

**United Church Manor  
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## **RESIDENT SELECTION PLAN**

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# **RESIDENT SELECTION PLAN**

Procedures for processing applications, screening prospective residents, and determining unit assignment.

## **EQUAL OPPORTUNITY REQUIREMENTS**

United Church Manor is pledged to the letter and the spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support affirmative advertising and marketing programs in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status or national origin of the applicant, tenant, or a person associated with the applicant or tenant. However, the programs United Church Manor operates under are specifically developed for the elderly and disabled/physically handicapped. Applicants must meet certain age or disability requirements in order to be eligible for these programs.

United Church Manor, in accordance with Title VI of the Civil Rights Act of 1964, will not on account of race, color, sex, age, familial status, handicap, disability or national origin:

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

In accordance with HUD's "Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity" effective March 5, 2012, United Church Manor, will not discriminate on the basis of actual or perceived sexual orientation, gender identity, or marital status in any phase of the occupancy process.

In addition to the Federal Fair Housing Act, and in accordance with New York State Human Rights Law, United Church Manor will not discriminate based on Military Status; in accordance with the Town of West Seneca Fair Housing Law, United Church Manor will not discriminate based on source of income.

United Church Manor 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, United Church Manor will make such changes as will reasonably accommodate people with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services. In addition, the property may perform structural modifications to housing and non-housing facilities on site where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.

In reaching a reasonable accommodation with, or performing structural modifications for, otherwise qualified individuals with handicaps United Church Manor is not required to:

1. Make structural alterations that require the removal or alteration of a load-bearing structural member;
2. Provide support services that are not already part of its housing program;
3. Take any action that would result in a fundamental alteration in the nature of the program or service;
4. 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).

If modifications necessary to afford a person with disabilities full enjoyment of the premises are found to be an undue financial and administrative burden, the person with disabilities may modify the premises at their own expense. Any modifications proposed which would detract from the future usability and marketability of the unit will be permitted contingent upon the resident agreeing to restore the interior to its original condition. In this case, an escrow fund must be established for this purpose. Additionally, the resident must provide a reasonable description of the modifications to be made, assurances the work will be done in a workmanlike manner, and that all required building permits will be obtained.

Any person who believes their rights have been violated under the Fair Housing and Equal Opportunity laws should contact the Department of Housing and Urban Development's (HUD's) Regional Office of Fair Housing and Equal Opportunity.

### **ACCEPTING APPLICATIONS**

United Church Manor accepts applications by mail or in person from any and all interested persons, except in the event the waiting list is closed. A signed and completed application form is required of each prospective resident. Staff members will be prepared to assist any applicant who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision, or language problems, and, in general, making it possible for interested parties to apply for assisted

housing. Incomplete applications will be rejected, applicants will not be placed on the waiting list, and the application will be returned to the applicant with reasons for denial clearly stated.

Applications are added to the waiting list in chronological order according to the date and time the application is received whether it is received through the postal system, hand delivered, or electronically (email). Resident selection is based on this chronological waiting list and the preferences and priorities described below.

### **USING THE WAITING LIST**

When no unit is available for an applicant, the applicant will be added to the appropriate waiting list in chronological order. Notations are made if the applicant claims an Admissions Preference or requests an accessible apartment. In addition, each application will be flagged if the applicant's income falls within HUD's income targeting guideline. HUD's guideline requires that at least 40% of the households admitted each fiscal year to United Church Manor fall into the "extremely low income" category. "*Extremely low income*" households are defined by HUD as very-low income households whose incomes do not exceed the higher of Federal Poverty Level applicable for the size of the household or 30% or less of median income for households of a similar size in the area as determined by HUD.

Eligible applicants who become residents of a studio unit and complete six (6) months of residency may submit a Unit Transfer Request. The resident must be in good standing [resident has no pending eviction suit; delinquent rents; or lease violations in the prior six (6) months from date of request] with United Church Manor at time of Unit Transfer Request submittal.

Vacancies will be filled following the procedures described in the "SELECTION ORDER" section of this plan. Dependent upon the information provided on the application, applicants will be notified of an available unit by either phone, in writing, or via electronic mail. Applicants are responsible for notifying United Church Manor when there is a change in their phone number, mailing address or electronic mail address.

The waiting list may be closed for one or more unit sizes or types when there is an average wait of over one year. When the list is closed, the owner will advise potential applicants that the list is closed and will refuse to accept any additional applications. In addition, the owner will publish a notice to that effect in a publication likely to be read by potential applicants. The notice will state the reasons for the owner's refusal to accept additional applications.

When the owner agrees to accept applications again, the owner will make an announcement in a publication likely to be read by potential applicants. Notifications will detail when and where to apply as well as the order in which applications will be processed.

The waiting list will be purged annually when the total number of applicants exceeds one hundred (100). A Notification of Update letter will be mailed to each person on the list requesting the applicant to indicate his or her current interest in residing at United Church Manor. In addition, the Update letter notifies each applicant that failure to respond will be interpreted as a request to be removed from the waiting list. A questionnaire will be attached for

the applicant to complete and return. The questionnaire will ask each applicant if they believe they qualify for a Preference and if they qualify for housing under current income eligibility limits. A self-addressed, stamped envelope will be provided not only to expedite response time but also to make the process as easy as possible for the applicant. Applicants who do not respond are taken off the waiting list as indicated on the Notification of Update letter.

Any Notification of Update mailing that is returned to the United Church Manor for lack of forwarding address or stamped by the postal service as addressee unknown or return to sender will automatically result in the removal of the applicant from the waiting list.

In addition to the above mentioned, applicants will be removed from the waiting list when:

- The applicant no longer meets the eligibility requirements of the property or program;
- The applicant fails to respond to any written notification of an available unit.

Applicants who are removed from the waiting list for lack of response or for any reason mentioned above may reapply for residency.

### **ELIGIBILITY CRITERIA**

This property has been developed and approved by HUD to provide housing primarily for elderly families with very-low incomes (incomes at or below 50% of the area's median income). Ten (10%) percent of the units were designed with special accessibility features in order to house disabled/physically handicapped persons with mobility impairments. Therefore, applicants must meet all the following eligibility requirements.

1. The head of household or spouse must be 62 years of age or older, or if less than 62 years of age, must be 18 or older and physically handicapped as defined below. In the case of a couple, only one person must meet this requirement.

Physically Handicapped definition: A person shall be considered handicapped if they are an individual with a physical impairment, including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building; and if such impairments:

- a) Is expected to be of long-continued and indefinite duration,
- b) Substantially impedes the ability to live independently; and
- c) Is of such a nature that such ability could be improved by more suitable housing conditions (i.e. the special accessibility features provided by the specially designed accessible apartment).

Examples of eligible persons would include, but not limited to, a person who uses a wheelchair, walker, or cane; a person with a heart ailment who experiences shortness of breath while walking and/or climbing stairs, or a person who walks with a limp. These persons would be eligible provided they met the definition above.

All elderly handicapped persons will be considered for any apartment (subject to the same screening criteria used for all other applicants, as listed below) and are not required to reside in the accessible units. Non-elderly persons who are Chronically Mentally Ill or Developmentally Disabled are eligible for residence if they also require the accessibility features of the specially designed accessible apartments.

Determining the eligibility of a non-elderly handicapped person is a sensitive matter. Any questions regarding the process should be addressed to the Property Manager.

Families with children under 18 years of age are eligible for residence at the Manor, provided that the head of household or spouse meets the eligibility definition described above.

2. The applicant must meet HUD's income requirements in order to be eligible for rental assistance. Applicants who do not meet the income limit requirements for rental assistance may not reside at the Manor unless a waiver of the income limits has been granted by HUD's Field or Regional Office, as appropriate.

3. Applicants must disclose and provide adequate documentation of Social Security numbers (SSN) for all family members including children, live-in aides, foster children and foster adults. Adequate documentation includes a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of SSN, such as:

- Original Social Security card
- Driver's license with SSN
- Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer of trade union
- Earnings statements or payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

*Exceptions to Disclosure of Social Security Number*

- 1) Individuals who do not contend eligible immigration status. When applicants and residents are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed.
- 2) Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010. Individuals, however, must provide documentation that verifies the exemption.

- 3) A child under the age of six (6) years added to an existing household or to an applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that United Church Manor terminate tenancy.

If no SSN has been assigned to a particular family member, the applicant must apply for and obtain a SSN and provide documentation of such before becoming a participant.

If, at the time a unit becomes available, all non-exempt household members have not provided adequate documentation to verify Social Security Numbers, the next eligible applicant will be offered the available unit.

All non-exempt household members have ninety (90) days from the date they are first notified of an available unit to provide documentation necessary to verify Social Security Numbers. During this time the household can retain its place on the waiting list, but cannot become a participant until it can provide a complete and accurate SSN assigned to each family member.

After ninety (90) days, if the applicant household is unable to disclose/verify the Social Security Numbers of all non-exempt members, the household will be deemed ineligible and removed from the waiting list.

The applicant may submit a new application after obtaining the appropriate documentation. The applicant will be placed on the waiting list based upon the date and time of the new application.

#### Secondary Verification of the Social Security Number

The Social Security Number provided will be compared to the information recorded in Social Security Administration database (through HUD's Enterprise Income Verification System – EIV) to ensure that the Social Security Number, birth date and last name match.

If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error **must** be returned to HUD. If the applicant/resident deliberately provides an inaccurate Social Security Number, the United Church Manor and/or HUD may pursue additional penalties due to attempted fraud.

4. All adults in each applicant family must sign an Authorization for Release of Information (HUD-9887) prior to receiving assistance and annually thereafter.

5. The unit for which the applicant is applying must be the only residence.

6. All applicants MUST disclose if they are currently receiving HUD housing assistance. The United Church Manor will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit or who attempt to receive HUD assistance in two separate residences.

HUD provides the United Church Manor with information about an applicant's current status as a HUD housing assistance recipient. The United Church Manor will use the Enterprise Income Verification System (EIV) Existing Tenant Report to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to:

- 1) Minor children where both parents share 50% custody
- 2) Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit.

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.

This information will be reviewed on an annual basis, at each annual certification. If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

7. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.

8. Only U.S. Citizens, U.S. Nationals, or eligible non-citizens may receive assistance under Section 8, Section 236, Rent Supplement, Rental Assistance Program (RAP), and Section 202/8.

- a. All family members, regardless of age, must declare citizenship.
  - i. Citizens must sign a declaration of citizenship.
  - ii. Noncitizens 62 years and older must sign a declaration of eligible noncitizen status and provide acceptable proof of age.

- iii. Noncitizens under 62 years of age who claim eligible status must sign a declaration of immigration status; sign a consent form; and provide one of DHS-approved documents.
- b. All required documentation of citizenship/immigration status must be submitted no later than implementation of verification of other eligibility factors.
- c. It is management's policy to begin verification of citizenship/immigration status at time of application.

9. No Section 8 assistance shall be provided to any individual who: is enrolled as either a part-time or full-time student at an institution of the higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and is under the age of 24; and is not a veteran of the U.S. military; and is unmarried; and does not have a dependent child; and is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937, and was not receiving Section 8 as of November 30, 2005; and is not living with their parents who are receiving Section 8 assistance, and is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive Section 8 assistance **unless** he/she can demonstrate independence from parents; is classified as a *Vulnerable Youth*\*; or a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

- a. Any financial assistance, in excess of amounts received for tuition and required fees covering a full academic year most frequently charged to students, which an individual receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education, is considered income for that individual, except for persons over the age of 23 with dependent children or persons living with his/her parents receiving Section 8 assistance.

*\*Definition: Vulnerable Youth:* An individual who is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older; or An individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence; or an individual that has been verified during the school year in which the application is submitted as either an unaccompanied, at risk of homelessness, and self-supporting, by (i) A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act; (2) The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; (iii) The director of a program funded under subtitle B of the title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or (iv) A financial aid Administrator.

#### Prohibition of Assistance to Noncitizen Students

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of

termination of assistance. A noncitizen student is defined as an individual who is as follows:

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

10. All income reported by the applicant is subject to verification.

11. Various subsidy or insurance programs may impose additional occupancy restrictions.

Current residents as of January 1, 1992, who do not meet the above eligibility criteria will be permitted to retain their apartments in accordance with the terms of their lease.

### **VIOLENCE AGAINST WOMEN ACT**

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. The United Church Manor understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes. Affiliated persons include:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, resident/applicant, or lawful occupant living in the household of that individual.

VAWA ensures that victims are not denied housing and housing assistance solely because the person is a victim of a VAWA crime. However, being a victim of a VAWA crime is not reason to change the eligibility or applicant screening requirements set forth in the Tenant Selection Plan unless such requirements interfere with protections provided under the VAWA.

*For example: United Church Manor may waive the requirement to review landlord history for an applicant if the victim has provided necessary documentation to certify their status as a victim and if contacting a previous landlord would put the applicant's location at risk of exposure to the accused perpetrator.*

### **Confidentiality**

The *Notice of Occupancy Rights under the Violence Against Women Act* provides notice to the resident/applicant of the confidentiality of information about a person seeking to exercise

VAWA protections and the limits thereof. The identity of the victim and all information provided to United Church Manor relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

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

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

### **Requests & Certification**

When the United Church Manor responds to a request to exercise protections provided under the VAWA, the United Church Manor will request that an individual complete, sign, and submit the VAWA certification form, within fourteen (14) business days of the request. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit written proof of this outreach in lieu of the certification form. The United Church Manor will accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) From whom the victim has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence and/or stalking has signed or attested to the documentation.

The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

### **Lease Bifurcation**

If the United Church Manor determines that physical abuse caused by a resident is clear and present, the law provides the United Church Manor the authority to bifurcate a lease i.e., remove, evict, or terminate housing assistance to any accused perpetrator, while allowing the victim, who lawfully occupies the home, to maintain tenancy.

## **Legal Action**

Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, The United Church Manor may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the property.

## **Lease Addendum**

The HUD approves lease addendum will be implemented and provided in accordance with HUD guidance.

## **EMERGENCY TRANSFER**

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

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

Please see the property VAWA Policy or VAWA Emergency Transfer Plan for additional information.

## **PREFERENCES AND PRIORITIES**

Mandated Federal Preferences: Effective April 28, 2000, HUD officially eliminated all mandatory federal preferences as published in March 29, 2000 Federal Register. The rule leaves the use of admissions preferences up to the owner. As such, the United Church Manor has developed Owner Admission Preferences in resident selection.

The United Church Manor gives preference to applicants who are:

- 1) At an income level not exceeding the higher of the Federal Poverty Level or 30 % of median income for households of a similar size in the area in which they apply.
- 2) Involuntarily displaced through no fault of their own.
- 3) Living in substandard housing.

Income Targeting: HUD's income-targeting guideline requires that at least 40% of the households admitted each fiscal year fall into the "extremely low income" category. As such, applicants with extremely low incomes are given an admission preference (Item 1 above) and an opportunity for an available unit earlier than those without a preference. United Church Manor will monitor compliance of HUD's 40% income-targeting requirement on a bi-annual basis. Should the number of extremely low income applicants not be sufficient to achieve the 40% requirement, the following steps will be taken:

- 1) Marketing efforts will be accelerated and targeted to likely sources of extremely low income applicants.
- 2) The next vacancy may be taken from the first person on the waiting list regardless of income, but;
- 3) As soon as there are eligible applicants in the extremely low category, selection will again follow the selection order as described starting on page 22.

The only exceptions permitted to following the chronological listing will be filling specially designed apartments with handicapped residents requiring the use of the special design features, applying the Admission Preferences including meeting HUD's income targeting requirements. No special consideration will be given to one type of Federal Preference over another, or applicants qualifying for more than one preference.

### **VERIFYING ELIGIBILITY**

Before an applicant receives a rental subsidy, eligibility for assistance under the applicable program must be verified and certified. Written documentation from a third party will be collected to show that the applicant meets the income and eligibility requirements.

Generally speaking, an applicant's income must fall within the income ceiling, which has been established for Erie County in which the United Church Manor is located. That ceiling is determined by the U. S. Department of Housing and Urban Development and is based upon 50% of the median income for this locality. Anyone whose income falls below this point is referred to as a very low-income family. HUD revises the income criteria from time-to-time.

When an apartment becomes available, the applicant will be asked to attend an Application Interview to provide proof of age or handicap status and identify all sources of income, all assets, and all anticipated medical expenses. The applicant will then be asked to sign certification forms authorizing the release of information from appropriate third parties (i.e., Social Security, Pension Board, physician(s), bank, etc.). The verification form will be delivered by mail, fax, or electronic mail to the appropriate party with instructions that they are to be returned directly to the management office of United Church Manor by mail, fax, or electronic mail. After verification forms are collected, the applicant will be certified in accordance with requirements of HUD Handbook 4350.3.

### **PRIVACY POLICY**

It is the policy of United Church Manor to guard the privacy of individuals conferred by the Federal Policy Act of 1974 and to ensure the protection of such individuals' records maintained by this project.

Neither the property nor its agents, therefore, 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 property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on a handicap or disability will be treated in a confidential manner.

### **SCREENING APPLICANTS**

Eligible applicants will be screened and those who meet the screening criteria will be considered for housing. We will obtain information from credit companies, we will do a home visit within the Buffalo-Metro area (25 mile radius from 50 North Avenue), and will do criminal background /sex offender screening (this includes State lifetime sex offender registration check in all states where applicant household members have resided or using a database that checks against all state registries). Screening procedures will be applied uniformly to all applicants; any procedure performed for one applicant will be performed for all applicants. Those applicants meeting the screening criteria include those:

1. Who have no history of criminal activity involving crimes of physical violence to persons or property or other criminal acts, which adversely affect the health, safety, or welfare of other residents or the viability of the apartment complex. This includes but is not limited to the sale of illegal substances.
2. Whose past performance in meeting financial obligations, especially rent, is satisfactory.
3. Who can demonstrate the ability and willingness to comply with the terms of the lease either alone or with assistance that they can demonstrate they have or will have at the time of Application Interview.
4. Who do not have a record of disturbing neighbors, destroying property, and/or poor living or housekeeping habits, which adversely affect the health, safety, or welfare of other residents.

#### **Live-in-aides or persons added to the tenant household at/or after initial occupancy:**

Persons added to the tenant household after initial occupancy must also meet management's screening criteria with the exception of ability to pay rent.

**Mandatory admission denial:** applicants will be denied based upon but not limited to the following:

1. Any household in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity.
2. Where any household member is currently engaging in illegal drug use. The Controlled Substances Act (CSA) categorizes marijuana as a Schedule 1 substance and therefore the manufacture, distribution, or possession of marijuana is a federal

criminal offense. Because the CSA prohibits all forms of marijuana use, the use of “medical marijuana” is *illegal* under federal law even if it is permitted under state law. Owners of federally assisted housing are required to deny admission to any household with a member who the owner determines is, at the time of application for admission, illegally using a controlled substance as defined by the CSA.

3. Where the owner determines that there is a reasonable cause to believe that a household member’s illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by any other residents.
4. Where any member of the household is subject to lifetime registration under any State sex offender registration program.
5. The owner determines that there is reasonable cause to believe that a household member’s behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

In addition to HUD requirements, the owner has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document. The owner will reject applications if any household member’s criminal history includes one or more of the following:

1. Record of any conviction or adjudication, other than acquittal, of the following felonies by any household member:
  - a. Murder
  - b. Arson
  - c. Felony Assault
  - d. Kidnapping
  - e. Burglary
  - f. Treason
  - g. Crimes involving harm to children
  - h. Sexual offenses
  - i. Crimes involving explosives
  - j. Crimes involving terrorism
  - k. Crimes involving the manufacture, distribution, or illegal use of illegal or controlled substances
  - l. Fraud
2. Record of any conviction or adjudication, other than acquittal, of all but the felonies listed above within 10 years of conviction or parole, whichever is later;
3. Record of three or more felony convictions or adjudications, other than acquittal;
4. Record of any conviction or adjudication, other than acquittal, which involved a misdemeanor offense within 5 years of conviction or parole; whichever is later;
5. Record of any act that interferes or may interfere with the peaceful and quiet enjoyment of the premises within 5 years of conviction or parole; whichever is later;

6. Record of any conviction or adjudication, other than acquittal, which involved harm to a child;
7. Record of any conviction or adjudication, other than acquittal, which involved harm to an animal;
8. Record of any conviction or adjudication, other than acquittal, for any act covered under the Violence Against Women Act;
9. Sex Offender Registration: Applicant is or ever has been subject to registration under a state sex offender registration program.

United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. All applicants will be required to provide proof of citizenship or legal immigration status.

If criminal screening indicates an unresolved criminal charge or an unresolved charge of an act covered under the Violence Against Women Act, the application will be suspended until the charge is resolved. At that time, the owner's current screening criteria will be applied.

If criminal screening indicates a conviction or adjudication and a resident is named as the victim, the applicant will be denied.

If the owner is unable to complete required criminal or sexual offender screening, the application will be rejected.

If criminal screening indicates that the applicant has an unacceptable criminal history, the owner will reject the applicant in accordance with HUD guidelines and the owner's standards for applicant rejection.

If the owner determines that a sex offender is part of the household, the owner will allow the household to remove the sex offender from the application. Removal **must** be documented using a signed, notarized copy of the owner's form. The household will have 10 business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members. In this case, the owner reserves the right to monitor household composition after move-in. If the owner discovers that a sex offender has moved into the unit, assistance will be terminated and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error **must** be returned to HUD.

## **REJECTING APPLICANTS**

If the criminal background investigation results indicate that the applicant does not meet the criminal screening criteria, the owner will reject the applicant in accordance with HUD guidance and the owner's standards for applicant rejection.

Before rejecting the household, the owner will compare the information provided by the applicant with the criminal history report.

If the information conflicts, the owner will:

- 1) Notify the household of the proposed action based on the information;
- 2) Provide the content of the criminal record and information about how to obtain a copy of the information;
- 3) Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- 4) Allow the household the opportunity to remove the household member.

In this situation, applicants will have ten (10) business days to resolve the discrepancy. If the applicant fails to contact the owner or indicates that he/she cannot provide documentation to refute the criminal discovery, the owner will reject the application and remove the household from the waiting list.

If, after move-in, the owner discovers that there was criminal history that would have resulted in rejection, the owner will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility determination, the owner will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

If applicants are found to be ineligible or do not meet the screening criteria, consideration will first be given to whether the applicant is known to have a disability or handicap. If so, the applicant will be contacted to request a Follow-up Interview to determine whether mitigating circumstances or reasonable accommodations would make it possible to house the applicant.

If applicants are not known to have a disability or handicap, they will be promptly notified in writing of their rejection. The written notice will inform them of the reasons for rejection and their right to respond in writing or request a meeting within 14 days.

A supervisor who was not involved with the initial decision to reject the applicant will respond or meet with the applicant. The meeting will be conducted in accordance with **The Rejection Meeting: An Interview Process**. Findings of the meeting shall be recorded on **The Rejection Meeting Report**. Within 5 days of the response or meeting, the applicant will receive written notice of whether the owner's position has changed.

All applications, rejection notices, replies from applicants, and other related correspondence will be maintained for three years.

### **Applicants with Disabilities or Handicaps**

It is illegal to reject an applicant because he or she has a handicap or disability (with mobility impairment), or for reasons that could be overcome by a reasonable accommodation of the applicant's disability or handicap. If, even with reasonable accommodation, applicants with disability or handicaps cannot meet essential program requirements, it is permissible to reject them. Such insurmountable problems might arise because of behavior or performance in past housing, inability to comply with the terms of the lease, or needed services from management that represent an alteration in the fundamental nature of the property's program.

There are three possible stages of processing the applications of persons with disability or handicaps.

1. **Stage 1: Eligibility Review.** The first stage of processing is the determination of program eligibility. At this point it is necessary to document that each applicant family whose head of household or spouse is not 62 years of age or older has a head of household that meets the definition provided in the Eligibility Criteria section above. Once an applicant has been determined to have mobility impairment, no further reference should be made to that fact unless the application reaches the third stage of processing.
2. **Stage 2: Applying the Applicant Selection Criteria.** The second stage of processing is applying the applicant selection criteria contained in this plan. Neither mitigating circumstances nor reasonable accommodations will be an issue for any applicant who passes the applicant selection criteria. Thus an applicant who has a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, eschewing criminal behavior, and, if necessary, ability to comply with the lease, would be recommended for admission with no further reference to or consideration of any disability or handicap.
3. **Stage 3: Seeking Mitigating Circumstances or Reasonable Accommodation.** The third stage of processing would only come into play if an applicant could not meet one or more of the applicant selection criteria. At this point, applicants with disabilities or handicaps are entitled to consideration to accommodate their special needs in addition to those afforded to all other applicants.

Staff will offer to hold a Follow-up Interview with any applicant known to have a disability (with mobility impairment) or handicap who cannot meet one or more of the applicant screening criteria. The purpose of this interview is to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying a reasonable accommodation. The interview shall be conducted in accordance

with The Follow-up Interview: A Meeting Process. A Follow-up Interview Report shall be completed for every such interview.

Mitigating circumstances would be facts that can be verified and that would overcome or outweigh information already gathered in the resident screening process. For example, if an applicant's previous history of disturbing neighbors was very poor, but his recent behavior was much improved, the property would consider this a mitigating circumstance. Property staff must document the improvement if the file contained only data about the former problems.

Mitigating circumstances shall be verified on the Mitigating Circumstances Verification Form. For such a form to qualify the applicant for admission, the verifier must corroborate the reason given by the applicant for past unsuitable behavior, and indicate that the prospect for lease compliance in the future is good, because the reason for their unacceptable behavior is either no longer in effect or otherwise controlled.

If evidence of mitigating circumstances presented by the applicant relates to a change in medical condition or course of treatment, the property shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance.

Where applicants claim that a prior unsuitable behavior resulted from alcoholism or drug addiction and that they are not currently engaging in alcohol abuse or use of illegal drugs, acceptable verification of mitigating circumstances would have to establish that:

- There is no verified current abuse of alcohol or illegal drugs. For illegal drugs, use shall constitute abuse. Current abuse shall be defined as verified use more recent than 120 days prior to the date on the application.
- During the period for which the applicant has claimed no current use, the applicant's behavior in the previously unsuitable area must have shown improvement. Unimproved behavior shall be taken to construe that either the applicant's unsuitable behavior was not caused by alcohol or drug abuse, or the applicant is still engaging in alcohol or drug abuse. In any case, a lack of improvement in a previously unsuitable area shall result in a rejected application for applicants in this category.

The property shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. If the applicant refuses to provide or give access to such further information, the property will give no further consideration to the mitigating circumstance.

Screening personnel must keep in mind that an applicant with a handicap or disability who may, for example, be unable to care for a current apartment alone, may still qualify as able to comply with the lease if he or she can demonstrate that assistance with caring for that unit has been secured. Such assistance could be in the form of a Live-in Aide, or it could be a friend, family member, chore service or employee of the applicant. It is not the job of the property to make judgments about the best way to provide assistance, but simply to determine whether the assistance will enable the applicant to meet the screening criteria.

If some form of assistance is needed to enable an applicant to comply fully with the lease terms, screening staff should obtain verifications that such assistance is available to the applicant. The Certification of an Individual of Agency Providing Assistance Form should be used for this verification. Need for suitability of a proposed reasonable accommodation shall be verified on the Verification of Need for suitability of Reasonable Accommodation. No reasonable accommodation shall be offered prior to receipt of positive verification on this form and completion of the Finding Report: Alteration of the Fundamental Nature of the Program and Undue Financial and Administrative Burden.

If no mitigating circumstances exist that satisfy the property applicant selection criteria, the property must consider reasonable accommodations the property could make to eliminate barriers to housing the applicant. Reasonable accommodations may take the

form of adjustment of policies, practices, and services, where such adjustment offers an acceptable prospect of lease compliance in a previously unsuitable area of behavior. Where necessary and justified by verified circumstances, management may perform structural modifications to housing or non-housing facilities. Such structural modifications may occur in support of mitigating circumstances, reasonable accommodation, or entirely on their own merit. Structural modifications shall be performed only after having determined that the applicant is a qualified individual with handicaps (passes screening and is eligible).

Accommodations, to be considered reasonable must not cause undue financial and administrative burdens or an alteration in the fundamental nature of the property's assisted housing program. If a service is necessary for compliance with the lease, the property cannot be required to provide it to an applicant with a disability or handicap if it is not provided for other residents. The property must consider, however, admitting the applicant if he or she can document that others will provide the service at no cost to the property.

Any applicant with a disability or handicap who cannot meet the applicant screening criteria, taking into account possible mitigating circumstances, reasonable accommodations by the property, or services needed for lease compliance verified to be provided to the applicant by others, must be rejected in accordance with the procedures outlined above.

## **UNIT ASSIGNMENT**

The chart below will be used as a guideline for unit assignment:

Studio Apartments	1-2 persons
One Bedroom Apartments	1-2 persons

In determining the number of occupants of an apartment unit, the following will be taken into consideration:

- 1) All full-time members of the household must be counted
- 2) All children expected to reside in the unit must be counted (e.g. children expected to be born to pregnant women, families who are in the process of obtaining custody of a child, foster child)
- 3) Live-in Aides must be counted

By definition, the only non-elderly persons eligible for residency at United Church Manor have mobility impairments that could be improved by the special accessibility features provided by the specially designed accessible apartments. All eligible non-elderly households, therefore, must be assigned to accessible apartment units.

The United Church Manor has thirty-seven (37) one bedroom apartments and twelve (12) studio apartments. Of the thirty-seven (37) one bedroom apartments, four (4) are accessible and of the twelve (12) studio apartments, one (1) is accessible.

## **SELECTION ORDER**

Applicants denoting unit size preference on their applications will be placed on the waiting list for the unit size desired. Applicants that do not denote unit size preference will be placed on both the studio and the one-bedroom waiting list. This will hold true for individuals requiring an accessible apartment as well.

All applicants eligible for occupancy that accept any (non-accessible or accessible) studio unit and are a ***resident in good standing*** (as defined in the United Church Manor's Unit Transfer Policy found on page 25), may request a transfer to a one-bedroom unit after completing six (6) months of residency by submitting a Unit Transfer Request Form. Residents who submit a Unit Transfer Request Form to transfer to a one-bedroom unit will be placed on a resident unit transfer waiting list.

All applicants/residents will be placed on the appropriate waiting list and will be offered a unit in chronological order based on the date of application or of Unit Transfer Request and according to the appropriate selection order below.

**Studio Units (non-accessible & accessible)** will be offered in the following order from the appropriate waiting list:

- 1) The next resident requesting a Violence Against Women Act (VAWA) Emergency Transfer
- 2) The next resident requesting a unit transfer based on a verified medical need for a different unit
- 3) The next resident that currently resides in an accessible unit that no longer requires the accessibility features of the unit
- 4) The next resident requesting a separate unit (household split)
- 5) The next applicant household on the waiting list with a preference (see Preferences and Priorities, Page 13)
- 6) The next applicant household on the waiting list with no preference

**One bedroom non-accessible units** will be offered in the following order:

- 1) The next resident requesting a Violence Against Women Act (VAWA) Emergency Transfer
- 2) The next resident requesting a unit transfer based on a verified medical need for a different unit
- 3) The next resident that currently resides in an accessible unit that no longer requires the accessibility features of the unit
- 4) The next resident requesting a separate unit (household split)
- 5) The next resident requesting a unit transfer currently residing in a non-accessible studio unit
- 6) The next applicant household on the waiting list with a preference (see Preferences and Priorities, Page 13)

- 7) The next applicant household on the waiting list with no preference

***EXCEPTION TO ABOVE SELECTION POLICY:***

*As the Manor is only a 50-unit community and 25% of the units fall into the “studio” category, when the Manor has two (2) or more non-accessible one-bedroom unit vacancies, one of the vacancies shall be filled following the above method and the remaining unit/units shall be offered to the next eligible applicant/s on the waiting list. This assists the community in maintaining an appropriate level of fiscal stability.*

**One Bedroom accessible units** will be offered in the following order:

- 1) The next resident requesting a Violence Against Women Act (VAWA) Emergency Transfer who also has a verified medical need for an accessible unit.
- 2) The next resident in a non-accessible unit requesting a unit transfer based on a verified medical need for an accessible unit
- 3) The next resident requesting a unit transfer currently residing in an accessible studio unit
- 4) The next applicant household requiring the features of the accessible unit with a preference (see Preferences and Priorities, Page 13)
- 5) The next applicant household requiring the features of the accessible unit with no preferences

**RIGHT TO REFUSAL**

The Right to Refusal Policy applies to applicants or to existing residents who have submitted a Unit Transfer Request. Residents requesting unit transfer and applicants will be offered available units based on the information included in this resident selection plan.

Each household will be offered the opportunity to accept an offered apartment two (2) times. If a resident/applicant does not wish to accept an offered apartment, they have the right to refuse the offer. Residents/applicants must notify United Church Manor of their intent to refuse the unit offer by using one or more of the following methods:

- Over the phone
- In writing (via fax, mail, or other means)
- By email

**NOTE:** If the refusal is made over the phone, contact must be made with a member of the management staff. Leaving a message is not adequate.

The first time an applicant or resident refuses a unit, the unit will be offered to the next qualified household based on the selection order described above. The applicant or resident will then be moved to the bottom of the waiting list. The second time an applicant or resident refuses an offered unit, the household will be removed from the waiting list. Right to refusal policies will be modified in two cases:

- 1) If an applicant or resident household with no disabled members is at the top of the waiting list, and there are no disabled households on the waiting list, that household may be offered an accessible unit. An applicant household with no disabled household members has the right to refuse an unlimited number of accessible units or units that do not meet their needs and they shall retain the same place on the waiting list. If the applicant household accepts the accessible unit, the household will be required to sign a lease attachment which will require them to move to the next available non-accessible apartment if a person requiring the accessible features is located.
- 2) Any applicant may reject an available unit on a property set aside for the elderly and/or disabled if the unit is close to another unit with an animal. This action will not negatively affect the household's application for occupancy or position on the waiting list to be eligible for the next available unit. United Church Manor is not obligated at the time the applicant rejects a unit to provide an alternate unit.

### **Timeframe for Taking Possession of a Unit**

The applicant must agree to take possession of the unit in no more than thirty (30) calendar days unless United Church Manor provides written exception to this policy. If the applicant household does not complete appropriate paperwork and does not take possession of the unit within thirty (30) days from accepting the offer, the applicant will be subsequently rejected and removed from the waiting list. The unit will be offered to the next eligible applicant/resident based on the selection order described in this plan.

### **UNIT TRANSFERS**

United Church Manor will consider requests from residents to transfer from one unit to another. Unit Transfer Requests are processed in accordance with the above selection plan. The United Church Manor will consider a unit transfer for the following reasons:

- 1) There is a need for an emergency transfer under the Violence Against Women Act (VAWA)
- 2) There is a need for a unit transfer because of a change in household size and/or composition
- 3) There is a verified medical need for a different unit
- 4) There is a verified need for an accessible unit
- 5) The resident lives in an accessible unit and no longer needs the accessibility features
- 6) The resident currently resides in a studio apartment
- 7) If two or more adult household members reside in one unit and one or more adults choose to apply for a separate unit, the new household will be required to submit a complete application and must be eligible for assistance under the rules provided in HUD Handbook 4350.3 and the United Church Manor's resident screening policies provided in the most current resident selection plan.

Existing residents must complete a Unit Transfer Request Form. The Unit Transfer Request Form must be completed and signed by the head of household and all adult household members who wish to transfer. The unit transfer request may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

Factors concerning approval of transfers are as follows:

- 1) A household that has given a 30-day notice-to-move need not be transferred
- 2) The household must be able to establish mandatory utilities in the new unit (gas, electric, water, etc.)
- 3) A household whose unit meets the United Church Manor's occupancy standards and who does not require the unit transfer as a reasonable accommodation/medical need must have been a resident in good standing for at least one year. A ***resident in good standing*** must meet the following criteria:
  - a) No current outstanding balances owed for 60 days or more
  - b) No confirmed complaints against the resident for disturbing the peace and quiet comfort of other neighbors and/or their guests
  - c) Last unit inspection resulted in no findings of damage or undue wear and tear and no findings of unsafe or unsanitary conditions
  - d) No major lease violations within the last year
  - e) No more than three minor lease violations within the last year

### **Security Deposits & Unit Transfers**

When a Resident transfers to a new unit, the United Church Manor will charge a new deposit and refund the deposit for the old unit less any outstanding amounts for rent, fees, or damages. Residents must be able to pay the required security deposit in full and sign a new lease before moving to the new unit.

### **Unit Transfer Request**

If you would like the United Church Manor to consider a unit transfer, please submit the Unit Transfer Request Form. If you would like a reasonable accommodation to request a unit transfer, because of the presence of a disability, please feel free to contact the management office.

Unit Transfer Requests will be reviewed as quickly as possible. The resident will receive a response within 30 calendar days from the date the complete, signed request is submitted. The response may be:

- 1) Approval of the Request
- 2) Request for additional information
- 3) Denial of the Request

If your request is approved, but no appropriate units are available, your name will be added to the property waiting list and you will be provided preference based on your status as an existing resident. When an appropriate unit is available, you will have a maximum of 30 days to complete the transfer. If you are unable to transfer within 30 days, the unit will be offered to the next person on the waiting list in compliance with the waiting list management policy.

You have the right to refuse two offered units. The first time a unit offer is refused, the next household on the waiting list will be offered the unit (in accordance with our resident selection plan), and your name will be moved to the bottom of the list. The second time a unit offer is refused, your name will be removed from the waiting list and a new unit transfer request will not be considered within six months. (The owner/agent will consider reasonable accommodation in this case, if there is the presence of a disability).

If the unit transfer is mandatory because the household is over or under housed, the resident will have 30 days to move or assistance will be terminated in accordance with Chapter 8 of the HUD Handbook 4350.3 rev-1 chg 4.

If your request for a unit transfer is denied, you may appeal the decision within 14 calendar days from the date of the denial letter. Someone who was not involved in the original decision to deny will review your appeal.

**THIS PLAN IS AVAILABLE FOR REVIEW BY THE GENERAL PUBLIC.  
A COPY OF THIS PLAN IS KEPT IN THE OFFICE.**

**This plan is subject to change. A current copy of this plan is available on our website: <http://www.ucmanor.org>**

**Revised and updated**

March 21, 2017

January 3, 2018 – pg. 15

April 22, 2019 – pg. 8

January 15, 2020 – pg. 13 & 22