

**Sweetflag Estate**  
**Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual  
Assault, or Stalking**

**Emergency Transfers**

**Sweetflag Estate** is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> HP allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The ability of HP to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that is in compliance with VAWA.

**Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

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<sup>1</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to **Housing & Occupancy Specialist at 188 McGee Rd., Hoagansburg, NY 13655**. HP will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HP's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, HP will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

**Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

# **Tenant Selection Plan**

Revised March 1, 2018

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## **Sweetflag Estate**

419 Roosevelt Road

Roosevelt, NY 13683



## TENANT SELECTION PLAN

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## TENANT SELECTION PLAN

The purpose of the Tenant Selection Plan is to ensure that residents are selected for occupancy in accordance with HUD requirements and established Management policies. A copy of this Tenant Selection Plan will be provided, at no charge, to any applicant, tenant, or member of the general public at his/her request.

The property has 30 units financed under Section 202 Supportive Housing for the Elderly Program, authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended. 29 of the units are eligible for project-based rental assistance under Section 8 of the Housing Act of 1937 (42 U.S.C. § 1437f). The property serves an elderly and disabled, resident population. Qualifying economic income limit is Very Low, as published by the U.S. Department of Housing and Urban Development (HUD) each year for St. Lawrence County, State of New York.

No smoking of any kind (tobacco, e-cigarettes, vapor devices or any other substance) is permitted in any unit. Residents are allowed to smoke in the common areas and outdoors – 25 feet away from the building. There are four (4) designated smoking areas outside on the premises, with signs. Applicants **must** be willing to refrain from smoking while inside their units.

### **FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS**

It is Management policy to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act Amendments of 1988, E.O. 13166, HUD's Equal Access Rule and any legislation protecting the individual rights of applicants, residents, or staff which may subsequently be enacted. HUD's Equal Access Rule ensures that housing is open to all eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Management will not discriminate because of race, color, age, familial status, religion, creed, disability (physical or mental), sexual orientation, sex or gender (actual or perceived), gender identity, marital status (actual or perceived), or national origin in the leasing, rental, or other disposition of housing in any of the following ways:

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

It is Management policy, pursuant to Section 504 of the Rehabilitation Act and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities.

Questions and inquiries regarding applicant treatment relative to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, E.O. 13166 or the Fair Housing Act Amendments of 1988 should be addressed by mail to the following person responsible for related policies: For individual designated to handle Title VI, etc. issues – **Mary Jo Terrance, Executive Director, Mohawk Indian Housing Corp., PO Box 402, Rooseveltown, NY 13683, (518) 358-4860, TTY (800) 421-1220** (National Telecommunication Relay Service). This person is not directly involved in the day-to-day decision-making process involving admitting applicants to the property.

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

#### **Limited English Proficiency –**

Although a Language Access Plan is not required, based on our analysis, Management makes every effort to effectively communicate with persons who are limited in their English proficiency.

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## **PRIVACY POLICY**

It is Management policy to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the property. Therefore, neither the property nor its agents shall disclose any personal information contained in its records to any person or agency unless required by law, or unless the individual about whom information is requested shall give written consent to such disclosure.

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



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## GENERAL ELIGIBILITY REQUIREMENTS

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

**A. The family's annual income must not exceed the Very Low income limits, based on family size.**

Family size **must** count all persons living in the unit, including foster children and foster adults and excluding Live-in Aides and guests. Income eligibility **must** be determined prior to approving applicants for tenancy.

**B. Social Security Number Requirements:**

- 1) In order to determine eligibility and offer a unit, HUD requires every household member, including Live-in Aides, foster children and fostered adults (unless the household is an Exception as noted in 2) below) to have a Social Security Number (SSN).

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

- a) If the household member cannot produce his/her valid Social Security card, at least one of the following alternative documents **must** be provided as documentation:
    - An original document issued by a federal or state government agency which shows the person's name and SSN along with other identifying information (i.e. SSA benefit award letter)
    - Driver's license or State ID that shows the Social Security Number
    - Earnings statement on payroll stubs
    - Bank statement or Form 1099
    - Retirement benefit letter
    - Life insurance policy or court records
    - Other evidence that HUD designates as acceptable
  - b) Documents that are not originals, or that have been altered, are mutilated or are illegible, or that appear to be forged, will be rejected. In this case, Management will explain the reason why the document is not acceptable, and will request the submission of acceptable documentation within a reasonable time frame, prior to a unit being offered.
- 2) After making a copy of the Social Security card, the original will be returned to the applicant. After the electronic transmission of the Move-In certification, the SSN will be verified via the EIV computer matching program with the Social Security Administration, and a copy of that verification will be retained in the tenant file.
  - 3) Exceptions to SSN Requirements:
    - a) Individuals who acknowledge that they are not entitled to housing assistance because they do not have eligible immigration status. This is documented by the household member's Citizenship Declaration, showing that the individual did not contend eligible immigration status. Mixed households with unassisted, ineligible noncitizens can be admitted with prorated assistance, even though the unassisted individuals do not have SSN documentation.
    - b) Household members who were age 62+ as of January 31, 2010 and whose initial determination of eligibility had already begun prior to January 31, 2010.
      - Persons who previously lived in either a Public and Indian Housing or Multifamily HUD-assisted program will have 50058 or 50059 move-in certifications, with effective dates to support this exception. Documentation **must** be obtained from prior Management (not from the applicant) and will be kept in the tenant file.
      - Exception status for these individuals remains valid, even when the person moves to another HUD-assisted program, and/or if there is a break in tenancy.



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## General Eligibility Requirements > SSN Requirements > Exceptions - Continued

- c) A child **under** the age of **six (6) years old** added to the applicant household within the 6-month period prior to the household's date of admission.
  - The household will have a **maximum of 90 days** after the date of admission to provide the Social Security Number and appropriate documentation.
  - A **90-day extension** may be granted under certain circumstances. If the household does not provide the Social Security number and appropriate documentation within the prescribed timeframe, HUD regulations require that the household's tenancy be terminated.
- 4) Timeframes for providing Social Security Numbers and documentation
  - a) Although applicants are not required to provide Social Security Number documentation when the application is submitted, documentation for all non-exempt household members **must** be provided before a household can be housed.
  - b) If there is missing SSN documentation for any non-exempt household member when the household reaches the top of the waiting list and a unit is available, then the household will be skipped, in order to admit the next eligible household.
    - The skipped applicant household may keep its position on the waiting list for 90 days from the date they are first offered a unit, to allow them time to provide acceptable SSN documentation.
    - **After 90 days**, if any household member has not provided SSN documentation, the household will be determined as ineligible and will be removed from the waiting list.
- 5) Adding household members after move-in:
  - a) For a new member, regardless of age, who has a social security number, SSN documentation **must** be provided no later than the processing of the certification that adds the new person to the household.
  - b) If the new member is a **child under 6** without a social security number, the household has **90 days** to provide SSN documentation. An additional **90 days** will be granted only if failure to provide documentation is due to circumstances beyond the tenant's control.
    - During this time, the child will appear on tenant certifications with all appropriate benefits and deductions and a TRACS ID will be assigned by HUD.
    - When the SSN documentation is provided, an interim certification will be processed to change the TRACS ID to the verified SSN.
    - If acceptable SSN documentation is not provided by the deadline date, eviction proceedings will begin to terminate tenancy of the household, since the household will be in non-compliance with its lease.
- C. All adults, as well as any adjudicated minors who are the Head, Spouse or Co-Head in each applicant family, must sign an Authorization for Release of Information (HUD 9887/9887A) prior to receiving assistance and annually thereafter.
- D. The unit for which the family is applying must be the only residence of each household member.
- E. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.

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## General Eligibility Requirements - Continued

### F. Citizenship Requirements

- 1) All applicants, including foster children and foster adults, **must** complete a Citizenship Declaration. For children **12 years of age and younger**, the Declaration may be completed by the parent/guardian.
- 2) Each family member **must** have U.S. citizenship, naturalization, and/or verified eligible immigration status, if **under 62 years of age**, to qualify for subsidy.
- 3) A person claiming to be an eligible non-citizen who is **under age 62**, **must** sign a Verification Consent Form and present one of the following documents, along with the completed application, or prior to the determination of eligibility:
  - a) Form I-551, Permanent Resident Card
  - b) Form I-94, Arrival Departure Record, with one of the following annotations:
    - “Admitted as Refugee Pursuant to section 207”, or
    - “Section 208” or “Asylum”, or
    - “Section 243(h)” or “Deportation stayed by Attorney General”, or
    - “Paroled Pursuant to Sec. 212(d)(5) of the INA”.
  - c) If Form I-94 is not annotated, one of the following documents **must** be provided:
    - Final court decision granting asylum, but only if no appeal is taken, or
    - Letter from a DHS asylum officer granting asylum (if application was filed on/after October 1, 1990), or from a DHS district director granting asylum (if application was filed before October 1, 1990), or
    - Court decision granting withholding of deportation, or
    - Letter from a DHS asylum officer granting withholding of deportation (if application was filed on/after October 1, 1990)
  - d) Receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant’s entitlement to the document has been verified.
  - e) Other acceptable evidence; other documents determined by the DHS to constitute acceptable evidence of eligible immigration status, as announced by notice published in the Federal Register.
- 4) All persons claiming to be eligible non-citizens, who are **under age 62**, will have their citizenship eligibility status verified through the computerized SAVE System provided by the Department of Homeland Security (DHS).

If secondary verification is necessary and is not provided within the SAVE System, immigration status will be verified using the paper process. A completed Document Verification Request, Form G-845S, and photocopies of the immigration documentation provided by the applicant will be mailed to the local immigration office to receive verification of the validity of the documents.
- 5) Non-citizens **age 62 and older must** sign a declaration of eligible immigration status and provide a proof of age document.
- 6) Management will provide each applicant, at the time of application, notification of the requirement either to submit evidence of citizenship or eligible immigration status or to choose not to claim eligible status. The notice will comply with handbook requirements noted above and will state that housing assistance may be prorated, denied, or terminated, if any or all applicant family members are determined ineligible for assistance.
- 7) Management will notify applicant families in writing if they are found to be ineligible based on citizenship/immigration status. The notice of denial or termination of assistance will advise the applicant family:
  - f) The reason for the denial or termination of rental assistance;
  - g) They may be eligible for proration of assistance;
  - h) Tenant, but not applicants may be eligible for a temporary deferral of denial of assistance;
  - i) They have the right to request an appeal to the DHS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal.

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## General Eligibility Requirements > Citizenship Requirements - Continued

- a) They have the right to request an informal hearing with the owner either upon completion of the DHS appeal or in lieu of the DHS appeal; there are two types of appeals available.
- b) The notice of denial will advise the applicants that if they have failed the primary and secondary verification and submitted an appeal to the DHS, but the DHS process has not been concluded, the applicant will receive assistance in a timely manner.

If the DHS decision is negative, the assistance may then be terminated. Once the appeal process is complete, and the family receives a negative decision on the DHS appeal, Management may delay assistance while providing the family with an opportunity for an informal meeting to appeal the decision.

## G. Project Eligibility

Applicant households **must** meet at least one of the following HUD definitions:

### 1) **Elderly Family (Definition B):**

An elderly family is defined as:

- a) Families of two or more persons, the Head, Spouse or [Co-Head] is 62 years of age or older;
- b) The surviving member or members of a family as described above, living in a unit assisted under subpart E of this part (Section 202 loans) with the now deceased member of the family at the time of his or her death;
- c) A single person who is 62 years of age or older; or
- d) Two or more elderly persons living together or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certification provided by the family, to be essential to their care or well-being.

### 2) **Disabled (Handicapped) Family (Definition G):**

A disabled (handicapped) family is defined as:

- a) Families of two or more persons, the Head, Spouse or Co-Head of which is a person with disabilities (handicapped);
- b) The surviving member or members of any family described above, living in a unit assisted under subpart E of this part (Section 202 loans) with the deceased member of the family at the time of his or her death;
- c) A single person with disabilities (handicapped person) over the age of 18; or
- d) Two or more persons with disabilities (handicapped persons) living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certification provided by the family, to be essential to their care or well-being.

### 3) **Person with a Disability (Handicapped Person) (Definition H):**

A person with disabilities means:

- a) Any adult having a physical, mental or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his/her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.
- b) A person with a developmental disability, who has a severe chronic disability that:
  - is attributable to a mental or physical impairment or combination of such impairments;
  - is manifested before the person attains age 22;
  - is likely to continue indefinitely;

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## General Eligibility Requirements > Project Eligibility - Continued

- results in substantial functional limitation in three or more of the following areas of major life activity:
    - (1) Self-care
    - (2) Receptive and expressive language
    - (3) Learning
    - (4) Mobility
    - (5) Self-direction
    - (6) Capacity for independent living
    - (7) Economic self-sufficiency, and
  - Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services of lifelong or extended duration, and are individually planned and coordinated.
- c) A person with a chronic mental illness, i.e. who has a severe, persistent mental or emotional impairment that seriously limits his/her ability to live independently, and whose impairment could be improved by more suitable housing conditions.
- d) Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of infection with the HIV are eligible for occupancy in the Section 202 projects designed for the physically disabled, developmentally disabled, or chronically mentally ill depending on the nature of the person's disability.
- **Note:** A person whose sole impairment is alcoholism or drug addiction (i.e., who does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition required for eligibility in a particular project) will not be considered to be disabled for the purposes of the Section 202 program.
- 4) **Nonelderly Disabled (Handicapped) Family (Definition I):**
- A non-elderly disabled (handicapped) family means a disabled family in which the Head, Spouse or Co-Head, if any, is less than 62 years of age at the time of the family's initial occupancy of a project.

## H. Student Eligibility

Student eligibility is determined at Move-In /Initial Certification and at each Annual Certification. Student Eligibility may also be reviewed at Interim Certification, if student status has changed since the last certification.

Section 8 assistance **will be provided** to any otherwise eligible individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential, provided the individual meets **ONE or more** of the criteria below:

Based on criteria defined in *HUD Handbook 4350.3 Rev-1 Change 4, 3-13 A.2.*, the individual:

- 1) Is age 24 or older;
- 2) Is married;
- 3) Is a veteran of the United States Military;
- 4) Has a dependent child
- 5) Is a person with disabilities, as such term is defined in section 3(b)(3)E of the 1937 Act, and was receiving assistance under Section 8 of the 1937 Act as of November 30, 2005;
- 6) Is living with his/her parents who are receiving Section 8 assistance;
- 7) Is individually eligible to receive Section 8 assistance and has parents, individually or jointly, who are income-eligible to receive Section 8 assistance;

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## General Eligibility Requirements > Student Eligibility - Continued

**Or** based on criteria defined in *Federal Register Volume 81, Number 183 dated September 21, 2016*, the individual:

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

For a student to be eligible for Section 8 assistance, independent of his or her parents (where the income of the parents is not relevant), the student **must** be of legal contract age under state law (**4350.3 Rev-1 Change 4, 3-13 A. 3. a.**).

Management will 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 (*Federal Register Volume 81, Number 183 dated September 21, 2016*):

- 1) Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education’s definition of independent student;
- 2) Reviewing a student’s prior year income tax returns, and not that of the student’s parents, to verify the student is independent or verifying the student meets the U.S. Department of Education’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 unit is part of annual income, except if the student meets the U.S. Department of Education’s definition of “vulnerable youth,” as defined in Section H. 8) f) above.

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## General Eligibility Requirements > Student Eligibility - Continued

If an ineligible student is a member of an applicant household, the assistance for the entire household will not be granted. If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance will be terminated; assistance will not be prorated. An ineligible student will not be evicted or be required to move from a unit as long as the student is in compliance with the terms of the lease.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institute of higher education that is in excess of amounts received for tuition and other required fees/charges, is **included** in annual income; **except** if the student is over the age of 23 with dependent children **or** the student is living with his or her parents who are receiving Section 8 assistance. Financial assistance that is provided by persons not living in the unit is not part of annual income, if the student meets the definition of “vulnerable youth,” as defined in Section H. 8) f) above.

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### **I. The Violence Against Women Act**

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

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

- 1) Applicants cannot be denied rental assistance solely because they were previously evicted from an assisted site for being victims;
- 2) Applicants cannot be denied assistance solely for criminal activity or other acts against them that were directly related to domestic violence, dating violence, sexual assault or stalking;
- 3) Residents cannot be evicted, nor have their subsidies terminated solely because they were victims of domestic violence, dating violence, stalking and/or sexual assault. Being a victim does not qualify as a “serious or repeated violation of the lease” or “other good cause” for eviction.
- 4) The perpetrator(s) may be evicted and/or their names removed from leases. Remaining household members may continue residency as long as they are eligible.
  - a) The remaining household members will have **90 days** or until the lease expires, whichever is first, to establish eligibility, other than citizenship, for the program or to find new housing. Management will issue **one 60 day extension** following the initial **90 day** time frame, if necessary.
  - b) If the remaining household members are ineligible noncitizens, said members have **30 days** to prove eligible immigration status or to find other housing. There are no extensions allowed.

The ‘Notice of Occupancy Rights Under the Violence Against Women Act’ (Form HUD-5380) will be provided to a tenant or applicant at three specific times:

- 1) When an individual is denied residency
- 2) When an individual is admitted to an assisted unit, and
- 3) With any notification of eviction or termination of assistance (no termination of assistance for PRAC)

Each household member 18 or over (or emancipated minor) that signs the lease will also sign the VAWA lease addendum, each time a lease is executed.

If an individual is a victim of domestic violence, dating violence, sexual assault or stalking, the household member will complete the HUD form ‘Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation’ (Form HUD-5382), which includes names of perpetrator(s), if known. In lieu of completing this certification, or in addition to it, the individual may provide a federal, state, tribal, territorial, or local police record or court record; or documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking or, the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional’s belief that the incident(s) are bona fide incidents of abuse, and the victim of domestic violence,

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## General Eligibility Requirements > The Violence Against Women Act - Continued

dating violence, sexual assault or stalking has signed or attested to the documentations. While the above proof may be submitted by the individual in lieu of or in addition to completing the certification, the proof is not required.

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

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

**NOTE:** Where applicable, information regarding preferences adopted for VAWA victims can be found in the Waiting List Preferences section of this plan. Information regarding VAWA Emergency Transfers can be found in the Unit Transfer Policies section of this plan. Management's Emergency Transfer Plan is available upon request.

**J. The applicant must have previously demonstrated an ability to pay rent and adhere to a lease.**

Applicants will not be rejected due to a lack of rental history, but may be rejected for a poor rental history.

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## APPLICATION INTAKE AND PROCESSING

It is Management policy to accept and process applications in accordance with applicable HUD Handbooks and regulations.

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

Applications can be requested from Management via phone or in person at the site during normal business hours, or via a written request mailed to the property.

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

Applications **must** be completed and signed and can be returned to the office in person, via fax, email or U.S.P.S. mail (to the attention of the Property Manager).

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

All applicants will also be provided with ***HUD Form 27061-H, Race and Ethnic Data Reporting Form***. Management requests this form be returned along with the completed application. This demographic information is not used to determine applicant eligibility. The information is gathered to report to HUD the demographic makeup of applicant traffic, to comply with HUD's Affirmative Fair Housing Marketing Plan requirements.

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

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

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

### **A. Income Targeting Procedures**

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

When the property has not met the **40%** target, eligible applicants will be selected from the waiting list whose income is at or below the extremely low income limit on an **alternating basis** to fill vacancies. Management will select the first Extremely Low income applicant on the waiting list (which may mean skipping over applicants with higher incomes) for the available unit; and then selecting the next eligible applicant at the top of the waiting list (regardless of income level) for the next available unit.

As subsequent units become available, tenant selection will continue to alternate between the next extremely low income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached. To ensure that the 40% targeting requirement is met, the waiting list will be monitored and appropriate documentation will be kept on file.

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

Once the target has been met, Management will return to selecting applicants based on the date and time the application was received.



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## Application Intake and Processing - Continued

### B. Applicant Screening Process

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

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

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

#### 1) Criminal Background Check

The presence of a criminal record will not automatically disqualify an applicant. In general, Management will evaluate the nature of the record in context to the age of the criminal record and the risk that the criminal history poses to the health and safety of the residents living within our community, and the risk to the property of our residents. Criminal history checks of convictions will be completed by local, state and federal authorities and/or a professional criminal and credit checking agency. Our criminal screening criteria was developed in an effort to ensure the continuance of safe housing without having a disparate impact on applicants, based on the criminal history review.

The following items establish our screening criteria to determine whether applicants will be suitable tenants.

- a) Conviction of any household member for **violent criminal activity** within the past **ten (10) years** will result in the rejection of the application.
- b) Any household containing any member with **convictions** within the past **five (5) years**, due to **drug-related criminal activity** will be rejected.
- c) Any conviction within the past **five (5) years** which involved deliberate injury to a person or property will result in the application being rejected.
- d) Any conviction for the **passing of worthless checks, theft from employer, fraud (including credit card, welfare or worker's comp), identity theft, embezzlement, or forgery** within the past **three to five (3 - 5) years** will result in the application being rejected.
- e) Any conviction for the **sale, distribution or manufacture of any controlled or illegal substance**, as well as any conviction within the past **five to ten (5 - 10) years** involving **illegal use or possession of any controlled or illegal substance** will result in the application being rejected.
- f) Any conviction for any **sexual offense** within the past **five (5) years** will result in the application being rejected.
- g) Any conviction which involved **bodily harm to a child** within the past **ten (10) years** will result in the application being rejected.
- h) Management will **reject** a household in which any member is currently engaged in illegal use of drugs or when the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards will be based on behavior, not the condition of drug abuse.
- i) Management will **reject** a household in which there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards will be based on the behavior, not the condition of alcoholism or alcohol abuse.

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## Application Intake and Processing > Applicant Screening Process - Continued

- j) Management will prohibit admission of any household containing any member (including Live-in Aide) who was evicted in the last **three (3) years** from federally assisted housing for drug-related criminal activity, unless one of the following exceptions apply:

- The person who was evicted for the drug-related criminal activity is no longer a household member.

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

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

Management may deny admission of an applicant, if the criminal background check indicates the applicant provided false information. HUD requires Management to deny admission if the State sex offender registration record indicates the applicant provided false information. If Management denies admission of the applicant, Management will:

- k) Notify the applicant of the proposed denial of admission.

- l) Provide the subject of the record and the applicant with a copy of the information the action is based on.

- m) Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained

## 2) **Sex Offender Registry Check**

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

HUD prohibits admission of any individual that is subject to a lifetime sex offender registration requirement in any state.

The criminal background check is used to verify if any household member is subject to a state sex offender lifetime registration requirement by searching **all** states, regardless of where the property is located and where the individual stated s/he lives or has lived.

Management verifies if any household member is subject to a State sex offender lifetime registration requirement by searching **all** states, regardless of where the property is located, and where the household individual stated s/he lives or has lived.

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

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

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

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

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

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## Application Intake and Processing > Applicant Screening Process - Continued

### 3) Credit Check

Applicants will not be rejected for lack of a credit history. Previous landlords may be contacted to determine if the applicant paid rent on time and/or left the property with any unpaid balances.

A professional credit checking agency will be used to provide a credit report for each applicant household. No cost will be charged to the applicant. Applicants will be rejected if any of the following credit information is verified for any member of the applicant family:

- a) Applicant has had a **bankruptcy** within the last **two (2) years**;
- b) Applicant has more than **\$5,000** in **outstanding debt**;
- c) Applicant has had a **foreclosure** in the last **six (6) months**;
- d) Applicant currently has any **outstanding landlord or utility collections**;
- e) Applicant currently has more than **six (6) collections outstanding**, regardless of type;
- f) Applicant has had more than **one (1)** previous **non-payment procedure in housing court** during the past **three (3) years**.
  - Exemptions include medical collections and/or if applicant has proof of repayment of debt. Proof **must** be a statement of satisfaction from creditor, court, or other legal proof.

### 4) Prior Landlord Check

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

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

- a) An applicant household will be rejected if any member of the household has left another HUD-assisted property owing overpaid HUD assistance, unpaid rent or damages.
- b) An application will be rejected if the household has been evicted from a previous residence or has a history of lease violations within the past **three (3) years**.
- c) Management will prohibit admission of any household containing any member (including Live-in Aide) who was evicted in the last **three (3) years** from federally assisted housing for drug-related criminal activity, unless one of the following exceptions apply:
  - The person who was evicted for the drug-related criminal activity is no longer a household member.

## OCCUPANCY STANDARDS

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

Units will be assigned in accordance with the following standards:

Bedroom Size	Minimum Occupancy	Maximum Occupancy
Studio/Efficiency	1 person	1 person
1 Bedroom	1 person	2 people

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## **DETERMINATION OF APPLICANT ELIGIBILITY: APPLICATION ACCEPTANCE AND REJECTION**

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

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

**A. Misrepresentation:**

Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit.

**B. Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:**

Includes documented instances of behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.

**C. Violent Behavior:**

Includes documented evidence of acts of violence or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.

**D. Non-Compliance with Rental Agreement:**

Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping unauthorized pets, or other acts in violation of rules and regulations.

**E. Owing Prior Landlords:**

Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.

**F. Ineligible Students:**

Applicant households whose members include an 'ineligible student' per HUD regulation. See prior section 'General Eligibility Requirements > H. Student Eligibility'.

**G. Unsanitary or Hazardous Housekeeping:**

Includes creating any health or safety hazard through acts of neglect, and/or causing or permitting any damage to, or misuse of premises and equipment; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to reasonably and properly use all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or damage to the premises.

**H. Criminal Activity:**

The presence of a criminal record will not automatically disqualify an applicant. Management has established a policy to reject applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are defined in (prior section) 'Applicant Screening Process, Criminal Background Check'.

**I. Social Security Number Documentation:**

If there is missing SSN documentation for any non-exempt household member when the household reaches the top of the waiting list and a unit is available, then the household will be skipped, in order to admit the next eligible household. The skipped applicant household may keep its position on the waiting list for 90 days from the date they are first offered a unit, to allow them time to provide acceptable SSN documentation. After 90 days, if any household member has not provided SSN documentation, the household will be determined as ineligible and will be removed from the waiting list.

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## Determination of Applicant Eligibility: Application Acceptance And Rejection – Continued

### J. Credit History:

A consistent, severe or recent history of deficiencies in overall credit or rent payment, which indicates that the family will be unable or would otherwise fail to pay in a timely manner the tenant portion of the rent and other expenses relating to occupancy of the unit.

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

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

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## **APPLICANTS WHO REQUIRE REASONABLE ACCOMMODATIONS, INCLUDING LIVE-IN AIDES**

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job. Examples of reasonable accommodations include physical adaptations to units, Live-in Aides and assistance animals.

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

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

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations, the applicant is not eligible and the applicant will be rejected. Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from Management that represent an alteration in the fundamental nature of the property's program.

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

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

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

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

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

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

The Live-in Aide cannot stay in the unit as a remaining family member, once the tenant who needs the services leaves the unit or dies. Live-in Aides who violate any of the property's House Rules will be subject to eviction. Live-in Aides **must** meet the same screening criteria as any other applicant, with the exception of credit checks.

# Sweetflag Estate

## WAITING LIST PREFERENCES

There are no waiting list preferences.

## WAITING LIST MANAGEMENT

Management administers the property's waiting list as required by HUD handbooks and regulations.

### **A. Closing and Re-opening the Waiting List(s):**

Management maintains an open waiting list. Vacancies and the waiting list(s) are monitored regularly to ensure there are enough applicants to fill the vacancies; and that the waiting list does not become so long that the wait for a unit becomes excessive.

Should Management ever choose in the future to close and reopen the waiting list, both actions and any restrictions on accepting applications, will be publicly announced in publication(s) likely to be read by potential applicants. Advertisements will include information about where and when to apply, and will conform to the advertising and outreach practices described in the property's Affirmative Fair Housing Marketing Plan.

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

### **B. Updating the Waiting List(s):**

The waiting list will be updated **annually** to keep applicant information current, and to remove anyone who wants to be removed or no longer qualifies for admission to the property.

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

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

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

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

- 1) The applicant requests that his/her name be removed.
- 2) The applicant was clearly told, in writing, of the requirement to advise the property of his/her continued interest in housing by a particular time, and failed to do so, even after being provided with reasonable accommodations in the event of handicap or disability.
- 3) The property attempted to contact the applicant in writing, but the letter was returned by the U.S. Postal Service as undeliverable.
- 4) The property has notified the applicant, in writing, of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.
- 5) The applicant refused **two (2) offers** of units for other than a medically-related reason.
- 6) The applicant accepted an offer of a unit but failed to move in on time, without notice.
- 7) The applicant household needs a different size unit due to a household composition change, and the property has no units of that size.

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## Waiting List Management > Removal of Applicants from the Waiting List - Continued

- 8) The applicant household failed to provide SSN documentation for any non-exempt household member after the expiration of the provided grace period.

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

## APPLICANT INTERVIEWS

As the applicant approaches the top of the waiting list, Management will interview the applicant, along with appropriate family members and/or caseworkers, and explain the regulations and policies associated with the property. The interview shall be conducted in accordance with the HUD Handbook 4350.3 and topics will include, but are not limited to:

- Income/asset/expense information, as well as household composition
- Applicant-paid utilities
- The requirement for all household members age **18+** to sign consent for release of information forms
- Proof of legal residence will be collected
- HUD-required Citizenship Declaration forms will be collected for each household member
- Applicant's ability and willingness to comply with the terms of the property's lease and community's policies
- Statutory, HUD, state and local preferences, if any
- HUD-required SSN documentation will be collected for all household members
- Violence Against Women Act

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



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## **VERIFICATION REQUIREMENTS**

The property will obtain verifications in compliance with requirements set forth in the HUD Handbook 4350.3.

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

- 1) Eligibility for admission, such as:
  - a) Income, assets, and asset income
  - b) Household composition
  - c) Social Security Number documentation for all non-exempt household members
  - d) Need for a unit specifically adapted for mobility impairments
  - e) Citizenship eligibility
  - f) Verification of student status and eligibility
- 2) Allowable deductions, for items such as:
  - a) Age 62+, disability, or handicap of household head, spouse and/or co-head
  - b) Full time student status
  - c) Child care costs
  - d) Handicap expenses
  - e) Medical expenses (for elderly/handicapped households only)
- 3) Compliance with resident selection guidelines, such as:
  - a) Proof of ability to pay rent
  - b) Previously demonstrated adherence to lease for previous rentals
  - c) Positive prior landlord reference: rent-paying, caring for a home with safe, clean, satisfactory housekeeping habits, based on documented Management's visit to current dwelling
  - d) No verified, disqualifying history of drug-related, sex offender or violent criminal activity for any household member.
  - e) Absence of objectively verified behavior that would give Management reasonable cause to believe that the applicant's abuse of drugs/alcohol would interfere with the health, safety and right to peaceful enjoyment of the property by other residents or staff.

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

**B. Period for Verification:**

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

**C. Forms of Verification: Documentation required as part of the verification process may include:**

- 1) Checklists completed as part of the interview process, signed by the applicant
- 2) Verification forms completed and signed by third parties
- 3) Use of HUD's EIV (Enterprise Income Verification) system, a computerized database containing Social Security and employment/unemployment income
- 4) Reports of interviews
- 5) Documentation provided by the applicant, i.e. award letters, pay stubs, bank statements
- 6) Notes of telephone conversations with reliable sources, faxes, e-mail or internet correspondence. At a minimum, each file notation will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.

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## Verification Requirements > Forms of Verification - Continued

- 7) Verification of student status, as described in 'General Eligibility Requirements > H. Student Eligibility'.

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

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

- 1) The applicant by means of interviews
- 2) Present and former housing providers
- 3) Present and former employers
- 4) HUD's EIV (Enterprise Income Verification) system, a computerized database containing social security and employment/unemployment income
- 5) Credit Checks
- 6) Social workers, parole officers, court records, drug treatment centers, physician, clergy, INS
- 7) Law enforcement

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

- 1) HUD's electronic EIV system, as applicable; The Work Number or other state government databases
- 2) Written third-party verification generated by the source of the income, which may be provided by the applicant
- 3) Oral third-party verification from the source of the income
- 4) Family (self) certification when information cannot be verified by a method above

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

- 1) Past performance meeting financial obligations, especially rent:
  - a) Credit checks will be completed with a professional credit checking agency, searching national databases. Criteria for admission is described in (prior section) 'Applicant Intake and Processing, B. Applicant Screening'.
  - b) Contacting the current landlord and one prior landlord to gather previous rental history information.
  - c) Otherwise-eligible households who apply for housing with outstanding balances owed to their current property, or to this property as a past tenant are ineligible.
    - After the applicant presents proof of payment of any such balances, s/he may re-apply and, if otherwise eligible, will be added to the waiting list based on the re-application date.
- 2) Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents:
  - a) Staff will check for these potential problems with the current landlord and one former landlord.
  - b) If the applicant is not currently living under a lease, the housing provider will be asked to verify the applicant's ability to comply with property lease terms as it relates to these guidelines. Any unit for which the applicant has upkeep responsibility may be physically checked.
  - c) An applicant's behavior toward the Property Manager and other staff will be considered as indicative of future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward property staff will be noted in the file.

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## Verification Requirements > Applicant history - Continued

- 3) Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
  - a) Criminal history checks of convictions with registries, local, state and federal authorities and/or a professional criminal and credit checking agency will be done.
  - b) Applicants who are listed on lifetime sex offender registries in any state **must** be rejected by HUD regulation.
- 4) A record of eviction from housing or termination from residential programs will be considered:
  - a) Property Management will check property records, Management records, and other records to determine whether the applicants have been evicted from this property, any other assisted housing, or any other property in the past.
  - b) Records of evictions from residential programs will be checked with service agencies and with any housing providers referred by the applicant.
- 5) Current residence in other HUD assisted housing:
  - a) Applicant households **must** disclose if any household member is currently receiving HUD housing assistance. Households are not permitted to receive assistance in multiple households for the same time period, or to receive assistance if more than one residence will be maintained.
  - b) HUD provides Management with information about whether each applicant receives HUD assistance, and where that residence is located.
  - c) Management will use the EIV (computerized Enterprise Income Verification) system's Existing Tenant Search report to identify all household members (including Live-in Aides and foster members) who currently reside in HUD's Public and Indian Housing, or Multifamily programs.
    - This report will be printed for each member of the applicant family when processing the applicant for admission, prior to offering a unit.
    - If any family member is currently living in another PIH/MF assisted unit, plans to vacate that unit will be discussed with the applicant. Move-Out/Move-In dates will be coordinated with Management at the other assisted property to avoid HUD being billed for double subsidy.
    - Results of discussions with the applicant and/or other site will be recorded on the Existing Tenant Search.
    - For applicants who move into the property, the Existing Tenant Search report(s), along with all documentation, will be kept in the tenant file with the application for the term of **tenancy plus three (3) years**. For applicants who do not move in, the report(s) and documentation will be retained, along with the application, for **three (3) years**.
  - d) Applicants living in other HUD-assisted housing may apply to this property. However, the applicant **must** move out of the current property before HUD assistance can begin at this property. Special circumstances exist:
    - for minor children where both parents legally share custody and
    - for HUD-assisted household members in another property who are moving in order to establish a new household, when remaining family members will stay in the old unit.
  - e) If any member of the applicant household fails to accurately disclose his/her rental status, the application may be denied based on "misrepresentation of information." After move-in, if any household member receives, or tries to receive, HUD housing assistance at another property while still living at this property, the household will be required to repay HUD for all overpaid assistance.

## **ATTEMPTED FRAUD**

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

- Income, assets and/or expenses
- Household composition
- Social Security Numbers
- Preferences and priorities
- Eligibility for allowances
- Previous residence history or criminal history
- Citizenship, naturalization, and/or eligible immigration status

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

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

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

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## OFFERING A UNIT

Applicants **must** meet all the eligibility and property-specific admission requirements described in prior sections of this Tenant Selection Plan before an available unit can be offered.

When a unit becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for the unit size. The **alternating** method for meeting income targeting requirements, as described in prior section, 'Application Intake and Processing' will be used; which may cause the applicant at the top of the waiting list to be passed over in order to admit an applicant at the Extremely Low income limit.

Eligible families with handicapped/disabled members needing specific handicap features of a unit will be selected first, for available units which are accessible in ways specifically adapted for their use.

If a household requests to be placed on the waiting list, the applicant will be notified when s/he nears the top of the list for an available unit. The applicant may refuse the first unit and continue to wait for another unit with no change in waitlist position for the other type of unit. If the next unit available is not the other unit type, the household **must** either occupy the vacant unit offered, or be placed at the bottom of the waitlist for the other unit type. If the applicant refuses an available unit a second time, they will be removed from the waiting list.

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

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

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

Any family placed in a unit size different than that defined in these Occupancy Standards **must** agree to transfer to an appropriate size unit when one becomes available, in accordance with the Transfer Policy and Lease Addendum.

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

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

If mail sent to the address the applicant listed as his/her current address is returned by the U.S. Postal Service, the document will be kept on file and an attempt will be made to contact the applicant via other means. If the applicant cannot be contacted within **five (5) business days** by alternate means, the unit will be offered to the next applicant on the waiting list. Attempts to contact the household will be documented in the applicant file, and the applicant will be removed from the waiting list.

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

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

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## **PRIORITIES FOR ACCESSIBLE OR ADAPTABLE UNITS**

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

Current residents who require accessible/adaptable units will be given priority over applicants requiring the same type of unit. If a tenant is transferred as a reasonable accommodation to a household member's verified disability, the owner will pay the costs (not to include transfer of utilities) associated with the transfer, unless doing so would be an undue financial/administrative burden.

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

## **PRIOR TO MOVE-IN**

### **A. Management will explain the HUD regulations regarding the following:**

- 1) Security deposits
- 2) Annual recertifications
- 3) Interim recertifications
- 4) Unit inspections
- 5) Community policies
- 6) Transfer policies

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

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

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

### **E. The applicant will pay the Security Deposit.**

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

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

## **UNIT INSPECTION**

All units **must** undergo a move-in inspection by Management and the tenant the day of or prior to the day of move-in. A move-in inspection form will be completed, signed and dated by the tenant and Management, confirming that the unit is in decent, safe, and sanitary condition. After move-in, inspections will be completed at least annually by Management and inspections may also be conducted by HUD, and/or the property's Contract Administrator.

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## UNIT TRANSFER POLICIES

### **A. Residents will be placed on a transfer waiting list, if they meet one of the following conditions:**

- 1) Unit transfer is needed for medical reasons which are certified by doctor, **or**
- 2) Unit transfer is needed based on the need for an accessible unit, as certified by a physician or other medical professional, as a reasonable accommodation for persons with verified disabilities, **or**
- 3) Unit transfer is needed due to a change in family composition and/or family size.
  - a) If a unit of appropriate size is not available, the tenant will be moved into the most appropriately sized unit.
  - b) If the tenant is occupying a unit that is larger than needed and there is no need for that larger unit, the tenant will not be required to move until there is a demand for that size of unit.
  - c) If the tenant has given a written notice to vacate, the tenant will not be required to transfer.
  - d) When it is determined that a transfer is required, the tenant may remain in the unit and pay the HUD-approved market rent; or the tenant **must** move within 30 days after the owner notifies the family that a unit of the required size is available within the property; **or**
- 4) Unit transfer is needed for VAWA reasons (protection from domestic violence, dating violence, sexual assault, and stalking).
  - a) To invoke Emergency Transfer rights under VAWA, the person seeking the protection **must** complete a VAWA Emergency Transfer Request form and provide to Management. Please refer to the property's Emergency Transfer Plan for additional information

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

- 1) Current residents seeking a transfer for VAWA protections will receive priority above any non-VAWA transfers, unless the available unit is an accessible unit. Then the person needing the accessible unit receives the accessible unit above the VAWA individual.
- 2) Residents with disabilities will be given priority for a unit which has accessible features.

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

### **D. Security Deposits:**

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

### **E. Costs associated with the unit transfer:**

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

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## ANNUAL AND INTERIM RECERTIFICATIONS

HUD regulations require an annual recertification of income, assets and expenses for rent determination. Interim recertifications depend upon certain resident changes such as changes to household members and/or changes in income, assets or expenses. This policy will be explained prior to move-in.

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

Tenants are required to notify Management any time a previously unemployed adult in the household begins working, and/or if the household's income goes up \$200/month or more. Tenants may request an interim recertification due to a decrease in income, or an increase in deductions.

## REMAINING FAMILY MEMBERS

If the elderly/disabled person leaves the unit for a reason other than death, the remaining household member (not including a Live-in Aide) **must** be eligible to live in the unit using the same criteria that is used for applicants, in order to receive subsidy. If s/he is not eligible for subsidy, s/he can remain in the unit at contract rent.

Refer to VAWA protections defined in General Eligibility Requirements > I. The Violence Against Women Act, if the remaining household member is protected under VAWA regulations.

## PETS AND ASSISTANCE ANIMALS

The property allows **one pet per unit**, of the following types: cat or dog. Refer to the Pet Policy for tenant pet care responsibilities. A Pet Deposit in the amount of \$300 is required.

Management will allow an initial deposit of \$50 and increments of \$10 per month until the total deposit is reached. Management will allow the tenant to pay the entire amount or increments greater than \$10, if the tenant chooses to do so.

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

There **must** be a direct relationship between the person's disability and his or her need for the animal. Neither a security deposit nor a pet fee is required for an assistance animal. Also, any restrictions on type and size of animal noted above are not applicable to an assistance animal. **All** state and local health, safety, and licensing laws apply. Refer to the Pet Policy for responsibilities related to the assistance animal.

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

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

## OTHER DISCLOSURES

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