



Resident Selection Plan

Revised September 2019



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



The following Tenant Selection Plan is used at The Gardens of Staunton, a family designated property offering 1 to 5 bedroom sized apartments to families eligible per the programmatic and screening requirements described herein. This property is a Rental Assistance Demonstration property that has converted from public housing to project-based Section 8 rental assistance. Newly admitted households must fall under the very low income limits for Staunton, Virginia.

This property is smoke-free. No smoking of any kind (tobacco, e-cigarettes, vapor devices or any other substance) is permitted in any unit or in any part of the property grounds. Applicants must be willing to refrain from smoking while on property.

Fair Housing and Equal Opportunity Requirements

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

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

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

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

Section 504 Coordinator- SRHA - 540.886.3413
TTY via 711 National Relay

The property will do its due diligence to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, the Property will make

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reasonable accommodations for individuals with handicaps or disabilities as well as for individuals with limited English proficiency (applicants or residents).

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

Section 504 Coordinator- SRHA - 540.886.3413
TTY via 711 National Relay

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

Limited English Proficiency

Management complies with Executive Order 13166 in its efforts to improve access to all of its programs and activities for persons who, as a result of national origin, are limited in their English proficiency. A separate Limited English Proficiency Plan, which outlines the specific language assistance procedures to follow to assist those limited in their English proficiency, is available for staff.

Privacy Policy

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

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

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General Program Eligibility Requirements

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

- The family's annual income must not exceed the Very Low income limits, based on family size. Income eligibility must be determined prior to approving applicants for tenancy.
- All adults, as well as any adjudicated minors who are the Head, Spouse or Co-Head in each applicant family must sign and date an Authorization for Release of Information (HUD 9887/9887A) prior to receiving assistance, and annually thereafter.
- The unit for which the family is applying must be the only residence of each household member.
- An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.
- The applicant must have previously demonstrated an ability to pay rent and adhere to a lease. Applicants will not be rejected due to a lack of rental history, but may be rejected for a poor rental history.
- Social Security number requirements:

In order to determine eligibility and offer a unit, HUD requires every household member, including live-in aides, foster children and fostered adults (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.

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:

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- An original document issued by a federal or state government agency which shows the person's name and SSN along with other identifying information (i.e. SSA benefit award letter)
- Driver's license that shows the Social Security Number
- Earnings statement on payroll stubs
- Bank statement or Form 1099
- Retirement benefit letter
- Life insurance policy or court records
- Other evidence that HUD designates as acceptable

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

After making a copy of the Social Security card the original will be returned to the applicant. 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 (EIV Income Summary Report) will be retained in the tenant file.

Exceptions:

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

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- A child under the age of 6 years old added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90 days after the date of admission to provide the Social Security Number and appropriate documentation. A 90-day extension may be granted under certain circumstances. If the household does not provide the Social Security number and appropriate documentation within the prescribed timeframe, HUD regulations require that the household's tenancy be terminated.

Timeframes for providing Social Security Numbers and documentation:

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

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

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

Adding household members after move-in:

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

If the new member is a child under 6 without a social security number, the 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.

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- **Citizenship Requirements:**

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.

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:

- Form I-551, Permanent Resident Card
- 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”.
- 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 10/1/90), or from a DHS district director granting asylum (if application was filed before 10/1/90), or
 - Court decision granting withholding of deportation, or
 - Letter from a DHS asylum officer granting withholding of deportation (if application was filed on/after 10/1/90)
- 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.

Other acceptable evidence; other documents determined by the DHS to constitute acceptable evidence of eligible immigration status, as announced by notice published in the Federal Register.

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

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

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Student Eligibility at Section 8 Sites

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.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any 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; when the student:

- Is living with his or her parents who are receiving Section 8 assistance
- Is individually eligible to receive Section 8 assistance or has parents who are income eligible to receive Section 8 assistance.
- Is a veteran of the United States military or on active duty for other than training (i.e., not Guard or Reserve)
- Is married;
- Has a dependent other than a spouse (e.g. dependent child);
- Is at least 24 years of age;
- Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
- Is classified as an Independent Student; A student meets HUD's definition of an Independent Student when:
 - The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
 - The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
 - The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
 - A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
 - The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
 - A financial aid administrator; or
 - The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

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If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. To substantiate independence from parents, the applicant must:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or, meet the U.S. Department of Education's definition of an independent student.
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

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

If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:

- If the student is over the age of 23 with dependent children or
- If the student is living with his or her parents who are receiving section 8 assistance

Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

The definition of tuition is consistent with the definition provided by the Department of Education.

Prohibition of Assistance to Noncitizen Students

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:

- A resident of another country to which the individual intends to return;
- A bona fide student pursuing a course of study in the United States; and
- A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

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This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

Application Intake and Processing

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

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

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

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

Applications can be returned in person to the office, via fax, via email or via U.S. mail to the property address, to the attention of the property manager.

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

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

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.

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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.

Ineligible applicants will be promptly notified in writing as to the reason the application is being rejected.

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.

Thus far, management of the waiting list based on date and time stamp has achieved this requirement. As such, eligible applicants will continue to 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.

If the property's fiscal year threshold falls below the 40% threshold at any time, the property will select eligible applicants from the waiting list whose income is at or below the extremely low income limit on an alternating basis to fill vacancies. Management will select the first Extremely Low income applicant on the waiting list (which may mean skipping over applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, tenant selection will continue to alternate between the next extremely low income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached. To ensure that the 40% targeting requirement is met, the waiting list will be monitored and appropriate documentation will be kept on file.

Criminal Background Checks

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

Criminal history checks of convictions and outstanding warrants will be completed with Online Rental Exchange, a professional criminal and credit checking agency.

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Criminal Background Rejection Criteria

Offense Type	Felony Conviction	Misdemeanor Conviction
Offenses Against Property: Arson, Burglary, Home Invasion, Stealing, Theft, Larceny, Embezzlement, Retail Fraud, Vandalism, Destruction of Property	Lifetime: Burglary, Home Invasion	7 Years
	10 Years: All Others	
Offenses Against Animals: Cruelty to Animals, Animal Fighting, Cock Fighting, Ownership of Dangerous Animals, Animals at Large	10 Years	7 Years
Offenses Against Persons: Homicide, Manslaughter, Carjacking, Kidnapping, Hostage Taking, Robbery, Attempted Murder, Assault, False Imprisonment, Vehicular Manslaughter	Lifetime: Homicide, Assault, Manslaughter, Armed Robbery, Carjacking, Kidnapping.	7 Years
	10 Years: All Others	
Offenses Involving Fraud: Bribery, Fraud, Deception, Corruption, Forgery, Falsifying Documents, Perjury, Falsifying Evidence, Counterfeiting, Insurance Fraud	10 Years	5 Years
Offenses Involving Computers/Telecommunications: Interception of electronic communications, wiretapping, crimes against computers, telecommunication crimes, identity theft	7 Years	5 Years
Offenses Involving Family Relations: Abandonment, Neglect, Child Abuse, Domestic Violence, Child Abduction, Bigamy, Incest, Trafficking In Children	Lifetime: Child Abuse, Incest	7 Years
	10 Years: All Others	
Offenses Against Government of Government Officials: Escape, Obstruction of Justice, Crimes Against Police Officers, Eluding Law Enforcement, Resisting Arrest, Terrorism, Treason	Lifetime: Terrorism, Treason	7 Years
	15 Years: All Others	
Offenses Against Public Peace or Order: Aiding & Abetting, Disturbing the Peace, Disorderly Conduct, Loitering, Mischief, Invasion of Privacy, Harassment, Eavesdropping, Inciting a Riot, Leaving the Scene of an Accident	10 Years	5 Years

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Offenses Involving Firearms or Weapons: Carrying a Concealed Weapon (CCW), Felony Firearm Possession, Possession of Explosives, Careless/ Reckless/ Negligent Use of Firearms or Explosives	Lifetime: Weapons, Explosives	7 Years
	15 Years: All Others	
Offenses Involving Illegal Drugs: Possession with Intent to Deliver/Manufacture, Possession, Loitering where Drugs Are Kept or Stored, Paraphernalia	Lifetime: Felony Possession, Deliver or Manufacture	7 Years
	10 Years: All Others	
Offenses Involving Sex or Sex Crimes: Sexual Assault, Rape, Sodomy, Seduction, Molestation, Indecent Exposure, Prostitution, Pimping, Lewd and Lascivious Conduct, Gross Indecency	Lifetime: Rape (CSC), Indecent Exposure, Gross Indecency, Other Felony Sex Crimes	7 Years
	10 Years: All Others	
Other Victimless Crimes: False Impersonation, Destruction of Document, Crimes Involving Contraband, Parole or Bail Violations, Trespassing	7 Years	5 Years

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

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

Sex Offender Registry Checks

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

Management is required to ask whether the applicant, or any member of the applicant household, is subject to a lifetime sex offender registration requirement in any state. If so, the family will be given the opportunity to remove the ineligible household member from the applicant household. If the family member who is subject to a lifetime sex offender registration requirement remains part of the applicant

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family, the application will be denied. The written rejection notice will clearly state this as the reason that the family is being denied admission.

Prior to offering a unit, a criminal background check to determine whether any household member is subject to a lifetime sex offender registration requirement will be completed. This check will be done using the Dru Sjodin NSOPW database, which automatically searches sex offender registries in all states.

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

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

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

Credit checks

Applicants may be rejected for a poor credit history but cannot be rejected for lack of a credit history.

Previous landlords may be contacted to determine if the applicant paid rent on time and/or left the property with any unpaid balances.

Online Rental Exchange 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 currently has any outstanding landlord or utility collections
- (b) Applicant has had 2 or more previous non-payment procedure in housing court during the last 3 years

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

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Rental History

To screen for suitability, management will contact the current landlord to gather previous rental history information. The applicant must provide a complete list of rental history since the age of 18, as additional prior landlords may also be contacted. The reason for checking with prior housing providers is that current housing providers of dangerous, destructive, or costly applicants may misrepresent information about them to get the property to take over their problems.

Otherwise-eligible households who apply for housing with outstanding balances owed to their current property, or to this property as a past tenant may still be eligible if they are current on a written payment plan provided for review.

Applicants cannot have a history of disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents.

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.

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

Current residence in other HUD assisted housing

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

- for minor children where both parents legally share 50% custody, 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.

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.

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

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

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

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

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

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

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

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

Patterns of Illegal Drug Use or Alcohol Abuse

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

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

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

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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:

Unit Size	Minimum Occupancy	Maximum Occupancy
1 Bedroom	1 person	2 persons
2 Bedroom	2 persons	4 persons
3 Bedroom	3 persons	6 persons
4 Bedroom	4 persons	8 persons
5 Bedroom	5 persons	10 persons

After moving in, if changes in household composition cause a household to become overhoused or underhoused, the family must transfer, within 30 days, to the first available unit of the proper size based on these occupancy standards. Failure to transfer to an available unit will result in termination of assistance. The family will be permitted to remain in the current unit, but will be required to pay the market rent.

Application Rejections

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

- **Misrepresentation:** Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit.
- **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes documented instances of behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.

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- **Violent Behavior:** Includes documented evidence of acts of violence or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.
- **Non-Compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping unauthorized pets, or other acts in violation of rules and regulations.
- **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until either 1) 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 or 2) Applicants can provide evidence of a written payment plan in progress, documenting payments are current and terms are being followed. If a payment plan is in process, the applicant must be able to demonstrate that at least 50% of the debt has been paid and they are current on payments, per the agreed upon schedule.
- **Ineligible Students:** Applicant households whose members include an ineligible student who is enrolled in an institution of higher education as noted in Program Eligibility Requirements/Student Eligibility.
- **Unsanitary or Hazardous Housekeeping:** Includes creating any health or safety hazard through acts of neglect, and/or causing or permitting any damage to, or misuse of premises and equipment; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to reasonably and properly use all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or damage to the premises.
- **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are defined in Section 5A (Applicant Screening Process, Criminal Background Check).
- **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.
- **Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicates that the family will be unable or would otherwise fail to pay when due rent for the apartment and other expenses relating to occupancy of the apartment.

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

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

Reasonable Accommodations

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

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

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

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. 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 a financial or administrative burden to management or to the owner.

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

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- 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.

Waiting List Preferences and List Management

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

This property has no established preferences.

Opening and Closing the Waiting List(s):

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

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

Closing and reopening of the waiting list, as well as any restrictions on accepting applications, will be publicly announced in publication(s) likely to be read by potential applicants. Advertisements will include information about where and when to apply, and will conform to the advertising and outreach practices described in the property's Affirmative Fair Housing Marketing Plan.

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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.

This property's waiting list is currently open.

Updating the Waiting List:

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 days of the letter's postmark date. Upon request, assistance will be provided to any applicant households with disabilities or limited English proficiency, to enable them to meet this deadline.

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

Removal of Applications from the Waiting List:

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

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

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Tenant Interviews

As the applicant approaches the top of the waiting list, management will interview the applicant and explain the regulations and policies associated with the property. The interview will 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
- Tenant-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
- HUD-required SSN documentation will be collected for all household members

Verification Requirements

All information relative to the following items must be verified:

- Eligibility for Admission, such as
 - Income, assets, and asset income
 - Household composition
 - Social Security number documentation for all non-exempt household members
 - Need for a unit specifically adapted for vision, hearing or mobility impairments
 - Citizenship eligibility
 - Verification of student status and eligibility
- Allowable deductions, for items such as
 - Age 62+, disability, or handicap of household head, spouse and/or co-head
 - Full time student status
 - Child care costs
 - Handicap expenses
 - Medical expenses (for elderly/handicapped households only)

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- Compliance with resident selection guidelines, such as
 - Proof of ability to pay rent and previously demonstrated adherence to the lease
 - Positive prior landlord reference: rent-paying, satisfactory housekeeping habits
 - No disqualifying history of drug-related, sex offender or violent criminal activity of any household member
 - Absence of objectively verified behavior that would give management reasonable cause to believe that the applicant's abuse of drugs/alcohol would interfere with the health, safety and right to peaceful enjoyment of the property by other residents or staff.

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

Period for Verification

Only verified information that was generated by the source within 120 days of the date presented to management may be used for verification. All incoming forms of verification must be date-stamped to document this crucial date.

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

Forms of Verification

Documentation required as part of the verification process may include:

- Checklists completed as part of the interview process, signed by the applicant
- Verification forms completed and signed by third parties
- Use of HUD's EIV (Enterprise Income Verification) system, a computerized database containing social security and employment/unemployment income
- Documentation provided by the applicant, i.e. award letters, pay stubs, bank statements
- Notes of telephone conversations with reliable sources, faxes, e-mail or internet correspondence. 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.

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

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

- Personal identification of household members achieved through the interview
- Present and former housing providers
- Present and former employers
- Social workers, parole officers, court records, drug treatment centers, physician, clergy, INS
- Law enforcement

Required Hierarchy of Verification Attempts

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 delivered by the tenant
3. Oral third-party verification from the source of the income
4. Family (self) certification when information can't be verified by a method above.

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.

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

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

Offering an Apartment

When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for the apartment size. The alternating method for meeting income targeting requirements may 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 for more than one unit size the applicant will be notified when s/he nears the top of the waiting list for which a unit becomes available first. The applicant may refuse the first unit type and continue to wait for the other unit type with no change in waitlist position for the other unit type. If the next unit available is not the other unit type, the household must either occupy the vacant unit offered, or be placed at the bottom of the waitlist for the other unit type. If the household comes to the top of the waiting list for the other bedroom size and also refuses that unit, they will be removed from the waiting list and must reapply to be considered for future unit assignments.

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

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

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

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When an applicant reaches the top of the waiting list, management will send a letter informing the applicant that they have reached the top of the waiting list, and that they have 7 days to confirm their continued need for housing. The letter will include a list of required documents that must be presented to management to finalize the placement process.

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

When the applicant responds to this request, a final screening appointment will be scheduled within 10 days from the date of this letter. 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, he/she will be removed from the waiting list. If the applicant fails to supply all items, they will be given a final 3-day extension to supply the remaining documentation. If the applicant fails to provide the missing documentation in that 3 days, they will be removed from the waiting list and the unit will be offered to the next applicant on the list.

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

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

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

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Prior to Move-In

Management will explain the HUD regulations regarding the following:

- Security deposits
- Annual and Interim recertification requirements
- Unit inspections
- Community policies
- Transfer policies

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

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

Apartment Inspection

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

After move-in, inspections will be completed at least annually by management and inspections may also be conducted by HUD, and/or the property's Contract Administrator.

Unit Transfer Policies

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

- Unit transfer is needed for requested VAWA protections;
- Unit transfer is needed for medical reasons which are certified by doctor, or needed based on the need for an accessible unit, as certified by a physician or other medical professional, as a reasonable accommodation for persons with verified disabilities, or
- Unit transfer is needed due to a change in family composition and/or family size

Current residents who require unit transfers for these reasons will be given priority over external applicants.

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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.

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

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

Annual and Interim Recertifications

HUD regulations require an annual recertification of income, assets 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 the Move-In.

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

Tenants are required to notify management within 10 business days 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

In order to stay in the unit as a remaining family member if the Head of Household leaves the unit, a person must already be on the lease when the Head of Household leaves, and must be of legal contract age under state law. The family will pay rent based upon the income/asset/expense calculations on the 50059 certification.

Assistance Animals and Pets

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. All state and local health,

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safety, and licensing laws apply. Refer to the Pet Rules for animal care responsibilities, as these rules apply to both assistive animals and household pets.

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

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

Documented evidence must show that the presence of the assistance animal would fundamentally alter the nature of this property's services.

The property does allow pets. Please ask to see our pet policy if this topic is applicable to you.

Protections Under VAWA

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

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

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

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

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

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

Being a person seeking to exercise VAWA protections of an offense covered under the VAWA is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the VAWA.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections.

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

Confidentiality

The identity of the person seeking to exercise VAWA protections and all information provided to owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

- Requested or consented to by the person seeking to exercise VAWA protections in writing;
- Required for use in an eviction proceeding or termination of assistance; or
- Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

Requests & Certification

When the owner/agent responds to a request for protections provided under the VAWA the owner/agent will request that an individual complete, sign, and submit a certification form. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

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The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the person seeking to exercise VAWA protections at risk, (e.g., the abuser may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

If the applicant/resident has sought assistance in addressing VAWA crimes from a federal, state, tribal, territorial jurisdiction, local police or court, the applicant/resident may submit written proof of this outreach in lieu of the certification form. The owner/agent may accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a person seeking to exercise VAWA protections service provider, an attorney, medical personnel, etc.) From whom the person seeking to exercise VAWA protections has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse.

The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the person seeking to exercise VAWA protections of such crimes has signed or attested to the documentation.

- If the applicant is currently living in a shelter established to protect person seeking to exercise VAWA protections s of violence covered under the VAWA, the owner/agent will accept verification of such living arrangement in lieu of the certification or other forms as noted above.

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

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

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

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Criminal Background Check

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

Credit Checks

Domestic violence can often have negative economic consequences for a victim of VAWA crimes. The perpetrator may take out credit cards in a victim's name and ruin their credit history or cause damage to a victim's property causing eviction. Management will take such extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.

Rental History

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

The owner/agent will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. The owner/agent may provide the response in any manner acceptable to the person seeking to exercise VAWA protections and the owner/agent. Responses include:

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

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

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Lease Bifurcation

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent with the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any abuser, while allowing the person seeking to exercise VAWA protections, who lawfully occupies the home, to maintain tenancy.)

The owner/agent may attempt to evict the abuser, but residents should know that state/local tenant/landlord laws prevail and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.

Owner/agents must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the person seeking to exercise VAWA protections, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a “remaining household member”.

If a lease is bifurcated or if a resident is evicted from the property because of an offense covered under the Violence Against Women Act, the person will be permanently barred from the property.

Inviting a person evicted because of an offense covered under the Violence Against Women Act or encouraging such person to remain on the property is a lease violation. The resident agrees to notify the owner/agent and/or the local authorities if such person enters the property.

Emergency Transfer

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

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

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

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Lease Addendum

VAWA lease addendum will be implemented and provided in accordance with current and future HUD guidance.

Other Disclosures

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

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

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

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