

## **TENANT SELECTION PROCEDURES CENTENNIAL MANOR SOUTH**

This tenant selection procedure shall be followed for renting units in the property commonly known as Centennial Manor South consisting of 12 units. By policy, the Brush Housing Authority complies with all Civil Rights legislation, Section 504 of the Rehabilitation Act and Affirmative Fair Housing Marketing requirements as set forth individually for each property. No applicant will be denied rental opportunities on the basis of race, color, religion, sex, familial status, handicap status, or national origin. Applicants must meet all of the Department of Housing and Urban Development and Brush Housing Authority tenant selection requirements to gain admission to this property.

### **1. APPLICATION PROCEDURES**

The rental properties of the Housing Authority are marketed at least once per year, if not more frequently, as required by the funding agencies using all advertising and community contacts as set forth in the HUD Affirmative Fair Housing Marketing Plan. All persons interested in any rental property of the Housing Authority may request an application either in person or through a designated individual at the local administrative office during posted office hours; or request an application to be mailed by calling the local phone number posted at the property sites and at the administrative offices. FAX requests for applications may be sent. TDD is available by calling the County TDD number.

Applications are available even if a sizable waiting list exists.

The approved application must be used and contains requests for all information necessary for determining initial eligibility. Applicants may request assistance in completing the application if necessary. The Housing Authority's policy is to assist wherever possible, especially in the accommodation requests by persons with disabilities or handicaps. All applicants whose applications are not complete will be contacted within 10 days of receipt, in writing, with a written list of items necessary to complete the application. While the administrative office will track all applications and requests for additional information, no application will be placed on the waiting list until it is complete. When a completed application is received or the requested information received subsequently to make it complete, the application will then be logged by date and time received. If a vacancy at the property exists, or is expected within the next 90 days, the verification-selection process will begin immediately in regard to the income, assets, allowances for certification and the Housing Authority's preferences for selection or rejection.

The application contains a release form that must be signed by the applicant to authorize the administration to verify all income, assets, expenses, credit history and other references. Placement of an application on the waiting list does not denote the final tenant selection. That can and will occur only after complete processing.

The application package contains a "Citizenship Declaration". Each member of the household must complete the declaration. Each household member will state if they are a citizen, or a non-citizen with eligible immigration status. The Housing Authority will verify citizenship by reviewing one of the following documents: 1)

Alien registration card; 2) Form I-94 (arrival and departure record); 3. Temporary Resident card, 4. Employment authorization card; 5. A receipt that the applicant has applied for one of the above documents; and 6. An alien registration receipt card. Applicants 62 years of age and older must sign a declaration of eligible non-citizen status and proof of age to be eligible for occupancy.

- I. All household members must document a complete and accurate social security number assigned to them. Documentation necessary to verify a valid social security number is an SSN card issued by the Social Security Administration or a HUD approved document. A.. The applicant households that have not provided verification of SSN of members under the age of six that were added to the household within 6 months of the move in date will be offered a 90-day extension of time and allowed to move in. An extension of this 90-day period for an additional 90 days may be granted if the reason for the delay was not in the tenant's control. For example, a tenant can provide proof of timely submission of a request for a SSN, in which case out of the tenant's control. If after 90 days, the household is unable to provide the verification of the SSN for those under 6 the owner will remove the deduction the family receives for the dependent. This will be provided when documentation is provided. There is an exemption for those age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010. The exception is for those individuals whose information was retained due to previous participation in a HUD assisted program.

All applicants who submit a completed application (or when an application becomes complete) will be notified in writing of waiting list status or subsequent tenant selection or rejection. Any applicant who exceeds income limits for eligibility based upon application information, or if ineligible during later processing, would be notified in writing that they are ineligible. However, should the property have permission (or will be seeking such permission) to rent to ineligible, the income ineligible application would be maintained on the waiting list.

## 2. WAITING LIST AND ACCEPTING APPLICATIONS

Any prospective resident may, upon request, complete and submit an application. Basic program eligibility information may be given to prospective applicants, however, only submitted

applications can determine the applicant's eligibility. Staff will not pre-screen prospective applicants by giving an opinion regarding the application outcome. The property has the same obligation to provide effective communication to interested persons regardless of whether it is ultimately determined that a particular individual is in fact eligible or otherwise qualified for admission.

No application fee shall be charged to any applicant applying under a HUD subsidized program.

Brush Housing Authority when processing the application will conduct an Existing Tenant Search through the Enterprise Income Verification (EIV) System to verify the applicants and/or other household members are not currently residing in subsidized housing. We will verify, using HUD's Enterprise Income Verification system (EIV), information about each applicant's current status as a HUD housing assistance recipient. The owner will use the system to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. Applicants are not prohibited from applying at this property if they are currently receiving assistance elsewhere, however; the applicant must move out of the current property or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to minor children where both parents share 50% custody. We will verify, using HUD's Enterprise Income Verification System (EIV), that the income reported and included on the HUD form 50059 is accurate. If the income verified differs from what was reported, an investigation will commence and, if necessary, a new Move/In Form 50059 will be completed. We will verify, using HUD's Enterprise Income Verification System (EIV), the social security number provided to determine the correct identity of each individual household member. The social security number will be taken directly from the social security card provided by the applicant and all members of the applicant household.

All completed applications are placed on the waiting list by date and time received. This date/time is based on when the completed application or subsequent information is received to make the application complete. The waiting list contains all requested data inclusive of date and time, name, address, and, in l. number of applicants, income, bedroom size requested, statistical data (i.e., race, sex), income, assets, and other information that will be needed to determine eligibility. Ineligibles will be kept on the waiting list and sub lists if waivers to rent to ineligibles have been requested and received. Any applicant may request information on current status by writing or calling the administrative office.

Brush Housing Authority will ensure that it has ample applicants to fill available units and to develop the waiting list. The waiting list will be updated every six months. Applicants and current tenants are required to contact Brush Housing within six months if they wish to remain

on the waiting list. Failure to do so will result in removal from the waiting list. The waiting list will be closed for one or more-unit sizes when the average wait is 18 months or more. Potential applicants will be advised if the waiting list is closed, and additional applications will not be accepted. Notice of this action will be published in the local newspaper. There will be an Affirmative Fair Housing Marketing Plan approved publication made when the waiting list is re-opened with all information on when, where and how to apply.

### 3. Selection

Applicants will be selected chronologically by income level for all properties according to the priorities set forth in administrative policies or by regulation. In those units or properties with no subsidy from Rental Assistance, the applicant must have the demonstrated ability to afford and pay the Basic rent. The policy of the Housing Authority is to consider all income and assets, but in most cases applicants should not spend more than 30% of the resources on rent. Those who cannot afford the Basic rent would be maintained on the Waiting List for subsidy.

Any applicant who requests modification or accommodations to non-adapted units will have consideration on those requests when selected, but with no priority for selection. In order to be eligible for selection, an applicant must meet program income eligibility based on per person income limits.

In determining occupancy standards, the intent of the project policy is to neither overcrowd nor underutilize space. Different properties may have different occupancy standards depending on bedroom sizes, unit square footage, and any local restrictions. Occupancy is based on number of persons in the household and is based on counting all full-time members of a household, dependent minors who are away at school but live with the applicant at recesses, unborn children, or children in the process of being adopted or secured by custody action, foster children, and live-in attendants. Children who live in a household 50% of the year or more are also counted towards the total household number; however, visitors, permanently confined/institutionalized household members, and children on active military duty are not counted in this determination for occupancy eligibility.

A handicapped/disabled applicant who would need a larger unit due to accommodations requests would be given such consideration. For specifically designed units (i.e., barrier free) applicants needing those features would be given priority. Should no one apply, who would benefit from special unit features, another applicant selected based on income level and occupancy policy could occupy this unit with a written lease agreement to transfer to a different unit when available and should an applicant now exist on the waiting list for the special unit.

In the case of marketing problems with various sized units, applicants who meet the income limits and would qualify for another unit by the occupancy policy may occupy a larger unit with the same agreement to transfer to the correct sized unit when one becomes available. In both situations the applicant would be responsible for payment of any moving costs.

All households must provide positive identifications of all persons who will be part of the household; pregnancy must have medical verification if larger bedroom size units are requested than the household would be eligible for if not pregnant; and adoption or other custody in process must have written documentation.

Applicants must also meet application, interview, and rental history reference criteria. In completing the application, all applicants must sign a release form allowing the administrative office to verify all income, assets, and allowances along with credit, personal and landlord references. In addition, the administrative office would be authorized to check with other agencies necessary to verify eligibility as well as criminal and/or drug abuse checks, police departments and wage matching. All applicants are required to be present for a personal interview.

After processing and the interview has been completed, an eligible applicant would receive a notice of tenant selection. Applicants who wish to be a tenant or co-tenant must possess the legal capacity to sign all documents, (unless an accommodation determination for the handicapped to allow guardian signature if otherwise eligible is made) and would have to agree to complete the tenant certification process, enter into a one-year lease agreement, pay a security deposit, and participate in a unit inspection prior to physical occupancy of the unit.

All applicants age 18 or older will be screened for suitability prior to residency. Screening criteria will be applied consistently to all applicants, consideration of extenuating circumstances when screening applicants with disabilities or medical bankruptcy.

#### Criminal History:

Applicants will be rejected if any of the following apply. \*Note: The same criteria regarding criminal history applies to live-in aides also.

\*Any household member that has been evicted from Federally assisted housing for drug-related criminal activity, for three years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist (e.g., the

household member no longer resides with the applicant household) Brush Housing Authority may, but is not required to, admit the household.

- \*Any household member is currently engaging in illegal drug use.

- \*Any member of the household is subject to a lifetime registration requirement or is currently registered under a state sex offender registration program. During the admissions screening process, Brush Housing must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.

- \*Brush Housing Authority determines that there is reasonable cause to believe that a household member's illegal use (or pattern of illegal use) of a drug or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Screening standards must be based on behavior, not the condition of alcoholism.)

- \*Any member of the applicant's household has been convicted of the manufacture of methamphetamine on the premises of federally subsidized housing (lifetime).

- \*Any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or any employee who is involved in the housing operations.

- \*Unlawfully obtaining government assistance.

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#### 4. Number of occupants

The number of occupants listed above must be in accordance with occupancy standards as set forth by the Housing Authority based upon local codes and ordinances and Federal regulations as each may change from time to time. The Housing Authority may change the occupancy limit during the lease term if changes in laws, ordinances or regulation make such a change necessary. The minimum occupancy limit will correspond to the number of bedrooms. The maximum occupancy limit will depend on local ordinances and regulations and the square footage of usable sleeping areas as defined by codes and suggested regulations. The Housing Authority shall have the right to make reasonable accommodation for individuals with disabilities and may adjust occupancy limits to further the goal of reasonable accommodation.

As a guideline the administrative staff will use the following occupancy table to determine appropriate unit bedrooms necessary for the tenant family so as to not create either overcrowding or underutilization. This table is based on the following information:

No more than two people should be required to occupy a bedroom.

Persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults should not be required to share a bedroom.

Children of the same sex may share a bedroom.

Children, with the possible exception of infants, should not be required to share a bedroom with people of different generations, including their parents.

#### NUMBER OF BEDROOMS / OCCUPANT DENSITY RANGE

2BR / 2 Minimum 4 Maximum

3BR / 3 Minimum 6 Maximum

#### 5. PROCEDURE FOR FILLING VACANCIES

Vacancies shall be filled using the following priorities:

1. Current tenants that wish to move to a vacant unit.
2. The earliest accepted application on the waiting list.

#### 6. VAWA PROTECTIONS



Brush Housing Authority may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other "good cause" for termination of assistance, tenancy or occupancy of a victim who is protected from acts under the domestic or family violence laws of the jurisdiction.

Brush Housing Authority may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.

Brush Housing Authority may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed, and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

## 7. ELIGIBILITY OF STUDENT

Brush Housing Authority will consider the annual income of the student's parents when determining eligibility of any student who is under 24 years of age, unless the student is

- a. Married
- b. A veteran, or
- c. Has one or more dependents.

The rule applies to full time or part time students enrolled at an institution of higher education. For a student to be eligible independent of his or her parents, the student must demonstrate the absence of, or his or her independence from the parents. The student must meet the following criteria to be eligible for Assistance:

Be of legal contract age under state law.

Have established a household separate from the parents or legal guardians for at least one-year prior 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.



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.

## 8. INCOME GUIDELINES

HUD establishes and publishes income limits annually based on family size for each county in the United States based on the median income of the geographic area. The family's annual income must not exceed program income limits. Income limits are reviewed once a year and listed below. The Housing Authority will use the income limits for Morgan County as stated on the income limits summary posted annually by HUD.

Low-income limit

80% of median income

Very low-income limit

50% of median income

Extremely low-income limit

30% of median income

Brush Housing Authority must make at least 40 percent of the assisted units that become available each year (Project's fiscal year) available for leasing to families whose income do not exceed 30 percent of the area median income (extremely low-income) at the time of admission. If Brush Housing Authority actively markets at least 40 percent of the annually available units to extremely low-income families but is unable to fill all of the units with families meeting the requirement, Brush Housing Authority is permitted to rent to other eligible families after a reasonable marketing period has expired.

## 9. UNIT TRANSFER

The Housing Authority shall keep a unit transfer list that will contain those tenants that wish to transfer to another unit in the project. The tenant shall state the reason that the tenant wished to transfer to another unit. Acceptable reasons include one of the following: 1. An increase in family size, 2. A decrease in family size, 3. Reasonable accommodation that would allow the tenant's full use of the property based on the disability need. For example, a tenant who would benefit from living in a unit with mobility accessible features may request a transfer to a unit with mobility features, if such a unit is available, 4. Medical necessity (medical reasons certified by a doctor), or the availability of a deeper subsidy that would decrease the tenant's rent responsibility. The procedure for filling the vacancy shall be accepting the earliest dated and time-stamped application for transfer from a current tenant. If there are no current tenants on the transfer waiting list, the Housing Authority shall accept the earliest date and time-stamped

application from the property waiting list. Tenants requesting transfer must be current with rent and have no unresolved lease violations.

## 9. REJECTION

An application which is incomplete will not be processed. An applicant who refuses to sign releases to allow verification of regulation and Company eligibility, references, etc. will be rejected. Applicants who do not meet income limits for a property would be rejected unless permission to rent to income ineligible is in process or been received from the regulatory agencies. Applicants who exceed the maximum allowable occupancy standards for a property would also be rejected. Applicants found to have provided false answers on the application or at the interview would also be rejected. Applicants with negative credit, personal, landlord or police references will also be rejected. Rejection may also occur should there be a chronic history of late payment or non-payment of rent, history of eviction, non-payment of other financial obligations, intentional damage, violation of the terms of current or previous lease agreements inclusive of failure to maintain a unit in sanitary condition, current use of illegal drugs or a conviction or drug manufacture sale or distribution or anyone who would pose a direct threat to the health and safety of other or property. Applicants will never be rejected arbitrarily such as on the basis of race, color, religion, sex, handicapped status, age, familial status, or national origin. An applicant who is selected but does not accept tenancy for reasons other than medical, emergency, or need for subsidy that is currently not available, will be removed from the waiting list. The waiting list is updated at the least on a yearly basis to establish continued eligibility, and to remove those not still eligible, or to reclassify those with changed status. Finally, applicants who do not possess the legal capacity to sign documents could not become tenants or co-tenants.

If an applicant is rejected, they will be promptly notified in writing, the reason for the rejection.

If the rejection is due to credit reporting, the applicant will be given the reporting agencies information to either receive a free report within 60 days or to dispute the information on the report.

The applicant is entitled to consideration. The applicant has 14 days to respond in writing or to request a follow-up interview. The purpose of this being to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying for reasonable accommodation.

Mitigating circumstances would be verifiable facts that would outweigh information already gathered in the screening process. A reasonable accommodation is a change in the rules, policies,

or services to assist the applicant to live within the facility as would all applicants, that does not cause undue stress upon the facility.

Any meeting between the applicant and a representative of the property will be with someone other than the person who initially rejected the application. After the meeting, the property will give a final decision in writing within 5 days.

Signed:

Dated: