriculture (USDA) office of Rural Development (RD) using the Section 515 Rural Rental Housing (RRH) loan program authorized under Section 515, Title V of the Housing Act of 1949 to provide quality affordable housing for the elderly. This community began receiving project based multifamily housing assistance payments for all 40 of its apartments through a contract with the United States Department of Housing and Urban Development (HUD) under the Section 8 program in 1980.

**Lake East II** was originally funded in 1981 by the United States Department of Agriculture (USDA) office of Rural Development (RD) using the Section 515 Rural Rental Housing (RRH) loan program authorized under Section 515, Title V of the Housing Act of 1949 to provide quality affordable housing for the elderly. This community began receiving project based multifamily housing assistance payments for all 22 of its apartments through a contract with the United States Department of Housing and Urban Development (HUD) under the Section 8 program in 1982.

**New Ownership:** Lake East I & Lake East II began operation under the Owner and Management Agent in July 2020. For the purpose of this Plan, Lake East I & Lake East II shall be collectively referred to as a single community. Should their policies in this Plan differ, they will be clarified as such.

**Eligibility:** Currently, this community is designated to serve elderly families and disabled families as defined by 24 CFR § 5.403 (see below).

**Definitions:** An elderly family is defined as a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. A disabled family is a family whose head (including co-head), spouse, or sole member is a person with a disability. The term person with a disability, for purposes of program eligibility, means a person who:

1. Has a disability, as defined in 42 U.S.C. 423;
2. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - a. Is expected to be of long-continued and indefinite duration;
  - b. Substantially impedes his or her ability to live independently, and
  - c. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
3. Has a developmental disability as defined in 42 U.S.C. 6001.

The term person with a disability does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquire immunodeficiency syndrome. For purposes of qualifying for low-income housing, the term does not include a person whose disability is based solely on any drug or alcohol dependence. For purposes of reasonable accommodation and program accessibility, the term means individual with handicaps, as defined in 24 CFR § 8.3.

**Additional Requirements:** The apartment for which the household is applying must be the household's only residence. Applicants must agree to pay the rent required by the program under which they will receive assistance.

#### B. Citizenship Requirements

By law, federal rental assistance in subsidized housing is restricted to the following:

1. U.S. citizens or nationals; and
2. Noncitizens that have eligible immigration status as determined by HUD.

Notice of the requirement to submit evidence of citizenship or eligible immigration status is provided as part of the application package. All family members, regardless of age, must declare their citizenship or immigration status.

**Required Documentation:** U.S. citizens must sign a declaration of citizenship and provide a birth certificate, U.S. passport, certificate of citizenship or naturalization certificate as verification of their declaration. Noncitizens 62 years and older must sign a declaration of eligible noncitizen status and provide proof of age. Noncitizens under the age of 62 must sign a declaration of eligible immigration, a signed verification consent form and one of the following DHS approved documents:

4. Form I-551, *Permanent Resident Card*.
5. Form I-94, *Arrival-Departure Record* annotated with one of the following:
  - "Admitted as a Refugee Pursuant to Section 207";
  - "Section 208" or "Asylum";



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- “Section 243(h)” or “Deportation stayed by Attorney General”; or
- “Paroled Pursuant to Section 212(d)(5) of the INA.”

6. Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:

- A final court decision granting asylum (but only if no appeal is taken);
- A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990)
- or from an DHS district director granting asylum (application filed was before October 1, 1990);
- A court decision granting withholding of deportation; or
- A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).

7. A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant’s entitlement to the document has been verified.

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

**Timeframes for Submitting Evidence:** Applicants must submit required documentation of citizenship/immigration status no later than the date the Owner initiates verification of other eligibility factors. If the applicant cannot supply the documentation within the Owner’s specified timeframe, the applicant may be granted an extension of not more than 30 days, but only if the applicant certifies that the required documentation is temporarily unavailable and additional time is needed to collect and submit it. The applicant will be informed in writing if an extension request is granted or denied with the new deadline for submitting the documentation or the reasons for the denial.

**Prohibition Against Delay of Assistance:** The Owner will not delay the family’s assistance if the family submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. If an apartment is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, the family must be offered the apartment. Assistance will be provided to the family members determined to be eligible and to those family members that submitted their immigration documents on time. If any family members did not provide the required documentation, then the assistance for the family must be prorated.

**Mixed Family and Prorated Assistance:** A mixed family is one whose members include citizens and eligible immigrants as well as noncitizens without eligible immigration status. Mixed families are eligible only for prorated assistance. The prorated assistance is calculated by multiplying a family’s full assistance by a fraction. The fraction is determined dividing the number of eligible people in the family by the total number of persons in the family. The reduced assistance payment results in a revised Tenant Rent

**Verifying Immigration Status:** The validity of documents provided by applicants or residents claiming eligible immigration status must be verified. Primary verification is conducted through DHS’ automated SAVE system. If secondary verification is required, the Owner will immediately prepare and send DHS Form G-845S with copies of the DHS documents submitted by the applicant to the DHS office serving this jurisdiction. The family will be notified in writing if a negative result is returned. The family will have 30 days to appeal the decision directly to the DHS. A copy of the appeal must also be sent to the Owner. If the DHS decision results in a negative determination of eligibility, the family has 30 days to request a hearing with the Owner.

**Prohibition of Assistance to Noncitizen Students:** Noncitizen students and their noncitizen families may not receive assistance. A noncitizen student is defined as an individual who is as follows:

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

This prohibition applies to the noncitizen student’s noncitizen spouse and children. Spouses and children who are citizens may receive prorated assistance as a mixed family.

### C. Social Security Number Requirements

All applicant and resident household members must disclose and provide verification of the complete and accurate Social Security Number (SSN) assigned to them except for those who do not contend eligible immigration status or residents who were age 62 or older as of January 31, 2010, and whose initial determination of eligibility occurred prior to January 31, 2010. This rule applies to all household members including live-in aides, foster children, and foster adults. Failure to disclose and provide documentation and verification of SSNs will result in an applicant not being admitted or a resident household’s tenancy being terminated.

**Exceptions to Disclosure of SSN:**



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1. Individuals who do not contend eligible immigration status.

- Mixed Families: When applicants and residents are required to declare their citizenship status, proration of assistance or screening for mixed families must continue to be followed. In these instances, the Owner will have each resident's Citizenship Declaration on file whereby the individual did not contend eligible immigration status to support the individual not being subject to the requirements to disclose and provide verification of a SSN.

2. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility occurred prior to January 31, 2010.

- The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
- Documentation that verifies the applicant's exemption status must be obtained by the Owner and kept in the resident's file. A self-certification from the applicant stating that they qualify for the exemption is not acceptable verification of their exemption status.
- The exception status for these individuals is retained if the individual moves to a new assisted apartment under any HUD assisted program or if there is a break in their participation in a HUD housing assistance program.

**Required Documentation:** Adequate documentation means a social security card issued by the Social Security Administration (SSA), an original document issued by a federal or state government agency which contains the name and SSN of the individual along with identifying information of the individual, or other acceptable evidence of the SSN listed in Appendix 3 of HUD Handbook 4350.3.

**Provisions for Applicants Disclosure and/or Documentation of Social Security Numbers:** SSNs do not need to be disclosed or verified to be placed on the waiting list, but all non-exempt household members must provide adequate documentation necessary to verify SSNs before they can move-in. If, at the time an apartment becomes available, all non-exempt household members have not provided adequate documentation necessary to verify their SSNs:

1. The next eligible applicant must be offered the available apartment.
2. All non-exempt household members have ninety (90) days, from the date they are first notified that an apartment is available, to provide documentation necessary to verify their SSNs. During this 90-day period, the household may retain its place on the waiting list, but will not be considered again until the required documentation is provided.
3. After ninety (90) days, if the applicant is unable to disclose/verify the SSNs of all non-exempt household members, the household will be determined ineligible and removed from the waiting list.
4. The Applicant may apply again, after obtaining the appropriate documentation, and will be placed on the waiting list based on the date and time the new application is received.

**Under the Age of 6 Without an Assigned SSN:** Applicant families may become program participants for a 90-day period even if the family lacks the documentation necessary to verify the SSN of a family member under the age of 6. If merited, an additional 90-day extension will be granted i.e. applicant demonstrates timely submission of a request for an SSN.

## II. Income Limits

**Income Limits:** The applicant family's annual income must not exceed the applicable income limit established by HUD for this housing program.

- HUD establishes and publishes income limits for each county or Metropolitan Statistical Area (MSA) in the country. The income limits are based on the median income of the geographic area for which the limit is established. Therefore, the income limit for one city or county is likely to be very different from the income limit for another city or county.
- Income limits are published annually and are available from the local HUD office or on-line at <http://www.huduser.org/portal/datasets/il.html>.
- Income limits are based on family size and the annual income the family receives.
- A household does not need to have income to be eligible for assisted housing at this community.

Beginning July 1, 2020, to be eligible for occupancy in this Section 515/8 community, an applicant family's annual income must not exceed the Very Low-Income limit (50% of median income) that is applicable to the applicant's family size.

**Existing Applicant Exception:** Lake East I was permitted to admit families up to the Low-income limit (80% of median income) due to having a pre-1981 HAP contract. As a result, there may be approved applicants on the waiting



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list that are above the Very Low-Income limit. The Owner's Very Low-Income limit requirement shall not be applied to existing Low-Income families whose applications were received and accepted prior to July 1, 2020.

### III. Procedures for accepting applications and selecting from the waiting list:

#### A. Procedures for accepting applications and pre-applications

**Application Acceptance:** The Owner accepts and processes all applications in accordance with the current version of the HUD Handbook 4350.3 and all applicable HUD regulations. Applications will be accepted via U.S. Mail, electronically via e-mail or in person during normal business hours from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. No person will be refused an application unless the waiting list is closed and notice of the closed waiting list has been posted in a prominent, accessible location as described in Section VII. Tours of the building and/or vacant apartments are conducted during normal business hours from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

**Application Interviews:** Interviews are conducted in person or over the phone during regular business office hours Monday through Friday, excluding holidays. During the interview, the Owner will provide:

1. An opportunity to answer applicant's questions;
2. Information on application processing and waiting list policies;
3. HUD required fact sheets and informational brochures.

**Equal Access:** In an effort to provide equal opportunity for any and all interested parties to apply for housing, the Owner may:

1. For applicants with disabilities, modify or provide an alternative method of having their application processed.
2. Make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control (for example, medical emergencies, extreme weather conditions, or travel restrictions).
3. Provide any assistance requested or needed by applicants who might have literacy, vision, hearing or language barrier challenges.

**Application Review:** At the time an application is submitted, a cursory review of the application will be conducted to accomplish the following:

1. Determine if it is fully completed and if it has been signed and dated by all adult household members;
2. Determine if all adult household members have provided consent and sufficient information to conduct the required applicant screening;
3. Determine if household meets the age and income eligibility requirements of the community;
4. Determine if the community offers the size and/or type of apartment required by the household;

**Complete Applications:** Fully completed applications have the time and date they are received at the business office recorded on them along with the name of the person who received it. The applicant's information is then recorded on the waiting list. In accordance with HUD regulations, when occupancy is not immediately available, the Owner will not proceed with the detailed verification of information and the screening portion of the application. At this point, the Owner will make a preliminary determination of eligibility, based on the initial review of the application. If, according to the information provided on the application, the applicant is not eligible for occupancy based on age, income or apartment size/type, their application will be denied and written notice of rejection sent. If the information provided meets the eligibility requirements for age, income and apartment size/type, the applicant will be given a preliminary approval and written notice of their application's acceptance is sent. The acceptance letter informs the applicant that they are not guaranteed an apartment and that they will be contacted when it is their turn to proceed with the detailed verifications and screening portion of the application. Qualified applicants are considered for occupancy in the order that their fully completed application is received, unless they meet the criteria for preferential treatment.

**Incomplete Applications:** If an incomplete application is dropped off, mailed or e-mailed, the incomplete portion(s) are highlighted and the entire application is copied. After notifying the applicant, the original application is sent back to the applicant with a return envelope. The copy is kept in a folder that is flagged as pending and filed separately from the completed applications. Once the completed application is resubmitted, it will go through the initial application review process again. If it is now complete, the date the resubmitted application was received and reviewed is recorded on the application and then used as the application date on the waiting list. If the application is not resubmitted within the next 30 days, the applicant will be notified that their application has been rejected for being incomplete.

**Waiting Lists:** The waiting list consists of applicants who have received preliminary approval and are waiting to complete the detailed verification portion of the application process. This community has a master waiting list for all applications that is kept according to the date and time each completed application is received. A separate waiting list



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is maintained for all applicants and residents requiring the design features of an accessible apartment that have indicated such a need on their application. This list is also kept according to the date and time each completed application is received.

Applicants will be contacted in writing every twelve months to reaffirm their intention to stay on the waiting list(s) and to update any pertinent information. In addition, applicants near the top of the waiting list may be contacted more frequently to confirm their ability to move as soon as a vacancy occurs. Applicants on a waiting list are not guaranteed an apartment. It is the responsibility of the applicant to notify the Owner of any changes to their contact information.

## B. Procedures for applying preferences (including income-targeting in Section 8 properties)

Applicants with preferences are selected from the waiting list and receive an opportunity for an available apartment earlier than those who do not have a preference. Preferences may be established by federal law, HUD regulations, State or local law, or written Owner policy. Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to eligible applicants based upon household circumstances. Preferences only affect the order in which eligible applicants are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible.

**Preferences:** This community uses the following preferences:

- **Letter of Priority Entitlement (LOPE):** This letter is used by RD to provide a tenant with priority entitlement to rental apartments in other RD-financed housing for 120 days from the date of the LOPE. Applicants with a LOPE must still qualify based on this community's eligibility requirements. Expedited placement processing may be implemented if explicitly directed by RD. Eligible applicants with a LOPE will be moved to the top of the waiting list for up to 120 days from the date of the LOPE. After 120 days from the date of the LOPE, the family may remain on the waiting list but without the LOPE preference. If there are multiple applicants with a LOPE, they will be added to the waiting list in the order received and each will receive LOPE preference for up to 120 days from the date of their own LOPE. RD may require applicants with a LOPE to forfeit their unit of RD Rental Assistance (RA) upon moving into this community since it is fully subsidized by a project-based Section 8 contract.
- **Apartment Transfer Preference:** Residents who have submitted an Apartment Transfer Request and who are deemed eligible for the transfer are given preference on the waiting list. This means that a resident transferring from one apartment to another will be offered an apartment before an outside applicant.
- **Split Household Preference:** If two adult household members reside in one apartment and one chooses to apply for a separate apartment, the "new family" requesting a separate apartment will be required to submit an application. Household members who remain in the existing apartment are not required to re-apply. The application will be reviewed for eligibility as described in this plan and if approved, that applicant will receive preference over other residents and applicants. If a household split is requested that qualifies for special consideration based on the VAWA Emergency Transfer policy, the request will receive preference over other requests to "split" a household.
- **Imminent Threat Preference (VAWA Emergency Transfer):** In some cases, persons that qualify for an Internal VAWA Emergency Transfer may receive preference over other residents who have requested an apartment transfer. Additionally, persons that qualify for an External Emergency Transfer may receive preference over other applicants. Please see the VAWA Policy and the VAWA Emergency Transfer Plan and/or contact the Owner for additional information.

**Priority of Preferences as Described:** In general, the Owner will select residents before outside applicants. However, the Owner will also prioritize households that qualify for a preference over households that do not qualify for any preferences. This means that, an outside applicant who qualifies for a preference could be selected before a resident who does not qualify for any preferences. When filling a vacancy, the apartment will be offered based on the following, in descending priority of rank:

1. **Prioritized Resident:** Residents who are requesting new apartments and who qualify for any of the following preferences are placed in the Prioritized Resident category, which is given the highest priority on the waiting list. Prioritized Residents will be selected ahead of all other categories. Persons in this category will be ranked among themselves according to the date and time each completed transfer request is received and then selected chronologically from oldest to newest.
  - a) Verified need for an accessible apartment
  - b) Verified need for a reasonable accommodation
  - c) Imminent Threat (VAWA Emergency Transfer)
  - d) Resident is currently living in an accessible apartment and no longer needs the features
2. **Prioritized Applicant:** Applicants who qualify for any of the following preferences are placed in the Prioritized Applicant category, which is given the second highest priority on the waiting list. Prioritized Applicants will be



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selected after Prioritized Residents, however, persons in this category will be selected before either remaining Standard category. Persons in this category will be ranked among themselves based on the date and time each completed application is received and then selected chronologically from oldest to newest.

- a) Letter of Priority Entitlement
  - b) Verified need for an accessible apartment
  - c) Verified need for a reasonable accommodation
  - d) Imminent Threat (VAWA Emergency Transfer or Involuntary Displacement)
3. **Standard Resident:** Residents who are requesting new apartments and who do not qualify for any of the preferences described above are placed in the Standard Resident category, which is given the third highest priority on the waiting list. Standard Residents will be selected after Prioritized Applicants, however, persons in this category will be selected before Standard Applicants. Persons in this category will be ranked among themselves according to the date and time each completed transfer request is received and then selected chronologically from oldest to newest.
4. **Standard Applicant:** Applicants who do not qualify for the preferences described above are placed in the Standard Applicant category, which is given normal priority on the waiting list. Standard Applicants will be selected after Standard Residents. Persons in this category are ranked among themselves according to the date and time each completed application is received and their eligibility for other preferences and then selected chronologically from oldest to newest.

**Accessible Apartments:** Accessible apartments will always be offered to residents and applicants who need the features of the accessible apartment before they are offered to residents and applicants who do not need the features of the accessible apartment.

**Verification of Preferences:** All preferences will be verified using the verification methodology described in this plan. Special consideration applies when a VAWA Emergency Transfer Request is submitted by a victim of a VAWA crime. If this is your situation, please contact the Owner for additional information.

**Income-Targeting Policy:** In accordance with the community's project-based Section 8 assistance contract, the Owner must not lease less than 40% of the apartments (assisted under the contract) that become available for occupancy in each fiscal year to extremely low-income households (ELI). This means that some applicants with higher incomes may have to be temporarily skipped-over to ensure that the ELI percentage stays at or above the target amount. Each fiscal year the first two selections will always be the first two ELI applicants chronologically on the waiting list. Subsequent selections will be the next eligible applicant currently at the top of the waiting list (regardless of income), unless doing so would reduce the ELI percentage to below the target amount. Therefore, prior to each selection, a review of the current fiscal year's ELI percentage must be conducted. If selection of the next eligible applicant currently at the top of the waiting list would result in the ELI percentage falling below the target amount, then that higher income applicant must be temporarily skipped-over for the next ELI household on the list. The Owner must always maintain at least 40% ELI when selecting applicants. This method will ensure that each fiscal year begins and ends with at least 40% ELI households being selected. The Owner will document the waiting list with the appropriate comments every time a higher income applicant is temporarily skipped-over for Income-Targeting. Even though Lake East I (40 apartments) and Lake East II (22 apartments) share a singular waiting list, both must comply with the income targeting requirements independently of each other when selecting eligible applicants to fill vacancies. This may result in higher income VLI applicants being temporarily skipped over more than once depending on the ELI percentage of the community with the vacancy to be filled. The waiting list will be documented accordingly, in all such situations.

### C. Applicant screening criteria

All eligible applicant household members must be screened prior to performing the final determination of applicant eligibility in accordance with HUD regulations. The Owner will use standard procedures and forms to ensure screening is performed in a fair, consistent, and objective manner. Screening is used to help ensure that households admitted to the community will abide by the terms of the lease, pay rent on time, take care of the apartment and common property, and allow all other residents to peacefully enjoy their homes. Anyone who wishes to live at this community must be screened prior to the date of move-in. This may include, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in. Should an application be approved and move-in has occurred, any addition to the household must be approved by the Owner. The same screening completed to approve the original application will be used for future household members. Prior and current ability to meet the following basic criteria is necessary for initial, as well as continued, occupancy. This criterion pertains only to the individual behavior of each applicant household member.



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- Past performance in meeting financial obligations, in a timely manner, such as the payment of rent, if applicable, and/or any other charges under the lease.
- Fulfillment of the lease agreement, with or without assistance.
- No record of eviction from housing programs.
- An applicant's ability and willingness to comply with the terms of the lease, house rules, and program requirements of the community.
- Noninterference with the rights of other residents or community employees.
- No record of destruction or damage to the property of others.
- Not to engage in activity on or near the community that involves illegal use of controlled substances or weapons or any criminal activity on or off the community.

**NOTE:** Live-in aides are not subject to credit or rent payment history screening.

**D. Required drug-related or criminal activity criteria including State lifetime sex offender registration check in all states where applicant household members have resided or using a database that checks against all state registries, e.g., the Dru Sjodin National Sex Offender Database.**

Background screening is conducted on all applicants, residents and household members to determine if current or past criminal activity indicates a present threat to other residents, our staff or persons residing in the immediate vicinity of the community.

**HUD Requirements:** In accordance with HUD's established standards, this community prohibits the admission or tenancy of:

1. Eviction for Drug Related Criminal Activity: Any household in which any member was evicted in the last three (3) years from federally assisted housing for drug-related criminal activity.
2. Illegal Drug Use: Any household in which any member is currently engaged in illegal use of drugs or for which the Owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the community by other residents.
3. Sex Offender Registration: Any household member who is or ever has been subject to any state lifetime sex offender registration requirement. Sex Offender screening is conducted on all household members prior to their admission and then on an annual basis for the duration of their tenancy.
4. Alcohol Abuse: Any household in which there is reasonable cause to believe that a member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment of the community by other residents. Any such decision must be based on behavior, not the condition of alcoholism or alcohol abuse.
5. Medical Marijuana Use: Any household member who is currently engaged in the illegal use of marijuana or whose marijuana use interferes with the health, safety, and right to peaceful enjoyment of the community by other residents. Pursuant to the HUD memorandum published on December 29, 2014, the use of "medical marijuana" in federally assisted housing is illegal under federal law.

**Community Requirements:** In addition to HUD requirements, the Owner's criminal history screening policy includes the following provisions:

1. If a member of an applicant household has been convicted of any of the felony offenses listed below, the applicant will be denied admission:
  - a) First degree murder
  - b) Rape
  - c) Sex crimes
  - d) Arson
  - e) Violent crimes against children
  - f) Crimes involving explosives
  - g) Crimes involving terrorism
2. If a member of an applicant household has been convicted of a felony offense involving the sale or manufacture of a controlled substance, the applicant will be denied admission if the **conviction, or exit from incarceration, occurred within 8 years of application**; and
3. If a member of an applicant household has been convicted of a violent felony offense not covered above, the applicant will be denied admission if the **conviction, or exit from incarceration, occurred within 8 years of application**; and



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4. If a member of an applicant household has been convicted of a nonviolent felony offense including drug use or possession, the applicant will be denied admission if the **conviction, or exit from incarceration, occurred within 5 years of application**; and
5. If a member of an applicant household has been convicted of a violent misdemeanor, the applicant will be denied admission if the **conviction, or exit from incarceration, occurred within 3 years of application**; and
6. If a member of an applicant household has been convicted of 3 or more unrelated violent felony offenses not covered above, the applicant will be denied admission; and
7. If a member of an applicant household has been convicted of 3 or more unrelated felony offenses, the applicant will be denied admission if the three convictions are not covered above and the **convictions or exit from incarceration, occurred within 10 years of application**; and
8. If a member of an applicant household has been convicted of 3 or more unrelated violent misdemeanor offenses, the applicant will be denied admission if the three convictions are not covered above and the **convictions or exit from incarceration, occurred within 10 years of application**; and
9. If a member of an applicant household has been convicted of 3 or more unrelated misdemeanor offenses, the applicant will be denied admission if the three convictions are not covered above and the **convictions or exit from incarceration, occurred within 5 years of application**.

**Charges vs Convictions:** The Owner will not consider an arrest or charge that was resolved without conviction, but may delay admission until resolution of any pending charges at the time of application.

**Mitigating Circumstances:** Applicants are permitted to address and present mitigating circumstances regarding criminal background checks prior to admission decisions. Relevant mitigating evidence might include: (1) the facts or circumstances surrounding the criminal conduct; (2) the age of the individual at the time of the conduct; (3) the seriousness of the criminal offense; (4) the relationship of the offense to the safety and security of other residents, staff or property; (5) evidence that the individual has maintained a good rental history before and/or after the conviction or conduct; (6) the length of time since the criminal offense, with particular weight being given to significant periods of good behavior; (7) and evidence of rehabilitation efforts.

#### E. Procedures for using the EIV Existing Tenant Search

The EIV Existing Tenant Search report identifies applicants applying for assisted housing that may be receiving rental assistance at the time of application processing at another location. The report will be used during the processing of an applicant for admission to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location.

If the applicant or a member of the applicant's household is identified as residing at another community receiving HUD assistance, they will be given the opportunity to explain any circumstances relative to their receiving assistance at the other community. The Owner will contact the respective PHA or O/A to confirm the applicant's move-out status before admission.

Use of the EIV Existing Tenant Search report gives the Owner the ability to coordinate move-out and move-in dates with the PHA or O/A of the other community which helps to reduce "double subsidy" situations.

The EIV Existing Tenant Search report and any documentation obtained as a result of contact with the applicant and the PHA or O/A of the other community will be printed and kept with the application.

#### F. Other allowable screening criteria

**Credit Report:** Credit history is used to determine how well an applicant meets their financial obligations and verify that there are no collections or outstanding balances for rental or housing related activities such as utility payments or other landlords. Any fees incurred for the collection of this information will not be passed to the applicant. Credit history is not screened for live-in aides.

**Rental History:** References received from one or more landlords can provide important details about an applicant's previous rental history and behavior. In accordance with HUD's established standards, the following information learned from a landlord may be grounds for rejecting an applicant:

- Failure to cooperate with recertification procedures;
- Violations of house rules or the lease;
- History of disruptive behavior
- Poor housekeeping practices;
- Previous evictions for lease violations;
- Termination of assistance for fraud; or
- Conviction for the illegal manufacture, distribution, or use of controlled substances.



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At least three (3) years of residential history is required. Should a previous landlord reference be obtained in addition to the current landlord, the Owner will rely more heavily on previous landlord references. Previous landlords do not have a reason to provide misleading information, and therefore may provide more accurate references.

## G. Procedures for Rejecting Ineligible Applicants

This community complies with application rejection requirements set forth in Chapter 4 of HUD Handbook 4350.3. Rejection of an application is appropriate where the Owner has a reasonable basis to believe that the applicant cannot meet the essential requirements for successful residency.

**Ineligibility Criteria:** Applicants may be rejected for one or more of the following reasons:

1. Not meeting HUD criteria for this program.
2. Incomplete application.
3. Willful or serious misrepresentation in the application procedure or certification process for federally assisted housing.
4. Household characteristics or family size not appropriate for type of apartment.
5. Applicants who owe a balance to a local utility provider will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for failure to pay the utility bill have changed sufficiently to enable the household to pay and maintain utilities in their own name.
6. Not meeting the HUD student eligibility requirements.
7. Failure to provide SSN documentation for all non-exempt family/household members.
8. Prohibited criminal activity found during background screening.
9. Unfavorable landlord reference that reveals any of the following conduct by the applicant, any member of the applicant's household, a guest or another person under the applicant's control:
  - a) **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes 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 community in which the household resides; or which is disturbing, dangerous or disruptive to others.
  - b) **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a real danger or disruption to others.
  - c) **Non-compliance with Lease:** Includes evidence of any failure to comply with the terms of their lease at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
  - d) **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the household to pay rent and other charges when due.
  - e) **Unsanitary or Hazardous Care of Apartment:** Includes generally creating any health or safety hazard through acts of neglect, including but not limited to: causing or permitting any damage to or misuse of community and equipment, if the household is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the community; failing to dispose of all garbage and waste; failing to use, in a reasonable and proper manner, all utilities, facilities, services, appliances and equipment within the apartment or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the community.

**Notice of Rejection:** In the event that an applicant is rejected, the Owner will provide a written rejection notice that:

- Specifically states the reason(s) for the rejection;
- Informs the applicant of their right to respond to the Owner in writing or request a meeting within fourteen (14) days to dispute or appeal the rejection of their application;
- Informs the applicant that persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.
- Informs the applicant that persons who are victims of an act covered by the Violence Against Women Act (VAWA) and have the right to exercise those protections if they feel their status as a victim contributes to the rejection decision.



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**Rejection Responses:** In the event that a rejected applicant submits a request for a meeting:

- The applicant is allowed to participate in an informal meeting with or without a representative;
- The meeting will be conducted by an individual who was not involved in the initial decision to reject the application;
- Supportive evidence provided by the applicant will be accepted and reviewed;
- Mitigating circumstances that would allow the processing of the application to continue will be considered;
- Provide a written determination to the applicant within five (5) days of the response or meeting conclusion.

Application rejection responses should be directed to our corporate office, located at:

Presbyterian Homes & Housing Foundation of Florida, Inc.

Attention: Corporate Relations Manager

Phone: (727) 894-0368

1050 Burlington Avenue North

Fax: (727) 823-2476

St. Petersburg, Florida 33705

TTY: (800) 955-8771

**Record Keeping:** The following items related to application rejections will be kept on file for at least three (3) years:

- Complete application
- Initial Rejection Notice
- Any Applicant replies, appeals, evidence or other written requests
- Owner's final response
- All documentation supporting the reason for removal from the waiting list

**Applicants with Disabilities:** The Owner must consider the appeal of an application rejection; if the applicant has a disability and the reasons for the rejection could be overcome by the Owner's reasonable accommodation of the applicant's disability. For reasonable accommodations to apply there are several requirements:

- The applicant must request the reasonable accommodation.
- The applicant must have a verifiable disability and need for the accommodation.
- The disability must have a direct relation to the reason the application would be rejected.
- The accommodation must be reasonable and not result in an undue financial and administrative burden to the community.

**NOTE:** 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 application will be rejected. Examples of such situations are:

- The 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 their lease;
- An objective determination that the applicant would require services from community that represent an alteration in the fundamental nature of the program.

#### IV. Occupancy standards

The applicant household size must be appropriate for the available apartments. Occupancy limits are determined by the number of bedrooms with a maximum of two (2) persons per bedroom or two (2) persons plus one (1) minor per bedroom.

**Timeframes:** Occupancy standards are applied at the time a completed application is received to allow applicants immediate notification of ineligibility due to family size. In addition, household composition is compared to occupancy standards whenever there is a change in family size.

**Available Sizes:** This community offers one-bedroom apartments only. No more than two (2) persons or two (2) persons plus one (1) minor may occupy either apartment size.

**Family Size:** The number of family members in the household determines the appropriate apartment size. When determining family size:

- Every full-time family member listed on the application is counted.
- All anticipated children are counted. Anticipated children include the following:
  - Children expected to be born to a pregnant woman;
  - Children in the process of being adopted by an adult family member;
  - Children whose custody is being obtained by an adult family member;
  - Foster children who will reside in the apartment;
  - Children who are temporarily in a foster home who will return to the family; and
  - Children in joint custody arrangements who are present in the household 50% or more of the time.
- Live-in aides are counted.



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- Foster adults living in the apartment are counted.

#### V. Apartment transfer policies, including selection of in-place residents versus applicants from the waiting list when vacancies occur

**Transfer Reasons:** The Owner will accept requests for transfer based on the following:

1. There is a verified need for a reasonable accommodation
2. There is a verified need for an accessible apartment
3. There is a need for a transfer of a household that does not require the accessibility features of the apartment in which they are living
4. The resident has requested and qualifies for a VAWA Emergency Transfer
5. There is a medical reason certified by a doctor or a change in family composition
6. Other reasons

**Transfer Policies:** Residents must submit transfer requests in writing to the Owner and explain the reason for the transfer. The Owner will accept the transfer request in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. If approved, the resident will be placed on the waiting list for the next available apartment that meets the requirements and needs of the resident. When filling vacancies, approved transfer requests are given a higher priority than outside applicants. Special consideration is given when transfers are for reasons that qualify for preferential treatment. Transfers for other reasons are not permitted during the first three years of occupancy.

**Moving Costs:** For reasons 1 & 2 above, the Owner must pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden. For the remaining reasons, the resident shall be obligated to pay all moving costs associated with their transfer.

**Non-compliance:** Transfers for “other reasons” will not take place if the resident is out of compliance with their lease. This includes but is not limited to lease violations for “decent, safe and sanitary conditions” that have not been “cured”, unpaid rent, damage charges and any other outstanding lease violations. The transfer request will remain on the waiting list until the resident is in compliance with their lease, cancels the request or moves out.

**Required Transfers:** Residents may be required to transfer in any situation which may arise that is due to reasons beyond anyone’s control, including, but not limited to, natural disasters or extensive repairs to be completed in, or around, the apartment which cannot be completed while the apartment in question is occupied.

#### VI. Policies to comply with Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and other relevant civil rights laws and statutes

It is the policy of the Owner to fully comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 13166, Section 504 of the Rehabilitation Act of 1973, Fair Housing Amendments Act of 1988, Equal Access to Housing in HUD Programs - Regardless of Sexual Orientation or Gender Identity Final Rule and any legislation protecting the individual rights of residents, applicants, or staff which may subsequently be enacted.

The Owner is pledged to the letter and spirit of U.S. policy for the achievement of equal opportunity in housing. In compliance with all federal, state and local fair housing and civil rights laws, this community forbids discrimination based on race, color, creed, religion, sex, age, disability, familial status, or national origin regardless of actual or perceived sexual orientation, gender identity or marital status of applicants and residents. We encourage and support an affirmative advertising and marketing program. The Owner will market to certain persons as specified in the Affirmative Fair Housing Marketing Plan. Title VI regulations require that Owners maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federal financial assistance. Pursuant to the Fair Housing Act, this community shall not discriminate in the leasing, rental, or other disposition of housing because of race, color, religion, sex, disability, familial status, or national origin regardless of actual or perceived sexual orientation, gender identity or marital status of applicants and residents. Additionally, the Owner will not take any of the following actions:

- Deny anyone the opportunity to apply to rent housing, or deny to any eligible applicant the opportunity to lease housing suitable to their needs,
- Provide anyone housing that is different than that provided to others,
- Subject anyone to segregation, even if by floor or wing,
- Restrict anyone’s access to any benefit enjoyed by others in connection with the housing program,
- Treat anyone differently in determining eligibility or other requirements for admission, in use of housing



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- amenities, facilities or programs, or in the terms and conditions of a lease,
- Deny anyone access to the same level of services,
  - Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program,
  - Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons,
  - Discriminate against someone because of that person's relation to or association with another individual,
  - Retaliate against, threaten, or act in any manner to intimidate someone because they have exercised rights under the Fair Housing Act.

**Additional Protections for Persons with Disabilities:** Although the Fair Housing Act generally requires applicants to be given equal treatment and prohibits discrimination against anyone with respect to the prohibited bases, there are certain limited circumstances when the Act requires a housing provider to treat persons with disabilities differently to enable them to have equal access to, or enjoyment of, housing and other housing-related programs. Specifically, the Fair Housing Act requires housing providers to provide "reasonable accommodations" to persons with disabilities. This means the Owner may have to modify rules, policies, practices, procedures and/or services to afford a person with a disability an equal opportunity to use and enjoy the housing. (For more information on reasonable accommodations, please refer to Paragraph XI.)

**Section 504 of the Rehabilitation Act of 1973:** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities and establishes accessibility requirements by recipients of federal financial assistance in housing programs. Section 504 also establishes certain affirmative accessibility standards to be met regardless of whether or not an applicant or resident has made an individual request for a reasonable accommodation. Pursuant to Section 504, we shall operate this community so that, when viewed in its entirety, it is readily accessible to and usable by persons with disabilities. Such operations include the following actions:

- Making and paying for reasonable structural modifications to apartments and/or common areas that are needed by applicants and residents with disabilities, unless these modifications would change the fundamental nature of the community or result in undue financial and administrative burdens;
- Making modifications to policies and practices so they do not discriminate against persons with disabilities.
- Operating housing that is not segregated based upon disability or type of disability, unless authorized by federal statute or executive order;
- Providing auxiliary aids and services necessary for effective communication with persons with disabilities. Requests by persons with disabilities will be used to determine which alterations and auxiliary aids are necessary;
- Ensure that structural changes are properly implemented to meet program accessibility requirements; and
- Operating programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- Identifying and eliminating situations or procedures which create a barrier to equal housing opportunity for all.

**Improving Access to Services for Persons with Limited English Proficiency (LEP):** This community will take reasonable steps to ensure meaningful access to and/or effectively communicate with persons in need of any provided services or information in a language other than English.

**Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity:** This community will never inquire about the sexual orientation or gender identity of an applicant or occupant for purposes of determining eligibility.

**Privacy Policy:** It is the policy of this community to guard the privacy of individuals granted by the Federal Privacy Act of 1974, the Health Insurance Portability & Accountability Act of 1996 (HIPAA) and Enterprise Income Verification (EIV) System to ensure the protection of such individuals' records being maintained at our community. Therefore, neither this community nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested has given written consent to the disclosure or the information is being subpoenaed by a court of law. This Policy in no way limits the ability to collect such information as needed to determine eligibility, compute rent or determine an applicant's suitability for tenancy in accordance with HUD guidelines. The Owner is dedicated to protecting the privacy of all personal information received during this process, including Social Security, governmental identification numbers and any other required information. We have adopted this Privacy Policy to help ensure that all personal information is kept secure. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability will be treated in a confidential manner. Additionally, the Owner will maintain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.



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## VII. Policy for opening and closing the waiting list for the community

It is the policy of the Owner to administer the waiting list(s) in accordance with HUD's handbook and regulations. Waiting list(s) will be monitored on a regular basis, ensuring that not only are there sufficient applicants to fill vacancies, but that they do not become so long that the wait for an apartment becomes excessive. In order to maintain a balanced application pool, we may, at our discretion, restrict or suspend application taking, or close waiting lists in whole or in part as allowed by the current version of the HUD Handbook 4350.3. All notices, publications and communications will be provided in a manner that ensures meaningful access for persons with disabilities and for persons with limited English proficiency. Once a year, the waiting list will be updated by removing the names of those who are no longer interested in or no longer qualify for housing at this community.

**Closing:** If there are sufficient applications, the Owner may, subject to HUD regulations, elect to close the waiting list if the waiting list contains more applicants than can be housed in a reasonable period of time. When the waiting list is to be closed, an announcement will be posted in common areas of the community to advise any potential applicants. Notice of this action will also be made in publications likely read by potential applicants as described in the Affirmative Fair Housing Marketing Plan (AFHMP). Any such notice must state the reason(s) for closing the waiting list and refusing additional applications.

**Opening:** Prior to the waiting list being opened and applications being accepted again, a notice of this action will be made in the same manner and publications as the notification announcing the closed waiting list. Such notices must be extensive and include the rules for applying, the order in which applications will be processed, where and when to apply and will conform to the advertising and outreach activities described in the Approved Affirmative Fair Housing Marketing Plan and in a manner that ensures meaningful access for persons with disabilities and for persons with limited English proficiency.

## VIII. Eligibility of students

The Owner must determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place resident begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student. Section 8 assistance shall not be provided to any individual who:

1. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
2. Is under the age of 24; and
3. Is not married; and
4. Is not a veteran of the United States Military; and
5. Does not have a dependent child; and
6. Is not 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 was not receiving Section 8 assistance as of November 30, 2005; and
7. Is not living with his or her parents who are receiving Section 8 assistance; and
8. Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

**NOTE:** Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance **and** the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the resident to receive Section 8 assistance.

**Student's Independence Criteria:** For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While the Owner may use additional criteria for determining the student's independence from parents, the Owner must use, and the student must meet, at a minimum **all** of the following criteria to be eligible for Section 8 assistance. The student must:

1. Be of legal contract age under state law;
2. 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;
3. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
4. 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.

**Student's Independence Verification Requirements:** The Owner must verify a student's independence from his or her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by doing all of the following:



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1. Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the ED's definition of "independent student";
2. Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the ED's definition of "independent student"; and
3. Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the apartment is part of annual income, unless the student meets the ED's definition of "vulnerable youth".

**NOTE:** Verification of a student's independence is not required if the student meets the definition of "vulnerable youth". Any individuals meeting ED's "independent student" definition 2, 3, or 8 are considered "vulnerable youth".

**Definition of "Independent Student":** HUD has adopted ED's definitions of "independent student", which are:

1. The individual is 24 years of age or older by December 31 of the award year;
2. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 year of age or older (considered "vulnerable youth");
3. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence (considered "vulnerable youth");
4. The individual is a veteran of the Armed Forces of the United States (as defined in subsection 480(c)(1) of the Higher Education Act of 1965 (HEA)) or is currently serving on active duty in the Armed Forces for other than training purposes;
5. The individual is a graduate or professional student;
6. The individual is a married individual;
7. The individual has legal dependents other than a spouse;
8. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (MHAA)) (42 U.S.C 11431 *et seq.*), or as unaccompanied, at risk of homelessness, and self-supporting, by (considered "vulnerable youth"):
  - a) A local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the MHAA;
  - b) The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
  - c) The director of a program funded under subtitle B of title IV of the MHAA (relating to emergency shelter grants) or a designee of the director; or
  - d) A financial aid administrator; or
9. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

**Calculating Student Income:** Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and any other required fees and charges is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance. Financial assistance that is provided by persons not living in the apartment is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in paragraph 8-6 A of HUD Handbook 4350.3.

**NOTE:** The Owner cannot evict or require an ineligible student to move from an apartment as long as the student is in compliance with the terms of the lease.

## IX. Policies for applying Violence Against Women Act (VAWA) protections

**Protections Provided Under the VAWA:** The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes – who are applicant to, or beneficiaries of, assistance under any HUD program covered by the VAWA, regardless of sex, gender identity, or sexual orientation. The Owner understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of VAWA crimes have certain rights under federal fair housing regulation. As a result, the Owner will not discriminate against VAWA victims or any other individuals on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age and the Owner will ensure that its housing is made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.



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The Owner's VAWA Policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes. An affiliated person is defined as:

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

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

**Confidentiality:** The Owner is committed to ensuring that the Privacy Act is enforced in this and all other situations. The identity of the victim and all information provided to the Owner relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is requested or consented to by the victim in writing, required for use in an eviction proceeding or termination of assistance, or otherwise required by applicable law. The Owner will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant/resident files.

**Requests and Certification:** The Owner will not assume that any act is a result of abuse covered under the VAWA. In order to receive the protections outlined in the VAWA, the resident/applicant must specify that he/she wishes to exercise these protections. Individuals wishing to exercise the protections provided in the VAWA may make a request for a VAWA accommodation by completing a VAWA Request form provided by the Owner, submitting a written request, orally requesting in person or via phone, or any other reasonable manner. When responding to a request to exercise protections provided under the VAWA, the Owner will request, in writing, that an individual provide documentation to "certify" their status as a victim of a VAWA crime or as a person affiliated with a victim of a VAWA crime, within thirty (30) calendar days of the request. The individual claiming rights under the VAWA has the option to either complete, sign, and submit the HUD-approved VAWA Certification form or choose an alternate form of documentation to certify his/her status as a victim or person affiliated with a victim of a VAWA crime. Alternate forms of documentation that will be accepted in lieu of or addition to the VAWA Certification include:

1. A federal, state, tribal, territorial or local police record or court record; or
2. Documentation signed by the victim and a professional (employee, agent, or volunteer of a victim service provider, an attorney, medical professional, or a mental health professional) from whom the individual seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse in which the professional attests under penalty of perjury that he/she believes that the incident(s) of domestic violence, dating violence, sexual assault, or stalking are grounds for protection under the VAWA, and that the incident meets the applicable definition of "domestic violence", "dating violence", "sexual assault", or "stalking" in HUD's regulations at 24 CFR 5.2003.
3. Documentation that the victim is currently living in a shelter established to protect victims of violence covered under the VAWA.
4. Any other statement or evidence that the Owner has agreed to accept.

Please refer to the VAWA Policy for more details. The certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. The Owner will be mindful of the victim's safety and will work with the victim in making acceptable alternative arrangements if requesting and obtaining the protections afforded to them under the VAWA would put their safety at risk. The VAWA Lease Addendum, VAWA Notice, and VAWA Certification will be implemented and provided in accordance with HUD guidance.

**Lease Bifurcation:** If the Owner determines that physical abuse caused by a resident is clear and present, the law provides the authority to bifurcate a lease in order to evict, remove, terminate occupancy rights, or terminate assistance of the offending household member, while allowing the victim, who lawfully occupies the home, to maintain tenancy. Special consideration will be given to remaining household members if they are not qualified to remain in the apartment after the accused perpetrator that was the qualifying household member leaves or is terminated. Please refer to the Owner's VAWA Policy for more details. Eligibility requirements are provided in Section I of this Plan.

**Legal Action:** Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, the Owner may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the community. VAWA does not limit the Owner's authority to comply with court orders or the authority to deny, evict or terminate assistance to an individual for violations that are not the result of a VAWA crime or when an actual and imminent threat to others is demonstrable.



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**VAWA Emergency Transfer (VET) Plan:** The Owner will consider a VAWA Emergency Transfer (VET) Request when an individual reasonably believes that he/she is in imminent danger or if he/she was sexually assaulted on community property within ninety (90) days of the request. Please refer to the Owner's VAWA Policy or VAWA Emergency Transfer Plan for more details.

## Recommended

### X. Applicant notification and opportunity to supplement information already provided

Applicants will be notified of the disposition of their application in writing, after a preliminary determination of eligibility has been made, as described in the application processing procedures.

Applicants desiring to provide additional information to support their application or make clear any portion thereof can do so by supplying the desired information to the Owner.

### XI. Procedures for identifying applicant needs for the features of accessible units or reasonable accommodations

**Reasonable Accommodations:** Pursuant to Section 504 of the Rehabilitation Act of 1973 and the Federal Fair Housing Act, the Owner will provide reasonable accommodations upon request to all applicants, residents, and employees with disabilities. A reasonable accommodation is a change, exception, or adjustment to a program, service, building, apartment, or workplace that will allow a qualified person with a disability to:

- Participate fully in a program;
- Take advantage of a service;
- Live in an apartment; or
- Perform a job.

**Requests:** Under both Section 504 and the Fair Housing Act, a resident or applicant for housing makes a reasonable accommodation request whenever he or she makes it clear to the housing provider that a request is being made for an exception, change or adjustment to a rule, policy, practice, service or physical structure because of his or her disability. A request can be made by the person with the disability, a family member or someone else acting on the individual's behalf. All activity related to reasonable accommodations must be documented to maintain an auditable record of compliance with the requirements of Section 504 and the Fair Housing Act. Therefore, all requests for reasonable accommodations must be reduced to writing, either by the individual or by the Owner. If the individual with the disability requires assistance in providing a written reasonable accommodation request, the Owner may assist the individual by completing the written request for them. The Owner is obligated to provide prompt responses to reasonable accommodation requests.

**Verification:** To show that a requested accommodation is necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. Unless it is readily apparent, verification of the need for the accommodation is required before any such accommodation or modification will be approved. When an applicant requests a reasonable accommodation, an accessible apartment or an apartment preference, such as first floor only, inquiries may be conducted to verify the person's disability. In doing so, we may verify a person's disability only to the extent necessary to document that the person:

- Is qualified for the housing for which they are applying;
- Is qualified for deductions used in determining adjusted income;
- Is entitled to any preference they may claim;
- Has a disability related need for the requested accommodation or modification; and
- Needs the design features of the unit.

**When an otherwise qualified applicant requests a reasonable accommodation or modification, the Owner is not required to:**

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



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- When a request for a reasonable accommodation will result in an undue financial and administrative burden, the Owner must provide all other needed accommodations up to the point at which further accommodations would result in an undue financial and administrative burden.
- **Refusal:** If the Owner refuses a requested accommodation because it is not reasonable, the Owner must engage in an interactive dialogue with the requester to determine if there is an alternative accommodation that adequately addresses their disability-related needs. If an alternative accommodation or modification would meet the individual's disability-related needs and it is reasonable, the Owner must grant it. This includes permitting individuals to make and/or pay for accommodations or modifications themselves.

## XII. Updating the waiting list

**Periodic Assessment:** Waiting List Confirmation Notices will be sent once a year to all applicants to reaffirm their intention to stay on the waiting list, ensure that applicant information is current, and remove any names that should no longer be on the list. The notice will specify the date by which the applicant's response is required in order to remain on the waiting list.

**Changes Reported by Applicant:** If the applicant reports a change in household composition, the waiting list information will be updated accordingly and a determination will be made as to whether the household needs the same or a different apartment size. Regardless of the final determination, the original application date will be kept. If the applicant reports a change of contact information, we will note the new information and the date it was received on the application submitted by the family and will ensure that the waiting list is updated accordingly.

**Changes in Preference Status:** Occasionally households on the waiting list who did not qualify for a priority or a preference when they applied will experience a change in circumstances that qualifies them for a priority or a preference. In such cases, it will be the household's duty to contact the Owner so that their change in status may be verified to reflect the priority. If verification determines that the household now qualifies for a priority or a preference, their application will be moved up on the waiting list in accordance with the priority or preference and their application's original submission date and time.

**Removal of Applications:** The Owner must document removal of any names from the waiting list with the time and date of the removal. An applicant's name will not be removed from the waiting list unless:

- The applicant was notified, in writing, of the intention to remove the applicant's name; **and**
- The applicant requested their name be removed; or
- The applicant no longer meets the eligibility requirements for the community or program; or
- The applicant fails to respond to a written notice for an eligibility interview; or
- The applicant fails to provide SSNs for all household members; or
- Mail sent to the applicant's address is returned as undeliverable; or
- The unit that is needed - using family size as the basis - changes, and no appropriate size unit exists in the community; or
- The applicant fails to respond by the date specified in the Waiting List Confirmation Notice.
- Documentation in the file shows that reasonable effort was made, unsuccessfully, to contact the applicant about their interest in remaining on the waiting list.

**Extenuating Circumstances:** In some situations, the consideration of extenuating circumstances may be necessary. These are circumstances beyond the applicant's control. Examples of extenuating circumstances include, but are not limited to:

- Hospitalization of applicant or member of applicant household.
- Applicant out of town for a family emergency (such as the death or severe illness of a close family member).
- Applicant on military duty overseas.

**Reinstating Applicants:** Applicants removed from the waiting list due to an error made by the Owner will be returned to the waiting list in their original position.

## XIII. Policy for notifying applicants and potential applicants of changes in the Resident Selection Plan

This Resident Selection Plan will be reviewed at least annually and updated as necessary to ensure that it reflects current operating practices, program priorities and HUD/RHS requirements. If changes are made to the Resident Selection Plan that affect the eligibility or placement of applicants on the waiting list, the Owner will provide notice to all applicants on the waiting list that a revised plan is available and explain how they may obtain or request a copy. In addition, the revised plan will be made available to all other interested parties by updating the community website and common area bulletin boards with the new version.



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#### XIV. Procedures for assigning units with originally constructed design features for persons with physical disabilities

Section 504 requires that Owners take reasonable, nondiscriminatory steps to maximize the use of accessible units by eligible individuals whose disability requires the accessibility features of a particular apartment. As part of this requirement, we will assign available accessible units to residents/applicants in the following order:

**When there is a current resident and/or qualified applicant with at least one household member requiring the features of an available accessible apartment:**

1. Current Residents – Our first priority, we will offer the accessible apartment to a household currently residing in a non-accessible apartment in the same community, whose disability requires the features of the available accessible apartment.
2. Applicants with Disabilities – If there are no current residents requiring the special features of the available accessible apartment, we will then offer it to the next qualified applicant on the waiting list with a household member whose disability requires the features of the available accessible apartment.

**When neither current resident nor qualified applicant require the features of an available accessible apartment:**

- The apartment may be offered to another resident or qualified applicant in a manner consistent with our Resident Selection Plan. Where persons without disabilities are moved into accessible units, they shall do so only after agreeing in writing to move to an available apartment with no such design features, at their own expense, should a qualified applicant or current resident require an accessible apartment of the type currently occupied by the persons without disabilities. Such occupants will receive, in writing, 30 days' notice to transfer to the newly available non-accessible apartment if such a situation should occur.
- In the event that the member(s) of the resident household requiring the special features of the accessible apartment no longer reside in the apartment, and where the lease permits, the remaining members of the household will be required to agree in writing to move to an available apartment with no such design features, at their own expense, should an applicant or current resident require an accessible apartment of the type currently occupied by the persons without disabilities. Such occupants will receive, in writing, 30 days' notice to transfer to the newly available non-accessible apartment if such a situation should occur.

#### XV. Charges for facilities and services

The Owner will not collect any money from residents at initial occupancy other than rent and the maximum HUD-allowed security deposit.

#### XVI. Security deposit requirements

Security deposits provide the Owner with financial protection when a resident moves out of the apartment and fails to fulfill his/her obligations under the lease. HUD requires collection of a security deposit at the time of the initial lease execution. The required security deposit amount is equal to one month's Total Tenant Payment (TTP) as calculated on form HUD-50059.

- The amount of the security deposit established by the Move-In or Initial Certification does not change when the resident's rent or apartment changes.
- Residents are expected to pay the entire security deposit from their own resources or other public or private sources before move-in.
- The security deposit and any interest it earns is refundable.
- An applicant may be rejected if he/she does not have sufficient funds to pay the deposit.
- Security deposits are recalculated when Move-In or Initial Certifications are corrected. Regardless of cause, any additional funds must be collected or refunded so that the amount of security deposit on hand equals the amount calculated on the corrected Move-In or Initial Certification.

#### XVII. Apartment inspections

Before executing a lease, the Owner and the new resident must jointly inspect the apartment. After the Owner conducts an apartment inspection, the inspection form must clearly indicate the condition of the apartment. If cleaning and/or repair is required, the inspection form must specify the date by which the work will be completed. This date must not exceed 30-days after the effective date of the lease.



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Both the Owner and the resident must sign and date the inspection form. The inspection form must include the statement, "The unit is in decent, safe and sanitary condition". The resident has 5 days to report any additional deficiencies to be noted on the move-in inspection form. The move-in inspection form is made part of the lease, as Attachment 2.

All apartments must undergo a move-in and move-out inspection by the Owner. These inspections include not only interior but also exterior inspections. In addition, there will be an inspection conducted annually by the Owner and from time to time, HUD, REAC, RD, and/or the Contract Administrator may conduct a random inspection.

## XVIII. Annual recertification requirements

To ensure that assisted residents pay rents commensurate with their ability to pay, recertification of family income and composition will be conducted at least annually to recompute resident rent and assistance payments.

- Annual recertifications must be completed by the resident's recertification anniversary date. The recertification anniversary date is the first day of the month in which the resident moved into the community or began receiving assistance from HUD. The recertification anniversary date does not change if a resident transfers from one apartment to another within the same community.
- Initial notice for the following year's annual recertification is received at initial execution of the lease, as well as upon completion of each annual recertification thereafter.
- A series of three monthly reminder notices are sent to residents starting 120 days prior to their upcoming recertification anniversary date. Depending on when they respond for recertification interview, residents may receive one or more additional reminder notices 90 and 60 days prior to their upcoming recertification anniversary date.
- Residents must supply all information requested by the Owner or HUD regarding their income, assets and expenses along with any other factors that may affect the determination of their adjusted annual income.
- Residents must sign the consent forms that allow the Owner to verify all reported income, assets and expenses. In addition to the traditional verification methods described in HH4350.3, streamlined verification of income and assets may be utilized as permitted by and in accordance with HUD's FAST Act and/or any related notices, revisions, or final rules that may subsequently be released. Please refer to the Owner's Streamlining Procedures for more details.
- All residents receive copies of the following documents at initial occupancy and annually during each annual recertification:
  - HUD-1141 – Is Fraud Worth It?
  - Resident Rights and Responsibilities
  - HUD-9887 – Fact Sheet
  - HUD Fact Sheet – How Your Rent is Determined (Section 8)
  - Resident Grievance Procedures
  - EIV & You Brochure

## XIX. Interim recertification reporting policies

To ensure that assisted residents pay rents commensurate with their ability to pay, residents must supply information requested by the Owner or HUD for use in an interim recertification of family income and composition.

In accordance with HUD requirements, all residents must notify the Owner within 30 days when:

- A family member moves out of the apartment;
- The family proposes to move a new member into the apartment;
- An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment; or
- The family's income cumulatively increases by \$200 or more per month.

Residents may request an interim recertification due to any changes occurring since the last recertification that may affect the resident's rent and assistance payment. Changes a resident may report include the following:

- Decreases in income including, but not limited to, loss of employment, reduction in number of hours worked by an employed family member, and loss or reduction of welfare income;
- Increases in allowances including, but not limited to, increased medical expenses or higher child care costs; and
- Other changes affecting the calculation of a family's annual or adjusted income including, but not limited to, a family member turning 62 years old, becoming a full-time student or becoming a person with a disability.



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The Owner must process an interim recertification of family income and composition within a reasonable time, which is only the amount of time needed to verify the information provided by the resident. Generally, this should not exceed 4 weeks.

The Owner may refuse to process an interim recertification when the resident reports a decrease in income only if the following apply:

- The decrease was caused by a deliberate action of the resident to avoid paying rent.
- The Owner has confirmation that the decrease will last less than one month.

**Determining the Eligibility of a Remaining Household Member:** Periodically, family composition changes after initial occupancy. If the qualifying person leaves the apartment, a determination must be made as to whether the remaining member of the household will be eligible to receive assistance. Eligibility depends upon the type of community occupied and other issues. The following basic requirements for eligibility must be met for a person to qualify as a remaining member of a household:

- The individual must be a party to the lease when the family member leaves the apartment.
- The individual must be of legal contract age under state law.
- The remaining family member is defined in Section 202 regulations as the surviving member or members of an elderly family or family with disabilities that was a party to the lease and living in the assisted apartment with the now deceased member of the family at the time of his or her death.
  - The remaining family member, based on the death of the family member, is eligible to remain in the apartment but must pay rent based on income. In this case, eligibility of the remaining family member, as defined by the death of the family member, is not reviewed.

## XX. Implementation of house rule changes

As part of the lease, residents agree to abide by the House Rules established for this community. The Owner will periodically review the House Rules to determine if any changes are required. The Owner will provide residents with written notice at least 60 days prior to implementing any required changes to the House Rules. Residents who do not wish to accept the new House Rules must provide their 30-Day Notice to Vacate prior to the new House Rules going into effect.



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