

# Birchwood Apartments

## RESIDENT SELECTION GUIDELINES

Birchwood Apartments is a 57 unit, tax credit/senior apartment project located in Eagle River, AK. The property consists of (two) 2 bedroom units. All units are subject to income and student restrictions as defined in §42 of the Internal Revenue Code.

The following topics are covered in these resident selection guidelines as follows:

1. Fair Housing and Equal Opportunity	16. Applicants with Disabilities
2. Privacy Policy	17. Rejection of Application of Ineligible or Unqualified Applicants
3. Qualifying for Admission-Eligibility Requirements	18. Acceptance and Move-In of Eligible and Qualified Applicants
4. Application Intake and Processing	19. Offering an Apartment
5. Priorities for Accessible or Adaptable Apartments	20. Prior to Move-In – Tenant Interview
6. Waiting List Selection Priorities & Preferences	21. Transfer Policy
7. Changes to Waiting List(s)	22. At Move-in
8. Interviews and Verification Process	23. Failure to Move-in On Time
9. Verification Requirements	24. Apartment Inspections
10. Attempted Fraud	25. Annual Recertifications/Interim Recertifications
11. Determination of Applicant Eligibility	26. Reasonable Accommodations and Modifications
12. Determination of Applicant Qualification	27. Apply Screening Criteria Uniformly to All Applicants
13. How Applicant's History Will Be Checked	28. Pets for Elderly and Properties For Persons with Disabilities
14. Obtaining Applicant Releases	29. Use of EIV During Application Processing
15. Review of Application for Acceptance or Rejection	30. Grievance Procedure
	31. The Violence Against Women's Act (VAWA)

### 1. FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS STATEMENTS OF NONDISCRIMINATION

It is the policy of this **Property** to comply fully 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 Amendments Act of 1988, HUD's Equal Access Rule and any legislation protecting the individual rights of residents, applicants, or staff which may subsequently be enacted.

We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, disability, familial status, national origin, sexual orientation, gender identity, or marital status.

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

- a. deny to any household the opportunity to apply for housing, or deny to any eligible applicant the opportunity to lease housing suitable to their needs,
- b. provide housing which is different than that provided to others,
- c. subject a person to segregation or disparate treatment,
- d. restrict a person's access to any benefit enjoyed by others in connection with the housing program,
- e. treat a person differently in determining eligibility or other requirements for admission,
- f. deny a person access to the same level of services, or
- g. deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.



The **Property** will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments Act of 1988, the **Property** will make reasonable accommodations and structural modifications for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, services and making structural modifications when necessary.

## 2. PRIVACY POLICY

It is the policy of the **Property** to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, the Health Insurance Portability & Accountability Act of 1996 (HIPAA), Enterprise Income Verification (EIV) System and the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA) to ensure the protection of such individuals' records maintained by the **Property**.

Therefore, neither the **Property** nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure or information is being subpoenaed by a court of law.

This Privacy Policy in no way limits the **Property's** ability to collect such information as it may need to determine eligibility or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973 and Fair Housing Amendments Act of 1988, any information obtained on disability will be treated in a confidential manner.

We are dedicated to protecting the privacy of your personal information that was used to determine your eligibility for rental assistance based on HUD regulations, including Social Security, other governmental identification numbers and any other required information. We have adopted a Privacy Policy for Personal Information of Applicants and Residents to help ensure that your personal information is kept secure.

## 3. QUALIFYING FOR ADMISSION – ELIGIBILITY REQUIREMENTS

Based on Federal Regulations, the **Property** may not admit ineligible applicants. In the selection of applicants for admission, Eligibility Criteria has been established in accordance with IRC §42 and HUD guidelines. All information reported by the household is subject to verification. All applicants will be screened carefully and the following eligibility standards will be applied:

In order to be ELIGIBLE, a household must meet these tests:

- a. The family's annual income must not exceed applicable program **income limits based on household size published annually by HUD;**
- b. All applicants must **disclose valid social security numbers with verification for all household members.** This includes live-in aides, adult and foster children.

Documentation of SSN is not required for 1) Applicants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010 or 2) Applicants who do not contend eligible immigration status.

1. SSN do not need to be disclosed or verified to be placed on the waiting list BUT SSN MUST be disclosed and verification provided for all non-exempt household members before they can move-in.
2. If all nonexempt applicant household members have not disclosed and verified SSN then move to the next applicant household on waiting list.
3. Once the unit is offered then the applicant has 90 days to supply all SSN documentation and verification. Applicant households may remain on the waiting list until all household members disclose and verify their SS numbers, but no longer than 90 days.
4. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the application will be determined ineligible and removed from the waiting list.



- 5. If the applicant is unable to provide all Social Security Numbers within the 90 days, then the application will be rejected for failure to provide Social Security numbers for all nonexempt household members.
  - 6. Once an application is denied, a new application must be submitted and added to the waiting list based on the date and time it is received.
- c. All adults in the household must sign all consent forms required including but not limited to the Tenant Release and Consent, any other owner consent forms and verifications prior to receiving assistance and annually thereafter;
  - d. The unit for which the household is applying must be the household's **only residence**;
  - e. An applicant must agree to **pay the rent required** by the program under which the applicant will receive assistance;
  - f. **Student Eligibility:** Eligibility of students will be verified at move-in (initial certification) and annually thereafter. Households consisting of all full-time students for any part of 5 months of the calendar year will not be eligible unless one of the following exceptions has been met:
    - 1. All students are married and entitled to file a joint tax return.
    - 2. All adult members are single parents with minor children, the adult is not a dependent of any third party, and the children are only claimed by a parent.
    - 3. The household includes a member who is receiving assistance under Title IV of the Social Security Act (AFDC/TANF).
    - 4. The household includes a member who is receiving assistance from the Job Training Participation Act (JPTA) or similar program.
    - 5. The household includes a member who was previously under the care and placement responsibility of the state agency responsible for administering a plan under part B or part E of the Title IV of the Social Security Act..
  - g. **Occupancy Standards:** The household size must be appropriate for the available apartments.

Applicants must meet the established occupancy standards. As a general policy there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management shall take into consideration mitigating circumstances in cases where applicants or residents have a verifiable need for a larger unit.

Children who are away at school who have established residency at another address or location as evidenced by a lease agreement are not counted in occupancy.

Any household placed in a unit size different than that defined in these occupancy standards shall agree to transfer to an appropriate size unit when one becomes available at their own expense (in accordance with the Transfer Policy Paragraph 21).

Dwelling units will be assigned in accordance with the following standards:

<u>Bedroom Size</u>	<u>Persons per Household</u>	
<u>Two Bedroom</u>	<u>Minimum</u>	<u>Maximum</u>
	2	4

**h. Criminal History: (READ THIS VERY CAREFULLY)**

It is the policy of **Property** to screen adult applicants, residents and household members for criminal history at the time of initial certification or proposed move-in, and to reject applicants, or terminate the leases of residents, if it is determined that current or past criminal activity of an adult applicant, resident or household member may indicate a present threat the health, safety, or right to peaceful enjoyment by other residents, property management staff or persons residing in the immediate vicinity of the facility. An adult means a person 18 years of age or older or a person convicted of a crime as an adult under federal, state, or tribal law.



**Property** may deny admission to applicants or terminate the lease of any resident or household member who is or has been engaged in criminal activity that could reasonably indicate a present threat to the health, safety or welfare of others. All adult applicants and residents will be screened using **Property** Criminal History Policy.

The following criminal history criteria will be used to evaluate the suitability of applicants and will be grounds for rejection of the application:

1. *Eviction for Drug Related Criminal Activity:* Applicants must not have been evicted from any other federally-assisted housing, including project-based or tenant-based subsidy, public housing, or LIHTC developments, for drug related criminal activity within three (3) years;
2. *Sex Offenders:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for any degree of sexual offenses within the applicant's lifetime;
3. *Sex Offender Registration:* Applicants must not be currently court-mandated to registration as a sex offender under any state's or federal court order;
4. *Domestic Violence:* Applicants who have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for domestic violence, dating violence, sexual assault or stalking, unless otherwise protected pursuant to the Violence Against Women's Act and Reauthorization Act, within the applicant's lifetime;
5. *Violent Crimes:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) of all degrees of criminal homicide, manslaughter, armed robbery, assault, battery, rape, or sodomy within twenty (20) years;
6. *Personal Injury:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) of all degrees of wrongful death, kidnapping and other intentional torts, such as animal attacks within ten (10) years;
7. *Property Crimes:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) of all degrees of larceny, robbery, burglary, arson, embezzlement, or receipt of stolen goods within five (5) years;
8. *Weapons Crimes:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) of all degrees of possession of a weapon by a felony offender, possession of an illegal weapon, weapons trafficking, sale, or distribution, discharge of a weapon in the commission of a crime, assault with a deadly weapon, or possession of a weapon in the commission of a crime within five (5) years;
9. *Controlled and Illegal Substances:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for the sale, distribution, or manufacture of any controlled or illegal substance within five (5) years;
10. *Crimes Against Children:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for any crime against persons under the age of 18 at the time of the crime for child abuse, child pornography, sexting, statutory rape, or cyber bullying within the applicant's lifetime;
11. *Non-violent Crimes:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for disorderly conduct, disturbing the peace, harassment, hate crimes, indecent exposure, prostitution, or vandalism within two (2) years; and
12. *Lesser Included Crimes:* Applicants must not have been convicted or adjudicated to any determination showing guilt (such as entry of probation before judgment) for crimes included under 10.e-k for a lesser similar offense than assault, battery, forgery, false pretenses, or unlawful possession of a weapon with a punishment of incarceration of sixty (60) days or less within two (2) years.

NOTE: The tenant is expected to pay a security deposit from his/her own resources, and/or other public or private sources at the time of the initial lease execution. The amount of the security deposit to be collected is dependent upon the program guidelines; any applicable state and local laws governing the security deposit. The security deposit is refundable.

NOTE: Every applicant must meet the Resident Selection Guidelines. The Resident Selection Guidelines are used to demonstrate the applicant's suitability as a resident using verified information on past behavior, to



document the applicant's ability, either alone or with assistance, and to comply with essential lease provisions and any other rules and regulations governing residency.

#### **4. APPLICATION INTAKE AND PROCESSING**

It is the **Property's** policy to accept and process all applications in accordance with IRC §42 and HUD guidelines.

All written communications with applicants will be by First Class Mail. Failure to respond to the application notices may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control (for example, medical emergencies or extreme weather conditions or reasonable accommodation for a disability).

Every application must be fully completed and signed by the head of the household, spouse, and all adult household members 18 years and older. All members of the household must be listed on the application.

Assistance from the management might take the form of answering questions about the application, helping applicants who might have literacy, vision, or language challenges, and, in general, make it possible for interested parties to apply for assisted housing. Applicants with disabilities may be provided an alternative method of having their application processed as a result of their disability.

An application must be fully completed by every applicant who wishes to be considered for an apartment. If an apartment is not immediately available, a pre-application (brief form of application), which provides the minimum information needed to determine if the applicant is eligible to be put on the waiting list, will be used. If the pre-application is used to place an applicant on the waiting list, then a full application must be completed at the time a unit is available. Applicants on the waiting list are not guaranteed an apartment. All applicants must complete a full application and the application must be processed according to the resident selection plan which will determine the applicant's eligibility.

#### **5. PRIORTIES FOR ACCESSIBLE OR ADAPTABLE APARTMENTS**

When applicable, all apartments accessible to, or adaptable for, persons with mobility, visual, or hearing impairments, households containing at least one person with such impairment will have first priority (as applicable for a particular apartment feature). NOTE: Current residents requiring accessible/adaptable apartments shall be given priority over applicants requiring the same type apartment. Where persons without disabilities are moved into physically accessible apartments, they shall do so only after agreeing to move to an apartment with no such design features at their expense should an applicant or current resident require an accessible apartment of the type currently occupied by the persons without disabilities.

#### **6. WAITING LIST SELECTION PRIORITIES AND PREFERENCES**

A waiting list is necessary to provide a fair and equitable means of tracking applicants who have applied for an apartment. It helps assure that each applicant is offered an apartment in the proper order, thus preventing claims of discrimination or favoritism, and allows for the most efficient turnover of vacant apartments. If an applicant qualifies for a preference or priority then it is possible to move up the waiting list based on the circumstances.

Preferences are established criteria used to determine the order applicants are selected from the waiting list for housing assistance or an assisted housing unit. Preferences may be established by federal law, HUD regulations, State or local law, or written owner policy.

Priorities are statutory requirements which include 1) the need for an accessible unit or accessible features and 2) income targeting that 100% of the new admissions be households with income at or below 60% of the area median income. Further income restrictions may apply.

NOTE: Current residents who meet the qualifications listed in the Transfer Policy (paragraph 21) shall be given priority over applicants. It is likely that there will be more applicants for housing than units available. In order to



select those households most in need of housing, the following categories will be the basis of selecting residents from among all applicants:

- a. Households with one or more, members with a disability, when accessible units or features are designated for the disability.
- b. Approved applicants will be housed based solely on the date and time of application.

## 7. CHANGES TO WAITING LIST(S)

It is the policy of Management to administer its waiting list as required by HUD handbooks and regulations.

### a. Opening and Closing Waiting Lists

In order to maintain a balanced application pool, **Property** may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part as allowed by the current version of the HUD Handbook 4350.3. The **Property** waiting list will be updated by removing the names of those who are no longer interested in or no longer qualify for housing.

If **Property** has sufficient applications, it may, subject to HUD regulations, elect to close the waiting list if the waiting list contains more applicants than can be housed in a one year period. When the waiting list is closed, an announcement of the closure will be posted in the **Property**'s rental office and according to the Affirmative Fair Housing Marketing Plan (AFHMP). During the period when the waiting list is closed, **Property** will not maintain a list of individuals who wish to be notified when the waiting list reopens.

When the waiting list is to be opened, an announcement will be made in compliance with the **Property**'s approved Affirmative Fair Housing Marketing Plan which will appear in or be sent to the locations and entities in the AFHMP.

### b. Change in Priority or Preference Status While on the Waiting List

Occasionally households on the waiting list who did not qualify for a priority or preference when they applied will experience a change in circumstances that qualifies them for a priority or a preference. In such cases, it will be the household's duty to contact the **Property** so that their change in status may be verified to reflect the priority.

To the extent the verification determines the household does now qualify for a priority or a preference, they will be moved up on the waiting list in accordance with the priority and their date and time of application.

### c. Removal of Applications from the waiting list

An applicant's name will not be removed from the waiting list unless:

1. the applicant requests their name be removed, or
2. the applicant was clearly advised, in writing, of the requirement to tell property of their continued interest in housing by a particular time and failed to do so, or
3. a reasonable effort is made, in writing, to contact the applicant to determine if there was continued interest in housing but has been unsuccessful, or
4. the applicant was notified, in writing, of its intention to remove the applicant's name,
5. because the applicant no longer qualifies for assisted housing, or
6. the applicant refused second offer of unit for other than medically related reason.

## 8. INTERVIEWS AND VERIFICATION PROCESS

As applicants approach the top of the waiting list, they will be contacted to schedule an application interview. The interview shall be conducted in accordance with the current version of the HUD Handbook 4350.3.

No decisions to accept or reject applications shall be made until all information presented by the applicant on the application has been verified.



## 9. VERIFICATION REQUIREMENTS

**Property** shall obtain verifications in compliance with requirements set forth in the current version of the HUD Handbook 4350.3. No decision to accept or reject an application shall be made until verifications triggered by the application form have been collected and any necessary follow-up interviews have been performed.

### a. Types of Verification Required

All information relative to the following items must be verified as described in these procedures:

1. Eligibility for Admission, such as
  - a. income, assets, and asset income
  - b. household composition
  - c. Social Security Numbers
  - d. student status – full or part-time
2. Compliance with Resident Selection Guidelines, such as
  - a. Two years positive prior landlord reference, rent paying, caring for a home
  - b. history of criminal activity of any household member
3. Credit checks will be processed through approved credit bureaus.
  - a. applicants are to have an approved credit rating
  - b. lack of credit does not necessarily mean bad credit

Exceptions may include:

1. medical collections
  2. proof of satisfactory dispute of credit rating
  3. applicant shows period of credit problems which have been corrected
  4. applicant has proof of repayment of debt (Proof must be a statement of satisfaction from creditor, court, or other legal proof)
4. Reasonable accommodations/modifications based on disability

All the above information must be documented and appropriate verification forms or letters placed in the applicant file.

### b. Period for Verification

Only verified information that is less than 120 days old may be used for certification or recertification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

### c. Forms of Verification - documentation required, as part of the verification process, may include:

1. checklists completed as part of the interview process (signed by all adults)
2. verification forms completed and signed by third parties
3. reports of interviews
4. documentation, ie, award letters, pay stubs, bank statements, IRS 1040, etc
5. notes of telephone conversations with reliable sources
6. facsimile, email and internet
7. IRS tax returns

At a minimum, such reports 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 will be the final judge of the credibility of any verification submitted by an applicant. If the documentation is considered to be doubtful, it will be reviewed by Management, who will make a ruling about its acceptability. Management will continue to pursue credible documentation until it is obtained or the applicant's application is rejected for failing to produce it.

### d. Sources of Information - Sources of information to be checked may include, but is not limited to:



1. the applicant by means of interviews
  2. present and former housing providers
  3. present and former employers
  4. credit checks and management record services
  5. social workers, parole officers, court records, drug treatment centers, physician, clergy
  6. the Department of Health and Human Services (HHS) Database of Wage, New Hires, and Unemployment Compensation
  7. the Social Security Administration (SSA)
  8. Medicare/Medicaid
  9. law enforcement – federal, state, or local
  10. “Dru Sjodin National Sex Offender Public Website
- e. Three methods of verification are acceptable to the IRC §42 program. Verifications shall be attempted in the following order:
1. Third-party verification (written or oral);
  2. Review of documents provided by the applicant;
  3. Self-certification.

NOTE: If third party verification is not available, then the file will be documented to show that the management attempted to obtain third-party written documentation before relying on some less acceptable form of information.

## **10. 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. HUD regulations consider false information discovered during the application process on any of the following to be grounds for rejecting an application:

- a. Income, assets, household composition
- b. Social Security Numbers
- c. Priority – mobility unit
- d. Previous residence history
- e. Criminal history
- f. Student status, full or part time

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant’s “misrepresentation” of information.

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject the application.

## **11. DETERMINATION OF APPLICANT ELIGIBILITY**

Information needed to determine applicant eligibility shall be obtained, verified, then the determination of applicant eligibility will be performed, in accordance with HUD and property eligibility regulations.

## **12. DETERMINATION OF APPLICANT QUALIFICATION**

The Applicant Screening Policy: All applications will be screened according to the criteria set forth in these Resident Selection Guidelines. These guidelines, which are based on HUD regulations, relate to the individual behavior of each applicant household.

- a. Past performance in meeting financial obligations, especially rent.
- b. A record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents or cause damage to the apartment or community.





- c. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
- d. A record of eviction from housing or termination from residential programs.
- e. An applicant's ability and willingness to comply with the terms of the **Property's** Lease and community's policies.
- f. An applicant's misrepresentation of any information related to eligibility, allowances, household composition, or rent.

### 13. HOW APPLICANT'S HISTORY WILL BE CHECKED

Listed below are the methods by which every applicant's performance, relative to each of the following criteria, will be verified:

- a. Past performance meeting financial obligations, especially rent:

- 1. Credit check with Credit Bureau.
- 2. Contacting the current landlord and at least one prior landlord.

NOTE: Applications from households which owe any outstanding balance to any other landlord or rental housing provider will be immediately rejected.

- b. Disturbance of neighbors, destruction of property, living or housekeeping habits that would pose a threat to other residents:

- 1. Management will check for these potential problems with the current management and at least one former manager.
- 2. If the applicant is not currently living under a lease with a management, the housing provider will be asked to verify the applicant's ability to comply with **Property** lease terms as it relates to these guidelines.

NOTE: An applicant's behavior toward management will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward management will be noted in the file and the application will be rejected.

- c. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
- d. Criminal history checks of convictions and outstanding warrants with local, state and possibly federal authorities including sex offender registry by state.
- e. A record of eviction from housing or termination from residential programs will be considered:
  - 1. Manager will check **Property** records, management records, and other records to determine whether the applicants have been evicted from the **Property** or any assisted or market rate housing in the past
  - 2. Records of evictions from residential programs will be checked with service agencies and with any housing providers referred by the applicant
  - 3. Circumstances of any past eviction or termination in determining its relevance to **Property** tenancy.
- f. Ability and willingness to comply with the terms of the lease & community policies (house rules).
 

An applicant household must be able to document that they have complied with lease terms and community policies (house rules), in current and former residences.
- g. An applicant's misrepresentation of any information related to eligibility, award of priority for admission, allowances, household composition, or rent.



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

#### 14. OBTAINING APPLICANT RELEASES

All applicant household members, age 18 and older, must sign the necessary consent releases required for gathering information needed to determine eligibility during the application process.

#### 15. REVIEW OF APPLICATIONS FOR ACCEPTANCE OR REJECTION

- a. If the applicant requests an appeal interview to determine whether mitigating circumstances or reasonable accommodations due to their disability would make it possible to accept their application, management will do so according to HUD regulations and the Fair Housing Act.
- b. And, if you are a person with a disability, you have the right to request reasonable accommodations to participate in the informal hearing process.
- c. If an applicant is clearly eligible and passes the screening guidelines, admission shall be authorized. Likewise, if the applicant is ineligible, rejection of the application shall be authorized.
- d. Management will follow the grievance process set forth in the current version of the HUD Handbook 4350.3 which is the applicant's right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection.

#### 16. APPLICANTS WITH DISABILITIES

Management must consider the appeal of an application rejection; if the applicant has a disability and the reasons for the rejection could be overcome by management's reasonable accommodation of the applicant's disability. For reasonable accommodations to apply there are several requirements. First, the applicant must make the request and have a verifiable disability [mental or physical impairment that substantially limits one or more major life activities]. The disability must have a direct nexus to the reason the application would be rejected. The applicant must request the reasonable accommodation and provide verification of the disability and the need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in an undue financial and 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 application will be rejected. Examples of such situations are where the behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of 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.

#### 17. REJECTION OF APPLICATION OF INELIGIBLE OR UNQUALIFIED APPLICANTS

The **Property** complies with application rejection requirements set forth in the HUD Handbook 4350.3 Revision. Applications will be rejected if it is determined that the applicant or any member of the household falls within the following categories, including but not limited to:

- a. **Security Deposit:** Applicant does not have sufficient funds to pay the security deposit. (If security deposits are allowed to be paid in installments then this statement needs to be removed)
- b. **Misrepresentation:** Willful or serious misrepresentation in the application procedure for the apartment or certification process for any government assisted dwelling unit.

**NOTE: Incomplete applications will be rejected.**

- c. **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by



physical violence, gross negligence or irresponsibility, which damages the equipment or premises in which the household resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.

- d. **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors.
- e. **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 pets, or other acts in violation of rules and regulations.
- f. **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the household to pay rent and other charges when due.
- g. **Owing Utility Providers:** Applicants who owe a balance to the local utility provider for present or prior residences will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for failure to pay the utility bill have changed sufficiently to enable the household to pay and maintain utilities in the name of the head of household.
- h. **Unsanitary or Hazardous Care of Unit:** Includes generally creating any health or safety hazard through acts of neglect, including but not limited to: causing or permitting any damage to or misuse of premises and equipment, if the household is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner 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 in damage to the premises.
- i. **Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicate the household will be unable or would otherwise fail to pay when due rent for the apartment and other expenses relating to occupancy of the apartment.
- j. **Failure** to provide social security number documentation for all family/household members.
- k. **Student status** does not meet the IRC §42 student eligibility requirements.
- l. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity as noted in section 3.i. above.

**It is the policy of Property to screen applicants, residents and household members for criminal history, and to reject applicants, or terminate the leases of residents, if it is determined that current or past criminal activity of an applicant, resident or household member may indicate a present threat the health, safety, or right to peaceful enjoyment by other residents, property management staff or persons residing in the immediate vicinity of the facility.**

**Management will work with law enforcement to follow-up on any criminal reports received for all criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises); or any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises. And, if the criminal police reports indicate criminal activity which allows for the termination of tenancy, then eviction proceedings will be started.**

## **18. ACCEPTANCE AND MOVE-IN OF ELIGIBLE AND QUALIFIED APPLICANTS**

- a. Determination for Rent and Security Deposit
- b. Monthly rent and security deposit amount will be determined in accordance with the federal regulations governing the housing program and state law.



## 19. 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 that apartment type. If the applicant cannot be contacted within five (5) working days, the offer will be cancelled and the apartment will be offered to the next applicant on the waiting list.

In that event, the first applicant will be sent a letter requesting confirmation of its interest in remaining on the waiting list. If the applicant replies affirmatively, its application will retain its position on the waiting list. If the reply is negative, or if no reply is received within five (5) working days, the application will be removed from the waiting list.

If an applicant rejects the offer of an apartment twice, the applicant will be removed from the waiting list.

## 20. PRIOR TO MOVE-IN / TENANT INTERVIEW

Management will explain the IRC §42 regulations regarding the following:

- a. security deposits and refunds – applicant must pay before moving in
- b. program income and verification requirements
- c. annual recertifications
- d. unit inspections
- e. community policies (house rules)
- f. transfer policy
- g. student eligibility
- h. charges for facilities and services
- i. apartment must be the family's only residence; therefore; residents are not allowed an unexplained and/or extended absence from the premises for sixty (60) continuous days or for longer than 180 continuous days for medical reason
- j. all adult members of the household, 18 years and older will sign the lease, community policies (house rules), and related documents
- k. applicant and management will inspect the apartment and sign the Move-In Inspection form
- l. applicant will pay the rent for the first month, as set forth in the Lease
- m. applicant will be given a copy of the Lease, the Move-In Inspection form, Community Policies, and the receipt for the Security Deposit and first month's rent
- n. applicant must have receipt of proof that the utilities have been transferred into their name
- o. All household members age 18 and older will be screened during the annual recertification process using "The Dru Sjodin National Sex Offender Public Website"

## 21. TRANSFER POLICY

Residents who wish to transfer to another unit must complete a Unit Transfer Request. This request must be completed and signed by the head of household and all adult household members who wish to transfer. Security Deposits will be transferred when a household transfers from one apartment to another.

Transfers will be reviewed and may be granted based on, but not limited to the following

- a. Household size;
- b. Changes in family composition;
- c. Medical reason or a need for an accessible unit because of a Reasonable Accommodation due to the disability of a household member;
- d. If the household member needing the accessible features moves out of the accessible apartment, then the remaining household members will be required to move to a non accessible unit; or
- e. If no household member needs the accessible features of their current apartment and the accessible apartment is needed by a household with person(s) with disabilities.



Transfers will not be made due to household size or a change in household composition if all of the apartments are the same size or the current occupancy of the household meets the current occupancy policy of the property.

Residents, who either request a transfer or are required to transfer for any of the above reasons, will be placed on a transfer waiting list based on the apartment size requested.

Residents, with disabilities, currently residing in a non-accessible apartment, and need accessible features will be given priority for an apartment with accessible features over other residents and applicants.

Residents, without disabilities, currently residing in an accessible apartment will be given a 30 day notice to transfer to a nonaccessible apartment as agreed to when an applicant and/or resident household needs an apartment with accessible features.

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

NOTE: Current residents that have been required to transfer due to reasons beyond anyone's control, (noted in previous paragraph) will be given priority over applicants.

NOTE: Current residents, who may qualify for rental assistance, or who meet the qualifications listed in the above Transfer Policy for transfer to a different unit shall be given priority over applicants.

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

NOTE: Transfers will not take place if the resident is not in compliance with their Lease, this includes but is not limited to the lease violations for "decent, safe and sanitary care of apartment that have not been "cured", unpaid rent, late fees, damage charges and any other outstanding lease violations. The transfer request will remain on the waiting list until resident is in compliance with their lease and transfer takes place or resident moves out.

## **22. AT MOVE-IN**

Keys to the apartment will be issued to the household. After move-in, periodic inspections will be completed as well as annual certifications will be completed.

## **23. FAILURE TO MOVE-IN ON TIME**

If a household fails to move in on the agreed date, the application will be declined and the apartment will be offered to the next household on the waiting list unless there are extenuating circumstances.

## **24. APARTMENT INSPECTIONS**

All apartments must undergo a move-in and move-out inspection by the on-site management team. These inspections include not only interior but also exterior inspections. There will be an annual inspection. From time to time, the state agency or other parties with an interest in the condition of property will conduct an inspection.

## **25. ANNUAL RECERTIFICATIONS/INTERIM RECERTIFICATIONS**

IRC §42 regulations require an annual recertification of income This policy will be discussed during the initial recertification process.



## 26. REASONABLE ACCOMMODATION AND MODIFICATIONS

It is our policy, pursuant to Section 504 of the Rehabilitation Act (if applicable) and Fair Housing Amendments Act of 1988, to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities. The **Property** will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act (if applicable) and Fair Housing Amendments Act of 1988, the **Property** will make reasonable accommodations for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services.

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

- a. make structural alterations that require the removal or altering of a load-bearing structure,
- b. provide support services that are not already part of its housing programs,
- c. take any action that would result in a fundamental alteration in the nature of the program or service, or
- d. 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).

## 27. APPLY SCREENING CRITERIA UNIFORMLY TO ALL APPLICANTS

Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the unit and common property, and allow all other residents to peacefully enjoy their homes. Anyone who wishes to live on the property must be screened prior to moving in. This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in.

Should an application be approved and move-in has occurred, any addition to the household must be approved by Management. The same screening completed to approve the original application will be used for future household members.

## 28. PETS FOR ELDERLY AND PROPERTIES FOR PERSON'S WITH DISABILITIES

Pets are not allowed in the unit without a Reasonable Accommodation request for a service animal. Before bringing a pet to their apartment, an applicant or resident must complete the Reasonable Accommodation request and receive approval by management. All service animals are subject to be in compliance with the pet addendum, with exception to the pet deposit.

## 29. GRIEVANCE PROCEDURE – WHEN REJECTING AN APPLICATION, MANAGEMENT WILL:

- a. **provide notification in writing of reasons for rejection;**
- b. **inform the applicant they have 14 days to request in writing a meeting to discuss the rejection;**
- c. **allow the applicant with a representative to participate in an informal meeting;**
- d. **have the meeting conducted by a member of management who was not involved in the initial decision to reject the application;**
- e. **consider mitigating circumstances would allow the processing of your application to continue;**
- f. **provide a written determination to the applicant within 5 days of meeting.**

**NOTE: If you are a person with a disability, you have the right to request reasonable accommodations to participate in the informal hearing process**

**NOTE: Your response to this letter does not preclude you from exercising other avenues available if you believe that you are being discriminated against on the basis of race, color, religion, sex, national origin, familial status, disability, sexual orientation, gender identity, or marital status**



**31. THE VIOLENCE AGAINST WOMEN ACT**

The "Violence Against Women Act" (VAWA) and the Justice Department Reauthorization Act of 2005 protects qualified applicants including their household members who are victims of domestic violence including dating violence, or stalking, from having their application rejected based on acts of such violence against them.

An application cannot be rejected if the applicant is a victim of domestic violence, dating violence or stalking, and if the applicant otherwise qualifies for admission. (NOTE: Application rejection will be issued but the applicant has the right to appeal then files will be documented as to why application was accepted.)

If your application is rejected, as a victim of domestic violence, you have the right to an appeal based on the domestic violence. Certification of domestic violence will be required of victim status which includes the names of the abuser. You may request a HUD certification form from management or the victim service providers, medical professionals, or attorneys who have counseled you as a victim can provide third-party verification of your status as a domestic violence victim.

VAWA, also, protects residents including any household members who are victims of domestic violence including dating violence, or stalking, from being evicted or terminated from housing assistance based on acts of such violence against them.

The tenant "victim" cannot be evicted because of incident(s) of actual or threatened domestic violence, dating violence or stalking which otherwise would be considered as serious or repeated violations of the lease or other "good cause". (NOTE: These incidents are still lease violations and will be documented as such.) If you receive a lease violation and/or an eviction notice, as a victim of domestic violence, you have the right to an appeal the lease violation and/or eviction notice based on the domestic violence. Certification of domestic violence will be required of victim status which includes the names of the abuser. You may request a HUD certification form from management or the victim service providers, medical professionals, or attorneys who have counseled you as a victim can provide third-party verification of your status as a domestic violence victim.

**I/we have been given the opportunity to ask any questions that pertain to the Resident Selection Guidelines. By signing below, we certify that we have read and received a copy of these guidelines.**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**PENALTIES FOR MISUSING THIS CONSENT:** Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD and any owner (or any employee of HUD or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willingly requests, obtains, or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages and seek other relief, as may be appropriate, against the officer or employee of HUD or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 42 USC 208 a(6)(7) and (8). Violations of these provisions are cited as violations of 42 USC 408 a(6)(7) and (8).

Birchwood Apartments does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.



The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 of the Rehabilitation Act and Fair Housing Amendments Act of 1988.

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