



Elderly Housing Development & Operations Corporation

The Premier Provider of Quality Affordable Housing for Senior Citizens Across the
United States, Washington, D.C. and Puerto Rico

TENANT SELECTION PLAN

**Oakwood Apartments
HUD 202 PRAC**

**101 McNutt Street
Cheneyville, LA 71325**



TENANT SELECTION PLAN

Table of Contents

I.	INTRODUCTION	4
II.	STATEMENT OF NON-DISCRIMINATION	4
	A. FAIR HOUSING AND EQUAL OPPORTUNITY	4
	1. Reasonable Accommodations and Reasonable Modifications..	5
	2. Limits on the Obligation to Provide Reasonable Accommodations/ Modifications.....	5
	B. PRIVACY POLICY.....	5
	C. LIMITED ENGLISH PROFICIENCY (“LEP”)	6
	D. VIOLENCE AGAINST WOMEN ACT (“VAWA”).....	6
III.	ELIGIBILITY	8
	A. PROJECT SPECIFIC REQUIREMENTS.....	8
	B. INCOME LIMITS	10
	C. CITIZENSHIP REQUIREMENTS	10
	D. SOCIAL SECURITY NUMBER REQUIREMENTS.....	10
	E. STUDENT ELIGIBILITY	11
	F. SCREENING CRITERIA.....	13
	1. Rental History.....	13
	2. Credit History	14
	3. Drug Abuse and Criminal Activity	15
	G. REJECTING APPLICANTS	18
	1. Other Bases for Rejection.....	18
	2. Written Notification	19
	3. Review of Rejected Applications	19
	4. Mitigating Circumstances.....	20
IV.	APPLICATION/WAITING LIST PROCEDURES	20
	A. ACCEPTANCE AND TREATMENT OF APPLICATIONS	20
	B. WAITING LIST MANAGEMENT PLAN	21
	C. INCOME TARGETING.....	21
	D. PREFERENCES	21
	E. PROCEDURES FOR PROCESSING AN APPLICANT AND PROCEDURES WHEN A UNIT BECOMES AVAILABLE.....	22
	F. OPENING AND CLOSING THE WAITING LIST	24
	G. UPDATING THE WAITING LIST	24
V.	UNIT TRANSFER POLICY	24

A. MANDATORY UNIT TRANSFERS	24
B. OTHER TRANSFERS.....	25
C. TRANSFER POLICY.....	25
D. VAWA EMERGENCY TRANSFERS.....	266
VI. OCCUPANCY STANDARDS.....	26
A. STANDARDS FOR OCCUPYING DWELLING UNITS.....	26
B. ASSIGNING BEDROOM SIZE.....	27
C. ACCESSIBLE UNITS.....	27

I. INTRODUCTION

Oakwood Apartments is owned by Cheneyville Housing and managed by Elderly Housing Development and Operations Corporation, the Management Agent. This Tenant Selection Plan outlines the Owner's procedures that are followed in selecting tenants for the Apartment Community. The Management Agent is responsible for implementing these policies.

No person may be refused the right to apply for housing unless the waiting list is closed. For further information on the closing of the waiting list, see Section IV F., page 25.

II. STATEMENT OF NON-DISCRIMINATION

A. FAIR HOUSING AND EQUAL OPPORTUNITY

It is the policy of the Apartment Community to treat all applicants equally. The Owner and Management Agent ("Owner/Agent") will comply with all applicable Federal, State, and local fair housing and other civil rights laws relating to non-discrimination in housing, including, although not necessarily limited to Title VI of the Civil Rights Act of 1964, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and any state and local ordinances, as well as any legislation which may subsequently be enacted, that is intended to protect the individual rights of residents, applicants, or staff.

Furthermore, it is the policy of the Apartment Community to provide housing on an equal opportunity basis. Therefore, the Owner/Agent will make housing available without regard to an applicant's actual or perceived sexual orientation, gender identity, or marital status. Moreover, the Owner/Agent will not inquire about the sexual orientation or gender identity of an applicant for the purpose of determining eligibility. In addition, pursuant to the Fair Housing Act, the Owner/Agent will not discriminate in housing and/or housing related transactions based on race, color, religion, national origin, sex, disability, familial status, or any other class protected by State or local fair housing law.

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), no otherwise qualified individual with disabilities will, solely because of the individual's disability, be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.

1. Reasonable Accommodations and Reasonable Modifications

In accordance with the Fair Housing Act and Section 504, The Owner/Agent will make changes in rules, policies, practices, or services which may be necessary to afford a disabled individual an equal opportunity to use and enjoy his or her dwelling.

Similarly, in appropriate circumstances, the Owner/Agent will make reasonable modifications to the premises if such modifications are necessary to afford a disabled individual full enjoyment of the premises.

2. Limits on the Obligation to Provide Reasonable Accommodations/ Modifications

The Owner/Agent is not required to:

- a. Grant a request for either a reasonable accommodation or reasonable modification if the individual making the request is either not disabled or unable to establish a nexus between the individual's disability and that which has been requested.
- b. Take any action that would result in a fundamental alteration in the nature of the program.
- c. Take any action that would result in an undue financial and administrative burden on the Apartment Community; or
- d. Make any structural change that would impose an undue financial and administrative burden.

NOTE: When the request for a reasonable accommodation will result in an undue financial and administrative burden, the Apartment Community will provide all other needed accommodations up to the point at which further accommodations would result in an undue burden.

B. PRIVACY POLICY

It is the policy of the Apartment Community 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 Apartment Community.

Therefore, neither the Owner nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure.

This Privacy Policy in no way limits the Management Agent'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, any information obtained on disabled individuals will be treated in a confidential manner.

C. LIMITED ENGLISH PROFICIENCY (“LEP”)

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. In accordance with HUD's guidance, the Owner/Agent will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in the housing activities and programs provided by the Apartment Community.

The Language Access Plan, which has been developed in accordance with HUD guidance and which will be available for review upon request, will provide information regarding the ways in which language assistance will be provided to those individuals who need such assistance. To assist the Apartment Community in identifying what language an LEP person speaks, the Apartment Community will display HUD's language identification, or “I Speak,” cards, which will allow LEP persons to self-identify their specific language needs. In addition, the Apartment Community will post signs and notices in commonly encountered languages to notify LEP persons that language assistance is available at no charge.

D. VIOLENCE AGAINST WOMEN ACT (“VAWA”)

In accordance with the VAWA Reauthorization Act of 2022, the Apartment Community does not deny tenancy to otherwise eligible applicants or evict or terminate assistance for those individuals or affiliated individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. Applicants are notified about VAWA rights if an application is rejected, at the time of move in, and with any

notification of eviction or termination of assistance. The following definitions apply to these circumstances:

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Dating Violence means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Sexual Assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for that person's individual safety or the safety of others; or (B) suffer substantial emotional distress.

Affiliated Individual means (A) a spouse, parent, brother or sister, or child of that individual, or an individual to whom that person stands in the place of a parent or guardian; or (B) any individual, tenant or lawful occupant living in the household of that individual.

In order to receive the protections of VAWA, any applicant or tenant claiming to be a victim of domestic violence, dating violence, sexual assault or stalking shall provide a certification to Management in the HUD-approved form (HUD-5382), or other supportive documentation (as noted on the certification form), within 14 business days after receipt of a written request for completion of Form HUD-5382. All information pertaining to the victim and the incident shall be maintained in confidence as provided below.

Confidentiality - The Owner/Agent is committed to ensuring that the Privacy Act is enforced in this and all other situations. In addition, the Owner/Agent will comply with all confidentiality and record retention requirements imposed by VAWA .

Accordingly, neither the identity of the victim nor any information provided to the Owner/Agent relating to the incident(s) of domestic violence, dating violence, sexual assault, or stalking will be entered into any shared databases or provided to a related entity except to the extent the disclosure is:

1. Requested or consented to by the victim in writing for a limited period of time;
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by law.

In addition, 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 and resident files.

III. ELIGIBILITY

A. PROJECT SPECIFIC REQUIREMENTS

This property was developed for elderly households consisting of one or more persons where at least one person is 62 years of age or older at the time of initial occupancy.

To be eligible for assistance, and to be preliminarily eligible for admission to the property, applicants must meet the following requirements:

1. Applicants' annual gross family income does not exceed the applicable income limits identified below in Section B.
2. Except as set forth below, all applicants must disclose their social security number by submitting a copy of their social security number card for every family member and every live-in aide (if applicable):
 - a. Tenants who are aged 62 or older as of January 31, 2010, and whose initial determination of eligibility began prior to January 31, 2010, and individuals who are not claiming eligible immigration status, are exempt from the requirement to provide a valid social security number.

- b. The exemption for persons 62 and over does not apply to new applicants unless such applicants were already receiving federal housing assistance elsewhere on January 31, 2010.
 - c. Individuals who have already disclosed a valid social security number do not have to re-disclose their social security number. (See Section D below for additional information regarding the disclosure of social security numbers.)
3. Applicants agree that they may only receive rental assistance on one unit. (Management shall run an Existing Tenant Search Report in HUD's Enterprise Income Verification ("EIV") System to ascertain whether an applicant is receiving assistance elsewhere in order to enable the Owner/ Agent to confirm that any such assistance will be terminated upon move-in into the Apartment Community and prior to receiving assistance as a result of moving in.)
 4. All applicants 18 years of age and older will sign all required consent forms.
 5. Applicants must meet any uniform Tenant Selection Criteria established for this community.
 6. Applicants have not committed any fraud in connection with any Federal Housing Rental Assistance program.
 7. Applicants will comply with the unit size standards contained herein.
 8. Applicants agree to pay the rent required by the subsidy program under which the applicant will be admitted.
 9. The unit for which the applicant is applying will be the family's only residence.
 10. Disclose in writing information pertaining to the disposing of assets for less than fair market value during the two years preceding the effective date of certification.
 11. If applicable, applicants must declare U.S. Citizenship or submit evidence of eligible immigration status for each family member in accordance with Section 214 of the Housing and Community Development Act of 1980, as amended. Households that have no members with citizenship or eligible immigration status do not qualify for assistance.

Prorated assistance is available to families whose households include at least one member who has either been determined to be eligible or, if not yet determined to be eligible, submitted his/her immigration documents in a timely matter.

12. Criminal background checks on all family members are satisfactory. (See the “Drug Abuse and Criminal Activity” Section below.)
13. At the time of move-in, if a household’s Total Tenant Payment (TTP) exceeds the gross rent, the family may not be considered an eligible family even if their Annual Income is below the applicable income limit.
14. If applicable, comply with student eligibility rules set forth below.

B. INCOME LIMITS

All applicants must provide household income information in order for Management to determine eligibility for residency at this community. All sources of household income such as employment, social security, retirement, investments, gifts, interest, and income from other sources must be considered to determine eligibility.

The household annual income must not exceed the applicable income limit. This limit depends on the type of subsidy and household family size. Oakwood Apartments is restricted to Very Low-income households. The Very Low-income limit does not exceed fifty percent (50%) of the median income for the area, as determined by HUD.

C. CITIZENSHIP REQUIREMENTS

Oakwood, a 202 PRAC property, does not have restrictions on providing assistance to noncitizens. At Oakwood individuals who do not contend eligible immigration status must sign a certification, containing the penalty of perjury clause, certifying to that effect. The certification must be retained in the tenant file.

D. SOCIAL SECURITY NUMBER REQUIREMENTS

Except as previously indicated, all applicants must disclose and verify the social security number of each household member, regardless of age, and every live-in-aide (if applicable).

Applicants without documentation of the SSN cannot become residents until such documentation is obtained. The documentation necessary to verify the SSN of an individual is one of the following documents:

1. Original Social Security Card
2. Driver’s License with SSN

3. Earning statements – payroll stubs
4. Bank statement
5. Form 1099
6. Benefit Award Letter
7. Life Insurance Policy
8. Court records
9. Identification card issued by a federal, state, or local agency.

(For additional information and guidance regarding the requirement to disclose SSNs, please see HUD Handbook 4350.3, Section 3-9.)

E. STUDENT ELIGIBILITY

1. Owners must determine a student’s eligibility for assistance at move in, initial or annual recertification, and at the time of an interim recertification, if one of the changes reported is that a household member is enrolled as a student, at an institution of higher education.

The student must meet all of the following criteria to be eligible. The student must:

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

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

2. In order to meet the definition of an Independent Student the student must meet one or more of the following criteria:
 - a. The individual is 24 years of age or older by Dec31 of the award year;
 - b. The individual is an orphan, in foster care, or a ward of the court at any time when the individual was 13 or older;
 - c. The individual was an emancipated minor;

- d. The individual is a veteran of the Armed Forces of the US;
 - e. The individual is a graduate or professional student;
 - f. The individual is married;
 - g. The individual has legal dependents other than a spouse;
 - h. 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 or a unaccompanied youth at risk of homelessness and self-supporting;
 - i. The individual is a student whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstance.
3. If a student does not meet the definition of an independent student, in order to be eligible, the individual must demonstrate the absence of, or his or her independence from, parents. The student must meet, at a minimum, all of the following criteria to be eligible for Section 8 assistance. The student must:
- a. Be of legal contract age under state law.
 - b. 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.
 - c. Be verified as independent (either via review of the student’s prior year income tax returns or meet the U.S. Department of Education’s definition of an independent student). Note that when a PHA, owner or manager determines that an individual is a “vulnerable youth” such determination is all that is necessary to determine that a person is an “independent student” for purposes of using only the student’s income for determining eligibility for Section 8 assistance; and
 - d. 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 (except if the student meets the U.S. Department of Education’s definition of a “independent student” and is a “vulnerable youth”).
4. 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 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.

F. SCREENING CRITERIA

Once program eligibility has been determined based on the criteria required by HUD, Management will evaluate each applicant to determine suitability utilizing its resident screening criteria as set forth below.

1. Rental History

Management will deny admission to any otherwise eligible applicant whose habits, practices, or conduct (in present or prior housing) has been such that admission of the applicant to the Apartment Community would likely interfere with other residents and diminish their enjoyment of the premises by adversely affecting the physical environment or financial stability of the property. Victims of domestic violence, dating violence, sexual assault or stalking who are otherwise eligible for admission shall not be deemed to be unsuitable solely because the actions of their abuser or stalker caused conditions that would likely interfere with other residents, and diminish their enjoyment of the premises by adversely affecting the operations of the property. Relevant information regarding habits or practices to be considered may include, but are not limited to:

- a. Violations of the lease, including but not limited to late payment of rent;
- b. Failure to cooperate with, or to complete, the recertification process;
- c. Violation of house rules;
- d. History of disruptive behavior;
- e. Poor housekeeping practices;
- f. Previous evictions for lease violations;
- g. Termination of assistance for fraud; or
- h. Conviction for the illegal manufacture, distribution, or use of controlled substances.

Applicants must provide information to verify a minimum of twelve months' acceptable rental history during the past thirty-six (36) months. Verifiable rental payment history will include a copy of the applicant's rental agreement, showing a monthly amount that is due for rent, along with copies of cancelled checks, or payment receipts, and a completed Landlord Verification form signed by the current landlord, and any additional landlords, covering the last three (3) years. Acceptable rental history must include:

- a. A history of no convictions for civil disturbances during the prior 36 months.

- b. A history of no physical abuse or damage to previous places of residence during the prior 36 months.
- c. A history of prompt, timely payments of rent, damage or other charges during the prior 36 months.
- d. A history of compliance with all former lease terms during the prior 36 months.
- e. A history of responsible personal and community behavior during the prior 36 months.

Applicant(s) with no rental history will be given individual consideration; however, the applicant(s) must meet all other screening criteria to qualify for occupancy.

If an applicant is unable to fulfill one or more of the above rental history requirements, Management will consider any applicable mitigating factors that may have hindered, interfered with, or prevented the applicant from complying with all rental history requirements.

2. Credit History

A credit history check is required of each applicant. Only applicants with a good credit history will be accepted for residency at this community. The credit report will be obtained from a reputable credit-reporting agency.

A credit report with the following history will be cause to reject the application:

- a. Families/persons with three (3) late rental payments during a twelve (12) month period at any time during the past three (3) years.
- b. Families/persons moving from a previous residence with an outstanding balance owed for rent, damage, or other charges during the prior three (3) years (as verified via written communication from prior landlord, legal judgment or eviction recorded with a credit agency).
- c. Families/persons who have filed bankruptcy within the past year unless said bankruptcy is, in the sole judgment of Management, the result of a medical catastrophe.
- d. More than three (3) accounts with a payment rating of I-5 or higher in the prior three (3) years. (Exceptions are made for medical or hospital expenses.)

- e. Past due medical bills will be excluded if proof of continuing payments is provided (i.e., proof that at least one payment has been made under an approved payment plan), or
- f. In determining the time frames discussed above, “date of last activity” reported by credit bureau or creditor may be considered.

In the event an applicant’s credit history provides a basis for rejection, the applicant will be provided the name, mailing address and telephone number of the credit-reporting agency which will permit the applicant an opportunity to correct or clear the negative information from their credit report. The applicant will also be contacted to discuss the adverse credit information with Management to explain the reasons for any adverse information.

An applicant’s failure to clear any alleged, erroneous information from their credit report, or an applicant’s failure to provide reasonable, acceptable explanations for the poor credit that can be verified through a reliable, third-party source, will be cause to reject the applicant.

An applicant with no credit history will be considered an applicant with good credit history.

If an applicant is unable to fulfill one or more of the above credit history requirements, Management will consider any applicable mitigating or extenuating factors that may have hindered, interfered with, or prevented the applicant from complying with all credit history requirements. In these cases if adequate documentation is provided the applicant will not be rejected for credit history.

3. Drug Abuse and Criminal Activity

A criminal background check will be completed on each applicant and household member. Applicants must list every state in which they and all their household members have resided. Only applicants and household members with a satisfactory background check will be accepted for residency at this Apartment Community. The criminal background report will be obtained from a reputable reporting agency and evaluated independently by Management.

NOTE: Neither a record of arrests nor the existence of one or more open, but not yet adjudicated, criminal matters are sufficient evidence of criminal activity and, therefore, will not, on their own, serve as a basis for denying admission.

- a. As required by statutory and/or regulatory mandate, admission will be denied to:
 - Any household member who is currently engaged in illegal use of drugs (24 CFR § 5.854(b)(1)).
 - Any household member where the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents (24 CFR § 5.854(b)(2)).
 - Any household member who is subject to a State offender lifetime registration requirement under a State sex offender registration program (however, the applicant shall be given the opportunity to remove the individual(s) subject to the registration requirement from the application). Note that Management will screen for State lifetime sex offender registration in all states where the applicant or members of the applicant's household have lived (24 CFR §5.856).
 - Any household member if there is reasonable cause to believe that 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 (24 CFR §5.857).

- b. Subject to the two exceptions set forth below, admission will be denied to any to applicant whose household contains a member who was evicted from federally assisted housing for drug-related criminal activity within the last **three (3) years**:
 - The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
 - The circumstances leading to the eviction no longer exist (e.g., the household member responsible for the eviction no longer resides with the applicant household). (24 CFR § 5.854(a)):

- c. Criminal convictions that present a demonstrable risk to resident safety and/or property may trigger further review according to the following schedule:

Classification of Conviction	Lookback Period triggering further review
Federal Felony – Class A	Screening within 3 years of conviction or 1 year of release from incarceration
Federal Felony – Classes B, C, D or E	Screening within 2 years of conviction or 1 year of release from incarceration
Federal Misdemeanors – Classes A, B or C	Screening within 1 year of conviction or 1 year of release from incarceration
First-Degree Felony in the [Rapids Parish Jurisdiction] (or equivalent in other jurisdictions) including murder and aggravated murder	Screening within 3 years of conviction or 1 year of release from incarceration
Other Felonies in the [Rapids Parish Jurisdiction] (or equivalent in other jurisdictions)	Screening within 2 years of conviction or 1 year of release from incarceration
Misdemeanors in the [Rapids Parish Jurisdiction] (or equivalent in other jurisdictions)	Screening within 1 year of conviction or 1 year of release from incarceration
Any combination of two or more convictions	Screening within 2 years of conviction or 1 year of release from incarceration

- d. Any household member may be denied admission if the criminal background check indicates that the applicant provided false information.

Management shall terminate tenancy for any participant receiving housing assistance who is subject to a lifetime sex offender registration requirement under a State sex offender registration program who was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001, and failed to disclose such information or otherwise misrepresented their status.

If Management erroneously admitted a lifetime sex offender, Management must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove the ineligible family member from the household, Management shall terminate assistance for that household.

Consideration of Mitigating Factors. In determining whether to admit an applicant or family member with a criminal conviction record(s), Management shall consider the nature, severity, or recency of such criminal conduct and shall consider mitigating factors such as:

- a. age at the time of conviction;
- b. time passed since conviction;
- c. the total number of criminal convictions;
- d. post-conviction supervision activities;
- e. successful completion of qualified drug and/or alcohol treatment program(s);
- f. successful completion of qualified job training, life skills, and/or educational program(s), including programs intended to assist criminal offenders with re-integration into society;
- g. the applicant or family member's record of conduct since conviction; and
- h. personal references.

Removal of Offender from Application/Household. In the case of a housing denial based on the existence of criminal conviction(s), applicants shall be given the opportunity to remove the offender(s) with criminal conviction(s) from the application and the household. Similarly, if the applicant family includes an individual who is engaging in domestic violence, dating violence, sexual assault or stalking, the applicant should be given the opportunity to remove the offender from the application.

IF, AFTER ADMISSION, INFORMATION COMES TO MANAGEMENT'S ATTENTION INDICATING THAT A HOUSEHOLD MEMBER IS IN VIOLATION OF THE PROVISIONS OF THE LEASE OR HAS ENGAGED IN ANY OF THE ABOVE-STATED CRIMINAL ACTIVITIES, MANAGEMENT WILL IMMEDIATELY COMMENCE PROCEEDINGS TO TERMINATE THE LEASE AGREEMENT.

G. REJECTING APPLICANTS

1. Other Bases for Rejection

In addition to any reasons for rejection set forth above, applicants will be rejected if:

1. The applicant is income ineligible.
2. Refusal to sign HUD Forms 9887 and 9887-A (Document Package) or any other required consent verification form;
3. Failure to disclose and provide verification of social security numbers for all household members (except for those household members who do not contend eligible immigration status or those tenants who were 62 years of

age or older on January 31, 2010, whose initial determination of eligibility began before January 31, 2010);

4. The applicant refuses to cooperate with the application/verification process, including failure to supply required documentation;
5. Material falsification or material omission (on the application or anything else submitted or signed by applicant in connection with the application process);
6. If a household fails to move into the rent-ready unit on the agreed upon date, the application will be rejected, and the unit will be offered to the next qualified applicant on the waiting list; or
7. The applicant otherwise fails to meet the tenant selection criteria.

2. Written Notification

Applicant(s) who are not accepted for housing will be promptly notified of the decision in writing. The notice will explain the reason(s) the application was not accepted and will advise the applicant that he or she has fourteen (14) days (excluding weekends and federally designated holidays) to respond in writing or by telephone to request a meeting to discuss the determination. All rejected applicants will be advised that persons with disabilities have the right to request a reasonable accommodation to participate in the informal hearing process. If the denial of admission was based upon records obtained in a criminal background check, the applicant, as well as the subject of the record, will be provided a copy of the information upon which the denial is based.

3. Review of Rejected Applications

If a meeting is requested because of the rejected application, the applicant must request the meeting within 14 days. (This is stated in the rejection letter.) The reason(s) for the determination will be discussed with the applicant during the meeting, to be certain that all information received is factual and correct. The applicant will be given an opportunity to dispute the accuracy and relevance of any information obtained in the application screening process. Any meeting with the applicant to discuss applicant's rejection must be conducted by a member of the Owner's or Management Agent's staff who was not involved in the initial decision to deny admission. During such meeting, any new or additional information provided by the applicant will be considered. However, the Owner/Agent is under no obligation to change its previous decision.

Applicant(s) will be notified in writing of the final decision, within five (5) business days after the meeting with the applicant.

4. Mitigating Circumstances

When an application would normally be rejected, if the applicant is an individual with disabilities, it may be necessary to consider, as a reasonable accommodation, any mitigating circumstances offered by the disabled individual or otherwise make a reasonable accommodation in rules, policies, practices or services before making a final decision regarding the application.

An applicant who otherwise qualifies for admission, assistance, participation or occupancy will not be denied admission to or assistance under the covered housing program on the basis of or as a direct result of the applicant being or has been a victim of domestic violence, dating violence, sexual assault or stalking.

IV. APPLICATION/WAITING LIST PROCEDURES

A. ACCEPTANCE AND TREATMENT OF APPLICATIONS

Applications will be accepted and distributed through any of the following means: mail; fax; in-person; email; or via the Management Agent's website.

Management will accommodate persons with disabilities who, because of their disability, cannot utilize the preferred application process, by providing alternative methods of distributing or accepting applications.

Each application will be date and time stamped upon receipt.

The application will be reviewed for completeness and a preliminary determination of eligibility, i.e., the applicant meets the age and income requirements. Upon a determination of preliminary eligibility, if there are no units available, the applicant will be placed on the waiting list. Otherwise, the Management Agent will process the application for admission. If, based on a preliminary review of the completed application, the applicant is determined ineligible, the applicant will be rejected in accordance with the procedures set forth above.

Verification of the application's content will take place at such time as the applicant's name is approaching or has reached the top of the waiting list, and a unit is expected to become available.

B. WAITING LIST MANAGEMENT PLAN

Each applicant shall be assigned his or her appropriate place on the waiting list in chronological order based upon the date and time of receipt of a completed application. The waitlist will also include the following data: name of the head of household, indication of the need for an accessible unit, and any applicable preference.

The eligible applicants first on the waiting list shall be offered a dwelling unit in accordance with the procedures discussed below.

There will be one master waiting list, however, additional waiting lists may be maintained, such as In-House Transfers.

C. INCOME TARGETING

The Owner will make at least forty (40%) percent of the assisted units that become available during the Apartment Community's fiscal year available to households whose income does not exceed thirty (30%) percent of the area median income ("extremely low-income") at the time of admission.

Applicants will be taken from the waiting list in the order in which they were placed on the waiting list, with the following exception:

1. If at any time the admission of the next applicant on the waiting list would cause the property to fall below the 40% requirement, the next eligible applicant who falls within the 30% guideline will be moved to the top of the waiting list and, if still eligible, admitted.

All admissions during the year, and records regarding admissions procedures, including marketing materials, will be kept at the rental office for a period of three (3) year(s). Marketing of the units will be targeted toward potential residents who have incomes that do not exceed 30% of the area median income.

D. PREFERENCES

Disabled individuals who require any of the accessible features of apartments specifically designed to accommodate persons with mobility impairments or hearing or seeing impairments will be given a preference in admission into such units. Non-disabled applicants who do not require the features of such units will not be offered an

accessible unit until all eligible disabled tenants or applicants have been considered. Existing tenants approved for transfer to an accessible unit will be given preference over any qualified applicants on the wait list.

While remaining in compliance with income targeting requirements set forth above, vacant units will be filled in the following order:

1. Any current tenant household requesting a transfer to another unit due to a reasonable accommodation.
2. Any current tenant household that is over-housed (e.g., housed in a unit with more bedrooms than the household is qualified for).
3. Any current tenant household that is under-housed (e.g., housed in a unit with fewer bedrooms than the household is qualified for).
4. The first qualified applicant household requesting a reasonable accommodation.

E. PROCEDURES FOR PROCESSING AN APPLICANT AND PROCEDURES FOR WHEN A UNIT BECOMES AVAILABLE

1. Procedures When Processing an Applicant

As applicants near the top of the waiting list, the applicant will be contacted first by telephone to schedule an appointment for an interview. Management will attempt to make contact with the applicant by telephone (twice). Contacts will be no less than twenty-four hours apart. If the applicant has an email address an email will be sent as well. If unable to reach the applicant by telephone or email a letter will be sent via regular U. S. mail requesting a date and time for an interview. At the interview the application will be reviewed for any changes and verifications requested to verify all income and assets to determine applicant's eligibility for housing.

If there is no response to the letter within ten (10) business days from the date of the letter, the applicant will be removed from the waiting list. A letter will be sent via regular U. S. mail informing the applicant that his or her name has been removed from the waiting list.

If an interview is set up, but the applicant fails to show up and does not contact management within 24 hours of the appointment, the applicant will be removed from the waiting list. A letter will be sent via regular U. S. mail informing the

applicant that his or her name has been removed from the waiting list.

2. Procedures When a Unit Becomes Available

After the applicant's application has been processed and the applicant is determined to be eligible for housing, the applicant will be contacted by telephone when a unit becomes available, and the applicant is the next person at the top of the waiting list. The applicant will be given seven (7) business days to respond to management to accept the apartment. If Management is not contacted within the prescribed seven (7) business days, the applicant will be removed from the waiting list and a letter will be sent via regular U. S. mail letting the applicant know that his or her name has been removed from the waiting list. Then the next applicant on the waiting list will be contacted. If an applicant refuses an available unit due to current circumstances that prevents the applicant from being able to move, (i.e., in the hospital, recently released from hospital care, a medical condition, or family emergency), the applicant will remain at the top of the waiting list until another unit becomes available. If the applicant refuses a second offered unit, the applicant will be removed from the waiting list. A letter will be sent via regular U. S. mail informing the applicant that his or her name has been removed from the waiting list.

If the applicant cannot be reached by telephone to notify the applicant of an available unit, a notice will be sent via regular U. S. mail notifying the applicant that a unit is available and requesting the applicant respond within ten (10) business days. If no response is received from the applicant within the prescribed timeframe, the applicant's name will be removed from the waiting list. A notice informing the applicant that his or her name has been removed from the waiting list will be sent via regular U. S. mail.

It is the responsibility of the applicant to notify Management of any changes in phone numbers, addresses, and household composition.

All waiting lists will be checked and updated at least annually. Management will attempt to contact each applicant, either via telephone or written notice (e.g., regular U. S. mail or email), to confirm whether the applicant is still interested in remaining on the waiting list for housing. Those applicants failing to respond to written notice within fourteen (14) business days from the date of notification will be removed from the waiting list. A letter will be sent via regular U. S. mail informing the applicant that his or her name has been removed from the waiting list. Such applicants may reapply as long as the waiting list is open, but they will not assume their prior position on the list.

and will instead be treated as new applicants.

F. OPENING AND CLOSING THE WAITING LIST

It is the policy of the Owner/Agent to administer the waiting list for the Apartment Community as required by HUD 4350.3 Occupancy Handbook and Federal Regulations.

In the event the waiting list becomes so long that the average wait time for a unit is one year or longer, Management may suspend application intake at its discretion, and close the waiting list completely or in part (e.g., close the two-bedroom list and leave the one-bedroom list open).

Closing or opening the waiting list will be publicly announced in the local newspaper and on the EHDOC company website.

During the period the waiting list is closed, applications will not be accepted.

G. UPDATING THE WAITING LIST

It is the responsibility of the applicant to notify Management in writing of any changes in phone numbers, addresses, and household composition. At least annually, Management shall contact all applicants on the waiting list(s), either by telephone, by U.S. mail, email or other agreed-upon means and request that each applicant confirm their contact information and verify their status as an applicant. Those applicants failing to respond within fourteen (14) business days from the date of notification, requesting confirmation of their continuing status as an applicant, will be removed from the list.

V. UNIT TRANSFER POLICY

A. MANDATORY UNIT TRANSFERS

Tenants who fall into one of the following categories will be required to transfer when an appropriate unit becomes available:

1. Tenants who are over-housed;
2. Tenants who are under-housed; and

3. Tenants residing in an accessible unit who do not require the accessible features of the unit when there is a tenant or applicant with a disability who does need such features.

B. OTHER TRANSFERS

Tenants will be permitted to transfer under one of the following circumstances:

1. Reasonable accommodation;
2. Verified medical necessity; and
3. Emergency transfers for victims of domestic violence, dating violence, stalking, or sexual assault.

C. TRANSFER POLICY

In addition, the following policies and procedures will apply:

1. Except as stated below, requests will be considered on a first-come, first-serve basis.
2. Preference will be provided to those whose request for transfer is based on a reasonable accommodation request or on a medical necessity.
3. The security deposit will be transferred to the new unit provided that the original unit is left clean and undamaged, beyond normal wear and tear, and only after the resident has met all of the terms stated above.
4. The new lease will be month to month unless the transfer is done during the initial term, in which case the lease will be made effective on the date of the transfer and continue through the end of the initial lease term.
5. Generally, all costs associated with the transfer will be the responsibility of the resident, i.e., utilities, phone, and related moving expenses. If a tenant is being moved to a different unit as a reasonable accommodation of a household member's disability, then the Apartment Community will pay for the move unless doing so would constitute an undue financial and administrative burden.
6. When the Owner/Agent determines that a transfer is required, the resident may choose to remain in the unit and pay the HUD-approved market rent or move within 30 days after the Owner/Agent notifies the resident that a unit of the appropriate size is available.

D. VAWA EMERGENCY TRANSFERS

Assisted tenants who are victims of domestic violence, dating violence, sexual assault or stalking and who submit a written statement (Form HUD-5383) that satisfies the conditions necessary to qualify for an emergency transfer shall be assisted by Management in transferring to a safe unit on the property that is immediately available. If no such safe unit is immediately available on the property, management shall make reasonable efforts to assist such tenants with an external transfer/move from the property.

VI. OCCUPANCY STANDARDS

A. STANDARDS FOR OCCUPYING DWELLING UNITS

Dwelling units are to be leased in accordance with the occupancy standards set forth below (except that such standards may be waived if deemed necessary by management to achieve or maintain full occupancy, in which case a family may be temporarily assigned to a larger unit size than required):

Persons Per Household

Bedroom Size		Minimum Occupants		Maximum Occupants
0		1		1
1		1		2
2		2		4

A live-in aide/attendant who is not a member of the family shall not be required to share a bedroom with another member of the household.

(For additional information/guidance relating to the treatment of live-in aides, please see HUD Handbook 4350.3 Section 3-6 E.)

In the case of a married couple, they should occupy a one-bedroom apartment unless there is a medical reason that prevents it or makes it unreasonable for them to share a bedroom. A verification from the resident’s physician will be required.

The Owner will consider the reasonableness of a 2 person per bedroom standard but will also take into consideration the size of the bedrooms, age of children, and configuration of the unit when determining occupancy.

B. ASSIGNING BEDROOM SIZE

To determine how many bedrooms a family/applicant may have, the following will be counted:

1. All full-time members of the household;
2. Children who are away at school but live with the family during school recesses, except for children who are away at school who have established residency at another address or location as evidenced by a lease agreement; the new address or location is considered the student's principle place of residence;
3. Household members who are subject to a joint custody agreement, but live in the unit at least 50% of the time;
4. An unborn child
5. Foster children; and
6. Live-in aide/attendants.

Bedroom space will not be provided for others who are not members of the household (e.g., household members on active military duty (unless their spouse and/or children still reside in the unit), permanently institutionalized family members, visitors, etc.).

C. ACCESSIBLE UNITS

For units accessible to persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have priority for those designated accessible units. These accessible units will be filled as follows:

1. A current tenant household containing at least one person with such impairment who would benefit from the special features of the accessible unit.
2. If no current tenant household requires the special features of the accessible unit, the unit will be offered to the next qualified applicant on the Waiting List who requires the special features of the accessible unit.
3. If no qualified applicant on the Waiting List requires the unit with the special features, the accessible unit will be offered to the next qualified applicant not requiring the special features. Should this applicant accept the accessible unit, he/she will execute a statement that he/she will vacate the unit and move to a

non-accessible unit when a person requiring the special features qualifies. The cost of transferring will be the responsibility of the person who moved into the accessible unit executing the transfer agreement. No costs of the transfer shall be borne by Management or Owner.