



Tenant Selection Plan

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Income Limits	Recertification Resident Guidelines
Elderly and Disability Definitions	Hardship Exemption Resident Guidelines
VAWA Emergency Transfer Plan	Termination of Tenancy Resident Guidelines

This Tenant Selection Plan describes the policies and procedures for accepting, processing, and approving or denying applications for residency. This policy will also describe wait list set-up and procedures. The Tenant Selection Plan is available in the management office for public review.

Section 1: Property Description and General Information

Briarwood Meadow Apartment is an apartment community located in **Black River, NY** 33 apartments. This property is designed to provide housing for:

- | | |
|---|---|
| ☒ Families | ☐ People with a disability |
| ☐ Elderly families age 55+ | ☐ Elderly families age 55+ and disabled families |
| ☐ Elderly families age 62+ | ☐ Elderly families age 62+ and disabled families |

1A – Contact Information

Management Contact Information:

Address: 120 Stone Dr Black River, NY 13612
 Phone #: (315) 610-6330 Fax #: (315) 610-6332 TTY/Relay #: 800-662-1220
 Email: briarwoodmeadow@winncocom

504 Coordinator Contact Information:

Name: Alicia Khasky Title: Senior Vice President of Affordable Housing Compliance
 Address: One Washington Mall, Suite 500, Boston, MA 02108
 Phone #: (617) 239-4408 MassRelay #: (866) 645-9870 <https://www.mass.gov/massrelay>
 Email: akhasky@winncocom

1B – Program Restrictions

The property is funded by the Department of Housing and Urban Development (HUD) from the below program[s] and has apartments set aside for applicants that qualify under those programs.

- | | |
|--|---|
| ☒ Section 8 Project-Based Rental Assistance | ☐ Section 236 |
| ☐ Below-Market Interest Rate (BMIR) Section 221(d)(3) | ☐ Section 202 with Section 8 |
| ☐ Section 202 PAC | ☐ Section 202 PRAC |
| ☐ Section 811 PRAC | ☐ Section 811 PRA |
| ☐ Rural Housing Section 515 with Section 8 Assistance (RHS Section 515/8) | ☐ Section 202 without Assistance |
| | ☐ Section 231 with Section 8 |

In addition to the HUD funding, the property is also funded by the below program[s].

- | | |
|---|---|
| ☐ Low-Income Housing Tax Credit | ☐ HOME |
| ☐ Tax Exempt Bonds | ☐ Workforce Housing |
| ☐ Other State or Local Programs: _____ | ☐ Housing Trust Fund (Federal) |

Unless otherwise noted, the policies and procedures outlined in this Tenant Selection Plan apply to all HUD Multifamily Programs and property types. Exceptions to the applicability of these guidelines related to specific programs will be noted throughout this document.

☐ This property has more than one Housing Assistance Payment contract. Guidelines may be slightly different based on the programs and the original contract effective date. Any differences will be explained in the applicable sections of this Tenant Selection Plan.

1C – Apartment Sizes and Types

Apartment sizes and types for this property are listed below. There is a separate wait list for each apartment size and type. Additional wait lists based on other funding sources may also be maintained.

Apartment Size	Standard Apartments	Wheelchair Accessible for Persons with a Mobility Impairment	Accessible for Persons with a Hearing or Vision Impairment
Studio	☐	☐	☐
1 Bedroom	☒	☒	☐
2 Bedrooms	☒	☐	☐
3 Bedrooms	☒	☐	☐
4 Bedrooms	☐	☐	☐
5 Bedrooms	☐	☐	☐
6 Bedrooms	☐	☐	☐
7 Bedrooms	☐	☐	☐

1D– Household Member and Family Definitions

Elderly and disability definitions related to this property and programs are attached.

Adult: An individual who is 18 years of age or older or a minor under the age of 18 who has been emancipated to act on his/her own behalf, including the ability to execute a contract or lease.

Co-Head of Household: An adult member of the family who is treated the same as a head of the household for purposes of determining income, eligibility, and rent.

Elderly Person (General Definition): A person at least 62 years of age. [24 CFR 5.100]

Family: Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

1. A single person, who may be:
 1. An elderly person, displaced person, near-elderly person, or any other single person;
 2. An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or at risk of becoming homeless at age 16 or older; or
2. A group of persons residing together, and such group includes, but is not limited to:
 1. A family with or without children (a child who is temporarily away from home because of placement in foster care is considered a member of the family);
 2. An elderly family;
 3. A near-elderly family;
 4. A disabled family; and
 5. the remaining member of a tenant family.

Foster Adult: A member of the household who is 18 years of age or older and meets the definition of foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

Foster Child: A member of the household who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

Guest: The definition of a guest is a person temporarily staying in an apartment with the consent of the resident or another member of the household who has expressed or implied authority to consent on behalf of the resident. A guest is a temporary visitor of

the resident's and should not be confused with an unauthorized occupant. Additionally, a guest is not a party to the lease agreement. Any person with overnight stays in excess of 14 consecutive days or 30 days within a calendar year is not considered a guest.

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. [24 CFR 5.504]

Household: The family and nonfamily members, if applicable.

Live-In Aide: A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:

1. Is determined to be essential to the care and well-being of the persons;
2. Is not obligated for the support of the persons; and
3. Would not be living in the Apartment except to provide the necessary supportive services. [24 CFR 5.403]

While a relative may be considered to be a live-in aide/attendant, they must meet the above requirements, especially the last. The live-in aide qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a tenant and may not qualify for continued occupancy as a remaining family member.

Nonfamily Household Members: Live-In Aides, Foster Children, and Foster Adults.

1E – Non-Discrimination

This property is subject to Section 504 of the Rehabilitation Act of 1973 as amended, the amendments of the Fair Housing Act Amendments of 1988, the Department of Housing and Urban Development Equal Access Rule, Title VI of the Civil Rights Act of 1968, the Violence Against Women Act (VAWA), and additional State and Local laws, whereas:

- a. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD.
- b. The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. It applies to housing, regardless of the presence of federal financial assistance.
- c. The Department of Housing and Urban Development Equal Access rule also extends protections and requires that HUD-assisted and HUD-insured housing be made available to individuals without regard of their sexual orientation, gender identity, or marital status.

- d. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.
- e. The Violence Against Women Act prohibits discrimination against victims of domestic violence, dating violence, sexual assault and stalking on the basis of any protected characteristics, including race, color, religion, sex, disability, familial status, national origin, age, actual or perceived sexual orientation, gender identity or marital status.

State and Local laws also prohibit discrimination in housing and housing related transactions based on protected classes. This property follows all laws for the jurisdiction in which it is located. Below is a summary of some of the requirements. In the event that there is a discrepancy between this summary and the legal code, the language in the code will preside.

- f. New York Properties: The New York State Human Rights Law prohibits housing discrimination on the basis of several protected characteristics, which include, but are not limited to: race, color, creed, sex, age, disability, national origin, marital status, family status, sexual orientation, gender identity or expression, military status, lawful source of income, and arrest records resolved in your favor, an adjournment in contemplation of dismissal, a sealed conviction record, or a youthful offender adjudication.
 - The New York City Human Rights Law prohibits discrimination in housing based on actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, marital status, partnership status, alienage or citizenship status of any person or group of persons, or because of any lawful source of income of such person or persons, or because children are, may be or would be residing with such person or persons.
 - The Westchester County Fair Housing Law prohibit discrimination in rental, sale, and lending practices based on seventeen (17) protected classes: race, color, ethnicity, national origin, alienage/citizenship, disability, source of income (including Housing Choice Vouchers, also known as Section 8), religion, marital status and familial status (including pregnancy or anyone securing custody of a child under the age of 18), military status, age, gender, gender identity, gender expression, sexual orientation, status as a victim of domestic violence, sexual abuse, or stalking.

1F – Violence Against Women Act (VAWA) Protections

Admission shall not be denied on the basis that the applicant or household member is or has been a victim of domestic violence, dating violence, sexual assault or stalking, as defined in the Violence Against Women Reauthorization Act of 2013 (42 U.S.C 14043e-

11), with regulations promulgated in accordance therewith at 24 CFR Part 5, Subpart L, if the applicant or household member otherwise qualifies.

Management will consider extenuating circumstances involving poor rental or credit history, criminal activity, or other adverse factors engaged in by the applicant or household member or any guest or other person under the applicant's control if the activity is directly resulting from domestic violence, dating violence, sexual assault or stalking. In such instances, Managements screening criteria for victims of domestic violence will require:

- Written certification of domestic violence completed by the victim or by a family member completed on their behalf; or
- A federal, state, local police, or court record; or
- Documentation signed by an employee, agent or volunteer of a victim service provider or other professional from whom the victim has sought assistance.

To receive protection under VAWA, applicants or tenants must provide one of the certifications listed above. Any notice of adverse action on an application will include the VAWA Notice of Occupancy Rights under VAWA (HUD-5380) and Certification of Domestic Violence Form (HUD-5382) allowing 14 business days to respond.

In the event of a subsidy termination or start of a residency termination/eviction for cause proceeding, the Notice of Occupancy Rights under VAWA (HUD-5380) and Certification of Domestic Violence form (HUD-5382) will be included with the notice of termination/eviction allowing the family the opportunity to complete, sign and return the form within fourteen (14) business days.

Section 2: Wait Lists

2A – Opening the Wait List

When management agrees to accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same publications) as the notification that the waiting list was closed. The notifications will be extensive, and the rules for applying and the order in which applications will be processed should be stated.

Advertisements will include where and when to apply and will conform to the advertising and outreach activities as described in the property's Affirmative Fair Housing Marketing Plan.

2B – Closing the Wait List

The waiting list may be closed for one or more apartment types when the average wait is excessive (e.g., one year or more).

When management closes the list, management must advise potential applicants that the waiting list is closed and refuse to take additional applications.

When management decides to no longer accept applications, management will also publish a notice to that effect in a publication likely to be read by potential applicants. The notice must state the reasons for management's refusal to accept additional applications and will conform to the advertising and outreach as stated in the property's Affirmative Fair Housing Marketing Plan.

New York Properties Only: Wait lists for accessible apartments will always remain open.

Section 3: Accepting Applications and Wait List Placement

3A - Accepting Applications

Anyone who wishes to be admitted to the property or placed on a wait list must complete a written application. Applications will not be accepted for an apartment type/size with a closed wait list. Applications will be date and time stamped when received.

Applications will be distributed and accepted via the methods checked below. Application intake will be limited to the days and times listed in communications opening the Wait List and will be posted in the management office. Reasonable Accommodations to provide alternative methods to submit applications are available for persons with disabilities who, as a result of their disability, cannot utilize the preferred application process.

Method	Location		Pickup and/or Return Application
☒ In Person at the:	☒ Management Office or ☐ Other Location:	120 Stone Dr Black River, NY 13612	☒ Pickup ☒ Return
☒ Contact management to request mailed or emailed applications:			☒ Pickup
☐ Print from Website			☐ Pickup
☐ Mail			☐ Return
☐ Email			☐ Return

☐ Online Submission		☐ Return
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Procedures for Taking Applications

- A. Every application must be completed and signed by all adults.
- B. All members of the household must be listed on the application form.
- C. Emancipated minors are eligible for occupancy based on the qualifying criteria outlined within this Tenant Selection Plan.
- D. In addition to the application form, the Agent shall also obtain the documents listed below. Documents may be collected with the initial application to the wait list or an updated application for occupancy.
 - The Supplement to Application for Federally Assisted Housing (HUD form 92006).
 - In the case of applications for Federally Assisted Housing units, all adult family members (18 years of age and older) must sign (i) Notice and Consent for the Release of Information (Form HUD 9887) and (ii) Applicant's Tenant's Consent for the Release of Information (Form HUD 9887-A).
 - Household members 18 years or older, including any personal care attendant (PCA) (or, for Federally Assisted Housing Developments, a Live-in Aide), must sign a release to conduct criminal and landlord history references.
 - The Applicant's consent to obtain third-party verifications or references.
 - Citizenship declaration and verification consent forms.
 This is not required for apartments funded under: 221(d)(3) BMIR (without Section 8 or any other assistance), 202 (without Section 8), 202 PAC, 202 PRAC, and 811 PRAC properties that have no other subsidy.
 - The Applicant's self-certification of their race and ethnicity for data collection on HUD form 27061-H (or current HUD form if revised). Providing race/ethnicity information on this form is optional; there is no penalty for not providing race/ethnicity on the form.

3B - Wait List Placement by Apartment Type

If an applicant is eligible for tenancy, but no appropriately sized apartment is available, the Agent will place the family on a waiting list for the project.

Waiting lists will be organized by type of Apartment. A separate list is required for every type of apartment including the apartment size and accessibility features. The lists will also be separated for apartments set aside under different programs or levels of assistance at properties where all apartments do not have the same program designations.

Once a fully completed application is determined to meet eligibility requirements the applicant will be placed on the appropriate wait list(s). Placement on the wait list will not be impacted by an applicant's status under a protected class. The waiting list is arranged in chronological order by the date and time the application was received and in consideration of any applicable preferences.

Applicants may choose to be placed on any or all open wait lists for which they qualify. All lists may not open at the same time. Applicants cannot be added to closed lists. There are 3 main categories of Apartments that would require different lists.

1. **Apartment size:** A separate list is maintained for each apartment size. Applicants may qualify for more than one apartment size based on the number of household members and occupancy standards. Applicants that are eligible for more than one size of Apartment may choose to be placed on multiple wait lists as appropriate and management will respect the bedroom size option chosen by the applicant unless such choice violates the local zoning code, other applicable laws, or the property Occupancy Standard. For example, a household with four members may choose to be placed on the 2-bedroom, 3-bedroom, and 4-bedroom wait lists. Applicants accepting an apartment offer will be removed from the wait lists for all other sizes.
2. **Apartment type:** A separate list is maintained for each accessible type, including Accessible for Mobility Impairment and Accessible for Vision and/or Hearing Impairments. Applicants eligible for accessible Apartments will be placed on lists for accessible and standard apartments. Applicants can decline the offer of a standard apartment without impacting their place on the wait list for an accessible apartment.
3. **Program:** If the wait lists are also separated by program and assistance level, the applicants may choose to be placed on multiple lists for different programs for which they qualify. For example, there may be some apartments that fall under a rental assistance program and other apartments without rental assistance. The applicant can opt to be placed on both lists.

Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's name advances on the waiting list. (Note: If the anticipated duration on the waiting list is less than 120 days, formal verification will be required immediately.)

Each applicant must be placed on the appropriate wait list(s):

1. chronologically according to the date and time of the completed application; and
2. tied to the applicable preferences for which the applicant qualifies.

Management's records will indicate the date the applicant is placed on the waiting list. All records, including the application, must be retained for a period of three (3) years.

3C - Applications Not Eligible to be Placed on the Wait List

If applicant is determined not eligible to be placed on the waiting list a rejection notice will be sent to the applicant in writing. The written rejection notice will include:

- The specifically stated reason(s) for the rejection.
- The applicant's right to respond to management in writing or request a meeting within 14 business days to dispute the rejection.
- That persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.
- Form HUD-5380, Notice of Occupancy Rights under the Violence Against Women Act.
- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation.
- New York properties: Rejected applicants will receive HCR's "Know Your Rights" materials twice, once when the negative history is discovered and again with the rejection letter.

3D - Wait List Preferences Available at this Property

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon family circumstances. Applicants who are eligible for preferences are selected from the wait list and receive an opportunity for an available apartment earlier than those who do not have a preference. Preferences affect only the order of applicants on the wait list. They do not make anyone eligible who was not otherwise eligible, and they do not change an owner's right to adopt and enforce applicant/resident screening criteria. The preferences apply to all wait lists at this property.

Qualifying for a preference is not a requirement for placement on the wait list. All other program income and otherwise eligible applicants are placed on the wait list based chronologically according to the date and time of application.

The preferences available at this property are checked below. The effect on the order of the wait list and the assignment of apartments is explained in the "Selection from Wait List and Apartment Assignment/Acceptance" section of this Tenant Selection Plan.

☒	<u>Displaced applicants</u> as a result of a major disaster as determined by the President of the United States or as a result of a government action.
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	Acceptable sources of verification include proof of residence in the affected area, a statement from the former landlord, a statement from an emergency assistance program (e.g., American Red Cross, FEMA), photographs of the residence, or other documentation. Required for properties funded under the Section 236, 221(d)(4), 221(d)(3), and 221(d)(3) BMIR programs.
☒	<u>VAWA</u>: Applicants seeking relocation to avoid, remedy, or address harassment based on protected status, or the emergency transfer of a resident due to domestic violence, dating violence, sexual assault or stalking, in accordance with the Violence Against Women Act (VAWA). The Agent shall obtain from the applicant such documentation as specified in 24 CFR 5.2007(b)(i). Acceptable sources of verification include, but may not be limited to, A. Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternative Documentation; or B. A document that is: 1. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; 2. Signed by the applicant or resident; and 3. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or C. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency (for example, a police report); or D. At the discretion of management, a statement or other evidence provided by the applicant or resident.
☐	<u>Working families</u>: A working family is defined as a family who meets any of these criteria and who are otherwise eligible for occupancy. • A family whose head or co-head of household, spouse, or sole member is employed at least 24 hours per week and has been employed for at least six months with the current employer. • A family whose head or co-head of household, spouse, or sole member is 62 years of age or older.

	• A family whose head or co-head of household, spouse, or sole member is a person with a disability as defined in applicable HUD regulations The above elderly and disabled families will receive the same preference as working families. Acceptable sources of verification include, but may not be limited to, • A current paystub in combination with a paystub dated six months or more prior to the current date, or • An employment verification confirming the start date and number of hours worked per week, or • A letter from the employer, on company letterhead, confirming the start date and number of hours worked per week. • Acceptable verification follows the program guidelines for disability, age, and/or date of birth verification.
☐	<u>Disability:</u> Families that include a person with a disability. This preference is separate from the guidelines related to assigning accessible apartments. Acceptable sources of verification include, but may not be limited to, a disability verification form or a disability benefit awarded by the Social Security Administration to the applicant as a person with a disability.
☐	<u>Residency preference:</u> A residency preference provides applicants who live in a specific geographic area at the time of application a priority over nonresidents. This is not a residency requirement and applications are accepted from applicants who do not live in the defined jurisdiction or municipality. The residency preference is not based on the length of time an applicant has lived or worked in the area. The following are considered as residents: • Applicants who work in the jurisdiction; • Applicants who have been hired to work in the jurisdiction; or • Applicants expected to live in the jurisdiction due to planned employment. "Planned employment" means bona fide offer to work in a municipality. • Management may treat graduates of, or active participants in, education and training programs located in a residency preference area as residents of the area if the education or training program is designed to prepare individuals for the job market. This option has been selected for this property. ☐ Yes ☐ No Acceptable sources of verification include proof of residence, employment offer, or enrollment in an education or training program in the geographic area.

☐	<u>Homeless Preference:</u> Preference will be given for families or individuals experiencing homelessness. The definition of homeless for this preference is checked below: ☐ HUD HEARTH Act definition of homeless is as described below: An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning the family or individuals have a primary nighttime residence that is a public or private place not meant for human habitation; Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. ☐ Individuals coming out of a state or county psychiatric hospital, a transitional living program, half-way house, jail or correctional facility, with no place to live may be considered homeless; ☐ People who will imminently lose their housing and lack the resources and support networks needed to find other housing, including those who are being evicted within 14 days, people living in a hotel or motel who lack resources to stay for more than 14 days. ☐ Unaccompanied youth and homeless families who have not lived independently for a long time, have experienced persistent instability, and will continue to experience instability because of disability, health problem, domestic violence, addiction, abuse or multiple barriers to employment; ☐ Persons who are fleeing or attempting to flee domestic violence. ☐ People who are in a situation of overcrowding, which is defined as <table style="margin-left: auto; margin-right: auto; border: none;"> <thead> <tr> <th style="text-align: left;"><u>Unit Size</u></th> <th style="text-align: left;"><u>Number of People</u></th> </tr> </thead> <tbody> <tr> <td>0 Bed</td> <td>3 or more</td> </tr> <tr> <td>1 Bed</td> <td>4 or more</td> </tr> <tr> <td>2 Bed</td> <td>6 or more</td> </tr> <tr> <td>3 Bed</td> <td>8 or more</td> </tr> <tr> <td>4 Bed</td> <td>10 or more</td> </tr> </tbody> </table> ☐ Limited specifically for individuals or families who are referred by, City of New York, a partnering homeless service organization or consortium of organizations that refers people transitioning out of a shelter or temporary housing program.	<u>Unit Size</u>	<u>Number of People</u>	0 Bed	3 or more	1 Bed	4 or more	2 Bed	6 or more	3 Bed	8 or more	4 Bed	10 or more
<u>Unit Size</u>	<u>Number of People</u>												
0 Bed	3 or more												
1 Bed	4 or more												
2 Bed	6 or more												
3 Bed	8 or more												
4 Bed	10 or more												

	<u>Acceptable forms of verification:</u> The term “homeless”, “homeless individual”, “homeless person” or “homeless household” shall mean an individual or family who is homeless or at risk of homelessness based on third party documentation verifying that the individual or household: i. Lacks a fixed, regular, and adequate nighttime residence ii. Has a primary nighttime residence that is a public or private place not designated for ordinarily used as a regular sleeping accommodation for human beings or an individual who is exiting an institution where he or she temporarily resided; iii. Lives in a supervised publicly or privately operated shelter designated to provide temporary living arrangements; iv. Will imminently lose their housing, including housing they own, rent, or live in or family that they must leave within 14 days; v. A family with children who has experienced a long-term period without living independently in permanent housing; or vi. Is fleeing, or is it tempting to flee, domestic violence, dating violence, sexual assault stalking, or other dangerous or life-threatening conditions in the individual’s or families current housing situation. vii. Is aging out of foster care with no permanent residents available; or Is defined as homeless under other state, local, or federal rules.
☐	<u>Elderly Preference for Single Person Families:</u> Single persons who are elderly over other single persons. Acceptable verification follows the program guidelines for age, date of birth, and/or identity verification.
☐	<u>Disabled Preference for Single Person Families:</u> Single persons who are persons with disabilities over other single persons. Acceptable sources of verification include, but may not be limited to, a disability verification form or a disability benefit awarded by the Social Security Administration to the applicant as a person with a disability.
☐	<u>Homeless Preference for Single Person Families:</u> Single persons who are homeless over other single persons. Acceptable sources of verification include, but may not be limited to, Insert Property specific information here if preference is applicable.
☐	<u>Displaced Preference for Single Person Families:</u> Single persons who are displaced over other single persons. Available for displaced applicants as a result of a major disaster as determined by the President of the United States or as a result of a government action. Acceptable sources of verification include proof of residence in the affected area, a statement from the former landlord, a statement from an emergency

	assistance program (e.g., American Red Cross, FEMA), photographs of the residence, or other documentation.
<u>State and Local Preferences:</u>	
Preferences required by state or local law have been applied, with HUD approval, only if they are consistent with HUD and applicable civil rights requirements.	
☐	<u>Veteran Preference:</u> Qualified veteran households will receive preference over nonveteran households. A Veteran is classified as any person who has served or is currently serving in any branch of the US Armed Forces. Not all members of a qualified household need to have veteran status. To benefit from this preference, only one member of a household, either the head, co-head or spouse shall be required to show proof of veteran status. Veteran shall mean (1) any person (a) whose last discharge or release from wartime service as defined herein, was under honorable conditions and who (b) served in the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States, or on full time national guard duty under Titles 10 or 32 of the United States Code or under Sections 38, 40 and 41 of Chapter 33 for not less than 90 days active service, at least 1 day of which was for wartime service; provided, than any person who so served in wartime and was awarded a service connected disability or a Purple Heart, or who died in such service under conditions other than dishonorable shall be deemed to be a veteran notwithstanding his failure to complete 90 days of active service; (2) a member of the American Merchant Marine who served in armed conflict between December 7, 1941 and December 31, 1946, and who has received honorable discharges from the United States Coast Guard, Army or Navy; (3) any person (a) whose last discharge from active service was under honorable conditions, and who (b) served in the Army, Navy, Marine Corps. Coast Guard or Air Force of the United States for not less than 180 days of service; provided that any person who so served was awarded a service-connected disability or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 180 days of service. Acceptable sources of verification include current or past deployment orders, notice of discharge or a document for the US Department of Veteran Affairs (DD-214 and DD-215).
☐	<u>Homeless Veteran Preference:</u> see above Homeless & Veteran Preferences for qualification and verification requirements. Both preferences must be met to qualify for the Homeless Veteran Preference.
<u>Other Preferences Approved by HUD:</u>	

Preferences have been applied, with HUD approval, only if they are consistent with HUD and applicable civil rights requirements.



Not applicable.

Section 4: Unit Transfers and Assistance Transfers

A Unit Transfer occurs when an existing household moves from one apartment to another within the same property. Moving to an apartment at another property cannot be considered a Unit Transfer, even if the other property is also managed by WinnResidential.

An Assistance Transfer occurs when HUD rental assistance moves from one apartment to another within the same property.

4A - Reasons and Eligibility for Assistance Transfers

An Assistance Transfer is only possible at a property that has both assisted and unassisted apartments and when rental assistance has become available because a formerly assisted apartment stopped receiving rental assistance. Rental assistance can end on an apartment when a family vacates the apartment or encounters a Subsidy Termination. Assistance transfers must be between two apartments that fall within the same Apartment type on the Rent Schedule (HUD form 92458). Assistance cannot be transferred from a family currently receiving assistance to an unassisted family.

Residents are eligible for an assistance transfer when the family residing on the property, in an unassisted apartment, when their income is at a level that qualifies for the assistance program.

Residents can request Assistance Transfers when:

- Their gross annual income is below the income limit for their family size; and
- Their adjusted annual income is at a level that will allow for an assistance payment.

Residents can request an Assistance Transfer by submitting an application when the external wait list is open. Management will place the family on the Wait List for the type of apartment they currently occupy once a request is received.

Families must complete an application and meet all program eligibility requirements in this Tenant Selection Plan to qualify for an Assistance Transfer. The family must complete the application process and provide all household composition and identity, income, asset, and student information and documents for their application to be approved before an Initial Certification can be finalized and rental assistance provided. Screening for credit and rental history will not be necessary. Criminal screening will be required for any adult household members who have not been previously screened. Screening for the Sex Offender Registry will be required for all adult household members.

4B - Reasons for Unit Transfers

In order to qualify as a unit transfer, the entire household must move to the new apartment, leaving the previous apartment vacant. Unit Transfers may occur for a variety of reasons, initiated by management or by residents.

Management Initiated Transfers

The initiation of a unit transfer will be based on any of the following criteria:

- The current apartment has become uninhabitable due to fire, condemnation or other reasons, which cannot be addressed within a reasonable time period.
- The current apartment is scheduled for rehabilitation work that cannot be addressed within a reasonable time period.
- The Apartment has special features which are required by another household, and which are not required by the current household.
- Administrative necessity, e.g., the family is over-housed.

Resident Initiated Transfers

Resident initiated transfers may be based on any of the following criteria:

- A reasonable accommodation has been approved for a transfer to another apartment type or location due to compelling and documented medical impairments, which are expected to be permanent or of long, continued and indefinite duration and which could be substantially improved by a transfer to another Apartment.
- The family is at risk due to domestic violence, dating violence, sexual assault, stalking, harassment or threatened violence.
 - General: The family is at risk of harassment or threatened violence.
 - VAWA: A statement that the resident reasonably believes that there is a threat of imminent harm from further domestic violence, dating violence, sexual assault or stalking if the resident were to remain in the same dwelling unit.
 - VAWA: The resident was a victim of sexual assault that occurred on the premises during the 90-calendar day period preceding the tenant's request for an emergency transfer.
- The family is under-housed.

4C - Eligibility for Unit Transfers

Resident initiated transfers require that the family be in good standing, which includes:

- a) Current on all payments due; and
- b) Current on all Annual Recertification requirements; and
- c) In full compliance with all lease provisions.

Management will consider extenuating circumstances in the event the family is not in good standing as a direct result of domestic violence, dating violence, sexual assault, or stalking.

Management may decline to transfer a family that has indicated an intent to vacate the apartment in the next 90-days or is under a residency termination or eviction.

In order to transfer, the family must cooperate with the unit transfer application and approval process to qualify for the unit transfer requirements of all applicable programs. Depending on the program and whether the new apartment is in a different building, project, or contract, program eligibility may need to be verified again.

"Over-housed" and "under-housed" status is based on the established Occupancy Standards, notwithstanding state and local building codes or ordinances that permit difference minimums and maximums based on square footage of the Apartment. Applicants are given the opportunity to select which wait list(s) they apply for. An applicant on multiple wait lists is given the opportunity to reject the offer of an apartment from one wait list and continue to wait for an apartment from another wait list. Once an apartment is accepted, the applicant will be removed from the wait list(s) for different sized apartments. If the resident determines that a different size would be a better fit but is not under-housed, the resident must re-apply and will be placed on the external wait list (if it is open) based on the date and time of the application. Example: A family that is on the wait lists for both a 2-bedroom and a 3-bedroom apartment accepts the 2-bedroom Apartment. That family must re-apply for the 3-bedroom external wait list (if it is open) and will be offered an apartment when their name reaches the top of the wait list (without a preference as an existing resident). The family will only be eligible for a transfer with an existing resident preference if there has been a change to household composition or there is a request for reasonable accommodation for a different sized apartment.

4D - Accepting Unit Transfer Applications

The Unit Transfer Wait List does not close. Unit Transfer Applications can be submitted during normal business hours.

Residents requesting a unit transfer for any reason other than those listed in the "Unit Transfer Reasons" section above can apply for the external wait list when it is open. Those applications will not be given priority as a unit transfer but will be processed as a unit transfer for file and system requirements.

When an existing resident, listed as an external applicant on the wait list, comes to the top of the wait list and the family occupies the new apartment, the paperwork for the

move will follow the transfer requirements for the applicable program(s). The certification submission will also follow the transfer requirements for the HUD and state agency software.

4E - Unit Transfer Wait List Placement by Apartment Type

Unit Transfer Applications will be placed on the wait list for the apartment size and types that will resolve the reason prompting the transfer.

Over and under-housed families will be placed on the wait lists for all of the apartment sizes that match their current household size.

Transfers for reasons other than Apartment size will be placed on the wait lists for their current apartment size and any larger sizes that match their current household size, unless they also request a smaller size.

At times, a smaller apartment may be the only apartment available for an urgent transfer. Management may transfer the family into the smaller apartment and then add them to the wait list as an under-housed family even if they are appropriately housed in the smaller apartment. These transfers will receive priority as an internal wait list.

For example, a family occupying a 2-bedroom apartment is transferred to a 1-bedroom Apartment due to an event that caused the original Apartment to be uninhabitable. The household composition makes the household eligible for both the 1-bedroom and 2-bedroom Apartments. The household will be placed on the wait list for a transfer to a 2-bedroom Apartment and given precedence as an internal transfer candidate in order to restore them to the original apartment size.

Section 5: Applications to Join Existing Households

All additions to the household are subject to a full re-determination of family eligibility and program screening standards following the same guidelines as an applicant family. This includes the disclosure and verification of identity, social security numbers, citizenship status, income, assets, and student status.

5A - Requests to Add Children to the Household

Children may reside in the apartment prior to receiving approval to be added to the family's certification. It is the family's responsibility to notify management and request an Interim Reexamination within 30 days. Children being added to the household of a current resident will be screened by the same process as children moving into the property with an applicant family. Management does not run credit and criminal background checks on minors.

The resident must disclose and provide verification of any income and assets that belong to the minor child. They must also disclose and provide verification of any income changes to other family members because of the addition of the child, e.g., a court order for child support, child support payments being received, adoption assistance payment, foster care payments, contributions to the family for the child, etc. The resident will have the opportunity to disclose and verify childcare, attendant care, or medical expenses for the child.

5B - Requests to Add Adults to the Household

No adult may move into a apartment without the approval of management. Adults requesting to be added to the household must pass the same screening as an adult member of an applicant household. This includes verification of identity, income, assets, student status, citizenship, and social security number. Credit and criminal screening and landlord references will also be obtained following the guidelines selected for the State and Property in this Tenant Selection Plan.

Section 6: Wait List Procedures

6A - Updating Applications with Changes

Management encourages the applicants to make all updates to the application in writing by mail or email or in person in the management office. Updates received by phone could be subject to data errors and should be confirmed with written communication.

It is the applicant's responsibility to provide current contact information to the management office. Mailing addresses, email addresses, and phone numbers should be updated immediately after a change.

6B - Management Correspondence to Applicants

Management will reach out by mail for annual status updates, notifications of availability, requests for interviews or documentation, and application denials.

Management may reach out to applicants by phone or email in order to expedite communication. Management will follow up by mail whenever the communication has an impact on applicant eligibility or wait list status.

6C - Annual Status Updates

Annually, applicants on the eligible wait list(s) are contacted to determine continued interest in remaining on the wait list. A letter is sent to the applicant's last known address, allowing the applicant thirty (30) calendar days to respond. If contact by the applicant is not made, or if the letter is returned, the applicant is removed from the waiting list.

6D - Steps for Applications at the Top of the Wait List

When available apartments are anticipated, management will contact the applicants at the top of the wait list to schedule an interview and request current documentation of income, assets, student status, and any other applicable criteria. Eligibility documents must be dated within 120 days of the move-in or initial certification.

Management will contact the applicant by **both** phone and mail. Applicants must respond to schedule their appointment within 14 business days of the date on the letter. Applicants failing to attend scheduled interviews or delaying the interviews more than 30 days from the date of the letter will be removed from the waitlist.

Section 7: Selection from Wait List and Apartment Assignment/Acceptance

When an apartment becomes available, management will offer the apartment to applicants from the wait list for that apartment type and size following the income targeting and preference guidelines listed below.

7A - Assigning Accessible Apartments

The wait lists for accessible apartments are separate from the wait list for standard apartments. Each type of accessible apartment has its own wait list.

When an accessible apartment becomes available, management will process applications from the accessible wait list for that apartment type and size following the below income targeting and preference guidelines.

In the event that an accessible apartment becomes available and there are no applicants on the accessible wait list, management will process applications from the standard wait list. Applicants without a need for an accessible apartment must sign an Addendum for Adapted Apartments when accepting an offer for an accessible apartment to confirm that they will move to a standard apartment if an applicant has a need for the accessible apartment.

For New York Properties: Accessible apartments can only be rented to households not needing the accessible characteristics after obtaining a waiver from NYSDHCR .

7B - Income Targeting

Income targeting does not apply to the Section 202 PAC, Section 202 PRAC, Section 811 PRAC and PRA, Section 221(d)(3) BMIR, or Section 236 programs.

Section 8 Project-Based Rental Assistance Only (Including Section 202, 231, and 515 with Section 8 assistance): Management must lease at least 40 percent of the apartments (assisted under the contract) that become available for occupancy in any project fiscal year to extremely low-income families at the time of move-in or initial admission.

An Initial Certification processed to provide Section 8 assistance to an existing resident participating in another program or residing in a market rate apartment at this property is counted for income targeting.

In order to determine the anticipated number of residents moving into the property or receiving assistance each year, an average of the past two years of turnover will be evaluated on an annual basis to estimate the likely number of admissions for the coming fiscal year. If the current wait list includes a significant number of extremely low-income applicants, management may be able to meet the 40% target with no additional procedures. Management will periodically review the composition of admissions to confirm that the 40% target will be met for that fiscal year. If management's periodic review reveals that admissions of extremely low-income applicants are below the 40% requirement, then management will begin a special selection method to meet the requirement. The 40 percent shall be met by alternating between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list.

To implement this method, management selects the first extremely low-income applicant on the waiting list for the available Apartment. This may mean "skipping over" some applicants with higher income levels. Then management will select the next eligible applicant (including applicants which may have been skipped over) currently at the top of the waiting list (regardless of income level) for the next available Apartment.

Applicants skipped over will remain in place on the waiting list in chronological order.

As subsequent Apartments become available, tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 40 percent target is reached.

7C - Preference Order

Existing residents take precedence over external applicants on the wait list unless they are transferring for a reason that is not listed below or are splitting a current household into two separate households.

Residents will be selected for a unit or assistance transfer based on the below preference order. The preference order applies to all wait lists. Applicants within each preference are selected based on the date and time that the application was received.

1. Uninhabitable apartment.
2. The current apartment is scheduled for rehabilitation work.
3. Verified need for an accessible apartment when the available Apartment is accessible.
4. The family is at risk in the current apartment or needs a reasonable accommodation – all categories weighted equally.
 - Verified medical reason or reasonable accommodation.
 - Risk of harassment or threatened violence.
 - VAWA threat of imminent harm.
 - The resident was a victim of sexual assault that occurred on the premises.
5. The Apartment has special features which are required by another household, and which are not required by the current family. (This can be moved up to priority 2 if the need for an accessible Apartment is from a transferring resident instead of a wait list applicant.)
6. The family is under-housed.
7. The family is over-housed. (This can be moved up to priority 5 if it would create availability of an apartment for an under-housed family. Example: Moving an over-housed family out of a 3-bedroom may make that 3-bedroom apartment available for an under-housed family in a 2-bedroom.)
8. Assistance transferring to an existing resident in an unassisted apartment.

External applicants will be selected based on the below preferences if the preference been selected for this property.

9. Displaced applicants
10. VAWA threat of imminent harm
11. Disability
12. Working preference
13. All other preferences are weighted equally.
14. All other applications without a preference are weighted equally.

7D - Accepting an Offered Apartment

Management will offer apartments to applicants based on chronological order of the wait list. An apartment will not be offered until the applicant has completed the application and screening process and is deemed eligible to move-in.

The applicant will be notified in writing by first class mail and phone [occurring the same day] and given fourteen (14) business days to accept or decline the apartment offered.

Once the offer is accepted, the applicant must complete the move-in appointment to accept possession of the apartment and sign the lease within thirty (35) calendar days from the original apartment offer or notification the apartment is ready for occupancy (whichever is later). Move-in appointments delayed beyond 30 days will be treated the same as refusal (request to be skipped).

In some states, conditional offers for a specific apartment may be provided before the credit and/or criminal screening process. A second offer letter will be provided when the application is approved. The second offer letter will start this timeline.

7E - Refusing an Apartment, Requests to be Skipped, and Delayed Move-In Appointments

"Refusing an apartment" includes: requests to be skipped on the wait list, failure to respond to offer letters, delaying move-in appointments beyond the period listed above, and refusing a specific apartment offer.

The applicant has the option of declining the first apartment offer and remaining on the waiting list in their original position.

Upon a second refusal, the applicant will have the option of remaining on waiting list. If the applicant chooses to remain on the waitlist the application will be placed at the bottom of the waiting list, using the second (2nd) refusal date and time as the new application date and time. A second failure to respond to an offer letter will result in the applicant being removed from the wait list.

Upon a third refusal, the application will be removed from the wait list.

Management may count a request to be skipped on the wait list as one refusal when there is more than one apartment available of the same size and type. Example: A 2-Bedroom applicant request to be skipped because more time is needed before moving. That single request will count as a single refusal even if there are several 2-bedroom apartments available.

An applicant may request to be skipped for a specific time period, not to exceed six months from the date of the request. This request will be counted as a single refusal.

Section 8: Program Eligibility and Screening Criteria

Program eligibility determines whether applicants are eligible for assistance. The program eligibility requirements and screening criteria are required by HUD for the programs at this property.

The apartment for which the family is applying must be the family's only residence. Applicants must agree to pay the rent required by the program under which the applicant will receive assistance. Applicants must be eligible to receive an assistance payment when qualifying for one of the subsidized programs.

Adult members of a family must sign consent forms and, as necessary, verification documents, so that management can verify sources of family income and family size. A family is ineligible if the adult members refuse to sign applicable consent and verification forms. All members of an applicant or resident family who are at least 18 years of age and each family head or co-head of household and their spouse, regardless of age, must sign and date:

- The (i) Notice and Consent for the Release of Information (Form HUD 9887) and (ii) Applicant's Tenant's Consent for the Release of Information (Form HUD 9887-A).
- Individual verification forms authorizing management to verify family income and other eligibility factors.

Families have the right to revoke consent by written notice to management; however, revoking consent will result in the denial of admission or termination of assistance effective at the next interim or annual reexamination, whichever is sooner.

Management complies with the federal Privacy Act as well as any state or local laws relating to confidentiality.

8A - Minimum Income Limits

Minimum income requirements do not apply to Section 8 programs and are waived for applicants with any project or tenant based rental assistance.

Section 236 and Section 221(d)(3) BMIR applicants who receive no other form of assistance, such as Section 8, may be screened for the ability to pay the Section 236 basic rent or the BMIR rent. The minimum monthly income is 3 times the monthly rent.

8B - Maximum Income Limits

Income limits vary by family size. Income limits are published based on the number of persons in the family (for example, 1 person, 2 persons, 3 persons) with increasingly higher income limits for families with more members. Once it is determined what the applicable

income limits are based on the type of subsidy in the property, management will determine the appropriate limits to apply to a family based on family size. In determining the appropriate income limits, management will include some individuals as part of the family but exclude others.

When determining family size for establishing income eligibility, management must include all persons living in the Apartment except the following:

- Live-in aides
- Foster children or foster adults
- Guest:

When determining family size for income limits, management must include the following individuals who are not living in the Apartment:

- a) Children temporarily absent due to placement in a foster home;
- b) Children in joint custody arrangements who are present in the household 50% or more of the time;
- c) Children who are away at school (including college) but who live with the family during school recesses.
- d) Unborn children of a pregnant family member.
- e) Children who are in the process of being adopted.
- f) Temporarily absent family members who are still considered family members. For example, management may consider a family member who is working in another state on assignment to be temporarily absent. Family members in the hospital or rehabilitation facility for periods of limited or fixed duration.
- g) Persons permanently confined to a hospital or nursing home. The family decides if such persons are included when determining family size for income limits. If included, they must not be listed as the head or co-head of household, or spouse on the lease or on the certification but may be listed as an other adult family member. Income received by these persons is included in the family income calculation.

When determining income eligibility, management must count the income of family members only.

The Project Based Section 8 Rental Assistance Projects and Section 202 with Section 8 Assistance Projects with HAP contracts initially effective prior to October 1, 1981, may admit families with income less than or equal to the low-income limit. Projects with HAP contracts initially effective on or after October 1, 1981, may admit families with income less than or equal to the very low-income limit. In accordance with the HUD Occupancy

Guidelines, applicants may be admitted with incomes up to the below limits as published by HUD on an annual basis:

- ☐ **Low-Income Limit** – Initial HAP contract was effective before 10/1/1981.
☒ **Very Low-Income Limit** – Initial HAP contract was effective 10/1/1981 or later.

Section 236, Section 202 without assistance, Section 202 PACs, and Section 202/811 PRACs funded in fiscal year 199r use the low-income limit. Section 202/811 PRACs except those funded in fiscal year 1995 use the very low-income limit.

The Section 221(d)(3) BMIR program uses the BMIR income limits which are 95% of the area median income.

The Section 811 PRA program uses the extremely low-income limit.

Current income limits can be found at <https://www.huduser.gov/portal/datasets/il.html>.

Income eligible families must also need the assistance. The amount the family would be required to pay using the applicable HUD rent formula must be less than the gross rent for the apartment or market rent for Section 236 projects.

8C - Asset Limitations

Asset Limitations only apply to the Section 8 Project-Based Rental Assistance Program.

Applicant families are not eligible for assistance if either of these two circumstances exist.

- The household net assets exceed \$100,000.00, as adjusted annually in accordance with the Consumer Price Index.
- The family owns real property/real estate that is suitable for occupancy by the family and does not meet one of these four exceptions. The real property restriction applies only when the family has the legal right to reside in or the effective legal authority to sell the real property.
 - The real property is jointly owned and occupied by a family member not residing with the applicant family.
 - The real property is receiving assistance under Homeownership option in 24 CFR part 982.
 - The real property is for sale.
 - The applicant family is requesting VAWA protections.

Real property is unsuitable for occupancy if it meets any of the below criteria:

- The property is not capable of meeting the disability-related needs of all members of the family.

- The property is not sufficient for the size of the family following the occupancy standards in this Tenant Selection Plan.
- The property is geographically located so that it creates a hardship for the family. The one-way commute to work or school exceeds the lesser of the (1) 45 minutes or (2) the average commute time of the geographic area by 50%.
- The property is not safe to reside in because of its physical condition.

These criteria apply to move-in or initial certifications of external applicants moving onto the property, existing residents requesting new Section 8 assistance, and existing residents transferring from a non-Section 8 apartment to a Section 8 apartment, existing residents requesting reinstatement of previously terminated assistance. Management is not enforcing the asset limitation for all families/households at interim or annual reexamination.

8D - Asset Verifications

At move-in or initial certification and every three years of residency, management requires full verification of net family assets.

8E - Identity Verification Requirements for Adults

Applicants must provide verification of the identity of all household members 18 years of age or older. Adequate documentation must contain the name and photograph of the individual along with identifying information of the individual. It also must be issued by a government agency with an identity verification process similar to the department in the state for getting a driver's license (Department of Motor Vehicles, Driver Services, etc.). The following items will be accepted:

- Driver's License
- Identification Card from the DMV
- Passport
- Military ID (cannot be photocopied)

The documentation will not be acceptable if it is not an original, appears to have been altered in any way, or forged. In these instances, alternate documentation may be requested.

8F - Identity Verification Requirements for Children

Management will verify the identity and date of birth of the child and that the child resides in the household at least 50% of the time. The following verification sources and types may be accepted:

- Birth Certificate showing that the child's parent lives in the household.
- Court Order showing that an adult in the family has custody of the child.
- Adoption paperwork showing that the child has been adopted by an adult in the family.
- Placement paperwork from a government agency showing that the child has been placed in the household.
- A notarized letter from the child's parent stating that the child is being placed into the custody of an adult in the family. If available, additional documents from a school or doctor's office will be needed to show the guardian and address of the child. The Birth Certificate is also required to confirm the name and date of birth of the child and to match the name of the child's parent with the letter.

8G - Social Security Number Requirements

Applicants must disclose social security numbers (SSNs) in order for management to make an eligibility determination. This paragraph explains the requirements and responsibilities of applicants or residents to supply owners with this information, the responsibility of owners to obtain this information, and the consequences for failure by either party.

Applicants must disclose a Social Security Number and provide adequate documentation to verify each Social Security Number for all non-exempt household members including live-in care attendants before they can be housed. If all non-exempt household members have not disclosed and/or provided verification of their Social Security Numbers at the time an apartment becomes available, the next eligible applicant must be offered the available apartment, and the following will occur:

1. The applicant who has not provided required Social Security Number information for all non-exempt household members has 90 days from the date they are first offered an available apartment to disclose/verify the Social Security Numbers.
2. During this 90-day period, the applicant may retain its place on the waiting list.
3. After 90 days, if the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

Exceptions to Disclosure of Social Security Number

The Social Security Number requirements do not apply to:

1. Individuals who do not contend eligible immigration status.
 - a. Documentation to support the exception to the requirements to disclose and provide verification of a Social Security Number will be each applicant's

- Citizenship Declaration whereby the individual did not contend eligible immigration status.
- b. For programs where the restriction of assistance to non-citizens does not apply, applicants who do not contend eligible immigration status must sign a certification to support exception to the Social Security Number requirement.
 2. Individuals age 62 or older as of January 31, 2010, whose initial program eligibility began before January 31, 2010.
 - c. The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
 - d. Documentation that verifies the applicant's exemption status must be obtained from the management agent of the property where the initial eligibility was determined prior to January 31, 2010.
 3. A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission. The family 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 must be granted when the failure to provide documentation of SSN is due to circumstances that are outside the control of the family. If the family does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD states that the management agent may terminate tenancy.

8H - Acceptable Verification of Social Security Numbers

If an applicant claims to have a Social Security number but cannot produce a Social Security Card as documentation for any non-exempt household members, HUD allows for other acceptable forms of verification as long as it is an original document issued by a federal or state government agency which contains the name and SSN of the individual along with identifying information of the individual. The documentation will not be acceptable if it is not an original, appears to have been altered in any way, or forged. In these instances, alternate documentation may be requested.

Individuals who have applied for legalization under the Immigration and Reform Control Act of 1986 will be able to disclose the social security numbers, but unable to supply the cards for documentation. Social security numbers are assigned to these persons when they apply for amnesty. The cards go to the Department of Homeland Security (DHS) until the persons are granted temporary lawful resident status. Until that time, their acceptable documentation is a letter from the DHS indicating that Social Security Numbers have been assigned.

8I - Citizenship/Non-Citizen Status Requirements

Only U.S. citizens or nationals and eligible non-citizens who have eligible immigration status as determined by HUD may receive assistance under Section 8, Section 236, 515 with Section 8, and Section 202 with Section 8 programs.

- a) All applicants for assistance are given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application.
- b) Management will arrange to provide the notice in a language that is understood by the individual if the person is not proficient in English and request a Family Summary Sheet be completed for each household.
- c) All family members, regardless of age, must declare their citizenship or immigration status on a Declaration of Citizenship form.
- d) Applicants must provide a birth certificate or U.S. Passport for all family members claiming U.S. Citizenship.
- e) Non-citizens (except those age 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Non-citizens age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship and provide verification of U.S. citizenship.
- f) A mixed family—a family with one or more ineligible family members and one or more eligible family members—may receive pro-rated assistance, continued assistance, or a temporary deferral of termination of assistance.
- g) Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.

Timeframes for Submitting Evidence of Citizenship/Immigration Status to Management

Applicants must submit required documentation of citizenship/immigration status no later than the date management initiates verification of other eligibility factors. Assistance will not be delayed to obtain verification of citizenship/immigration status if the family has provided immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. Management will follow HUD guidelines related to providing rental assistance during the immigration verification process.

If the applicant cannot supply the documentation within 30 days management will grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation.

Management will inform the applicant in writing if an extension request is granted or denied. If the request is granted, management will include the new deadline for

submitting the documentation. If the request is denied, management will state the reasons for the denial in the written response. , Applicants will be treated consistently when granting or rejecting extensions.

Verifying Immigration Status

Management will collect documentation of immigration status, for each family member, from the list of DHS approved documents provided on the Citizenship Declaration form. The validity of the immigration documents provided will be verified using the SAVE program or by submitting a completed Document Verification Request, Form G-845S, with copies of immigration documents, to the local immigration office.

8J - Student Requirements

A student's eligibility for Section 8 Assistance must be determined at move-in or initial certification, annual recertification, and at the time of an interim recertification if one of the family composition changes reported is that a family member is enrolled as a student.

Section 8 Project Based Rental Assistance and Section 811 PRA Programs: Assistance shall not be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate or other program leading to a recognized educational credential (as defined under Section 102 of the Higher Education Act of 1965) who does not meet **one of** the below exceptions:

- Is age 24 or older.
- Is married.
- Is a veteran of the United States Military or on active duty for other than training (e.g., not Guard or Reserve).
- Has a dependent child.
- Is a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was receiving Section 8 assistance as of November 30, 2005.
- Was verified during the school year as either an unaccompanied youth who is homeless or at risk of homelessness and is self-supporting, as verified by one of the following.
 - a. A local educational agency's homeless liaison.
 - b. The director or designee of a program funded under the Runaway and Homeless Youth Act.
 - c. The director of a program funded under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act; or
 - d. A financial aid administrator.
- Is living with parents who are receiving Section 8 assistance.

- Is individually eligible to receive Section 8 assistance **and** has parents who, individually or jointly, are income eligible to receive assistance under Section 8 of the United States Housing Act of 1937.

For a student to be eligible independent of his or her parents (where the parent's income is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. **All four** of the following criteria must be met for the student to receive assistance independent of his or her parents:

1. Be of legal contract age under state law.
2. Certify that the student was not claimed as a dependent by parents or legal guardians on their most recent tax return.
3. Provide a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing support. This certification is required even if no assistance will be provided.
4. Meet **one of the two** following criteria:
 - A. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy by providing, documented by **all** of the following:
 - Verification of previous address information to confirm a separate household.
 - Copy of student's prior year tax returns to verify independence.
 - Written certification of support or non-support from the parent(s).
 - B. Meet the U.S. Department of Education's definition of an independent student by meeting **one or more** of the following criteria:
 - The student will be at least 24 years old by December 31st of the award year for which aid is sought.
 - The student was an orphan or ward of the court through the age of 18.
 - The student has legal dependents other than a spouse.
 - The student is a graduate or professional level student.
5. Verification of independence is not required if the student is an orphan, in Foster Care, a ward of the court from age 18, emancipated or under legal guardianship, homeless or at risk of homelessness, whereby the student is considered "vulnerable youth" and automatically considered an "independent student".

Section 221(d)(3) BMIR, Section 236, Section 202 PAC, Section 202 PRAC, Section 811 PRAC Programs: The student must meet **all** of the following criteria to be eligible. The student must:

1. Be of legal contract age under state law.
2. Certify that the student was not claimed as a dependent by parents or legal guardians on their most recent tax return.
3. Provide a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing support. This certification is required even if no assistance will be provided.
4. Meet one of the two following criteria:
 - A. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy by providing, documented by **all** of the following:
 - Verification of previous address information to confirm a separate household.
 - Copy of student's prior year tax returns to verify independence.
 - Written certification of support or non-support from the parent(s).
 - B. Meet the U.S. Department of Education's definition of an independent student by meeting **one or more** of the following criteria:
 - The student will be at least 24 years old by December 31st of the award year for which aid is sought.
 - The student was an orphan or ward of the court through the age of 18.
 - The student has legal dependents other than a spouse.
 - The student is a graduate or professional level student.

8K - EIV Existing Tenant Search

A family is eligible for assistance only if the apartment will be the family's only residence. Assistance can only be received in one apartment.

Management will use the HUD Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household, including live-in care attendants, is currently receiving HUD assistance at another location. The Existing Tenant Search report will be processed for all applicants prior to occupancy. Subsidy will not be paid for the applicant household until it has been terminated in the former location. This report will be used to coordinate the move-out and move-in dates with the other assistance provider.

Section 9: Property Eligibility and Screening Criteria

Eligibility is a determination that an applicant family meets all of the criteria for the type of subsidy/program(s) available at the property. Screening is a determination that an otherwise eligible family has the ability to pay rent on time and to meet the requirements of the lease.

Property eligibility establishes whether applicants are eligible to reside in the specific apartment community to which they have applied. Three things may affect the match between an applicant and the applicant's eligibility for occupancy in this property.

1. The extent to which all or some of the apartments in the property are designated for specific family types, such as those who are elderly or disabled. Those designations can be found in the property details and general information at the beginning of the Tenant Selection Plan.
2. The property's occupancy standards (below) and apartment sizes available in the property compared to the family size.
3. In some instances, the family's intention to lease using a housing-choice voucher subsidy that may be used for some programs and not with others.
 - a. A family cannot receive more than one assistance payment. If the apartment is assisted under a project-based contract, then the housing-choice voucher cannot also provide assistance. Applicants can give up the housing choice voucher prior to occupancy in an assisted apartment. If the family later moves out of the property, the project subsidy will not move with the family as it does with a voucher.
 - b. Housing Choice Vouchers may be used on apartments that are not assisted. This will be available when the property has both assisted and unassisted apartments. It is also available with the Section 236, 221(d)(3) BMIR, and Section 202 programs when they are not coupled with a Section 8 contract.

Screening for suitability is used to help ensure that families admitted to the property will abide by the terms of the lease, pay rent on time, take care of the property and apartment, and allow all residents to peacefully enjoy their homes. The criteria considered in processing applicants for available apartments is described in the following sections. Screening criteria is applied uniformly to all applicants.

Management will consider extenuating circumstances involving the screening criteria if an adverse factor is a direct result of domestic violence, dating violence, sexual assault or stalking, as defined in VAWA.

9A - Occupancy Standards

Listed below are minimum and maximum numbers of persons for each apartment size, notwithstanding state and local building codes or ordinances that permit different minimums and maximums based on square footage of the apartment:

Size of Apartment	Minimum	Maximum
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Studio/Efficiency	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	5	10
6 Bedrooms	6	12

9B - Age and/or Disability Restrictions

The elderly and disability definitions for this property are attached. Disability definitions for program eligibility are different than the disability definition for civil rights protections.

Under the Section 202 with Section 8, Section 202 PAC, and Section 811 Programs, property eligibility may be limited to persons qualifying under a specific disability category.

☐ This provision applies under the categories:		
☐ Persons with physical disabilities	☐ Chronically mentally ill individuals	☐ Developmentally disabled individuals

9C - Screening for Drug-Related or Criminal Activity and Status on a Lifetime Sex Offender Registry

Screening for drug-related or criminal activity and status on a lifetime Sex Offender Registry is conducted in accordance with HUD policies, The Fair Housing and Equal Opportunity Act, and state and local laws. Only records of conviction, not records of arrests, will be considered for the screening process. With the exception of the requirement to register for a lifetime Sex Offender Registry, screening for criminal convictions will be limited to a three year look back period. Management will ensure that the relevant time periods are uniformly applied to all applicants in a non-discriminatory manner and in accordance with applicable fair housing and civil rights laws.

All adults who will reside in the apartment are subject to the same screening process and criteria at the time of the initial occupancy by the household or when an adult joins the household. Screening should be conducted within the 120-day period before the admission date. Non-family household members (i.e. live-in-aides and foster adults), police officers or other security personnel, and management personnel that reside in subsidized apartments are subject to the same screening criteria as other applicants.

The applicant's failure to disclose criminal history that would be material to an admissions decision could result in the denial of the application and may be considered during the individualized assessment.

Screening for Drug-Related or Criminal Activity and Status on a Lifetime Sex Offender Registry is not conducted for household members who are not adults. That screening will be conducted with the first recertification or lease signing after they turn 18.

Management will use the Dru Sjodin National Sex Offender Registration to document sex offender registration for resident households. This screening includes a multi-state sex offender search, in all states in which any household member has resided, processed through a credit reporting agency. Applications will be denied if applicant or any member of the applicant's household is subject to a lifetime sex offender registration unless the family agrees to remove the ineligible individual from the household.

- a. If the family is unwilling to remove that individual from the household, admission will be denied to the household.
- b. If the family agrees to remove the ineligible household member from the household, steps to document an established alternate residence for the ineligible household will be undertaken. Such documentation may include:
 1. A copy of the rejected household member lease at an alternate address;
 2. Documentation of newly established utility accounts for the ineligible household member, or;
 3. A copy of a state-issued identification or driver's license identifying the alternate address.

Existing residents will be asked at each annual recertification if any member of the household is subject to a lifetime sex offender registration in any state. If any household member is found to be enrolled in a lifetime sex offender registration program, termination of tenancy or assistance for the household will be pursued, unless the Individual household member is removed from the household. The same methods of documentation as above will be undertaken to verify removal of the individual from the household and the establishment of a new residence.

This screening criteria is required by HUD to prohibit the admission of individuals who have engaged in drug-related or criminal activity. Management will prohibit admission of:

1. Any household member who is subject to a State sex offender lifetime registration requirement.

2. Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity.

The owner may, but is not required to, consider two exceptions to this provision:

- (1) The evicted household member has successfully completed a substance use treatment service; or
 - (2) The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
3. A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents; and
 4. Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.

This screening criteria is allowed by HUD and management has adopted to prohibit admission if it is determined that any adult household member has been convicted of any of the following activities within the timeframe specified below:

1. Drug-related criminal activity as evidenced by drug-related convictions.
2. Violent criminal activity as evidenced by convictions that involved physical violence to people or property, or adversely affected the health, safety, and welfare of other people.
3. Other criminal activity that threatens:
 - a. the health, safety, and right to peaceful enjoyment of the property by other residents or
 - b. the health and safety of the owner, employees, contractors, subcontractors, or agents of the owner who is involved in the housing operations.

Notification of Criminal Record:

Before management prohibits admission based on criminal activity the household will be notified of the proposed action and provided a copy of any relevant criminal record. The report will be sent to the subject of the record and the applicant (except where otherwise prohibited by law) no less than 15 days prior to notification of the denial.

During the 15-day period, management will provide the household and the subject of any record an opportunity to dispute the accuracy and relevance of that record. Management will provide the household the opportunity to present any relevant mitigating information. An individualized assessment will be conducted prior to the final determination that

considers circumstances relevant to a particular admission decision. The 15-day notice will include management contact information for the applicant household to schedule an individualized assessment and to submit any relevant supporting documentation. Mitigating information may include but is not limited to the circumstances referenced below.

Individualized Assessment:

Before denying admission based on a criminal record, criminal activity, illegal drug use, or alcohol abuse, management will conduct an individualized assessment that takes into account circumstances relevant to a particular admission decision. The circumstances relevant to a particular admission decision include but are not limited to:

- a. The nature and circumstances of the conduct in question, including:
 - (i) The number of convictions for the individual
 - (ii) The seriousness (nature and severity) of the offense
 - (iii) The age of the individual at the time of the most recent conviction
 - (iv) The extent to which the conduct bears on suitability for tenancy
 - (v) The length of time that has passed since the conduct
- b. The extent to which the applicant or relevant household member has taken actions to mitigate the risk that admission of the individual would adversely affect the health, safety, and peaceful enjoyment of the premises by other residents, the owner, or property employees.
 - (i) Evidence of post-conviction rehabilitation
 - (ii) Evidence of treatment/recovery
 - (iii) Employment or community involvement since the conviction
 - (iv) Positive housing history before and/or after the conviction
- c. Mitigating circumstances related to a medical condition of a household member.
- d. Reasonable accommodations to persons with disabilities: i.e., disregarding the conduct or record if it was disability related.

Guidance provided by States or localities regarding different look back periods as outlined below will be followed in lieu of a three year look back cap. Additional state and local regulations offering protections or opportunities to applicants will be followed.

New York Properties Only: In compliance with the Housing Stability and Tenant Protection Act of 2019, WinnResidential will only consider convictions for offenses that:

1. Involved physical danger or violence to persons or property or that adversely affected the health, safety and welfare of other people, and
2. That fall within the relevant lookback period, and
 - a. One year for misdemeanors,
 - b. Five years for felonies based on evidence of rehabilitation and good conduct.

3. Occurred after the applicant reached 18 years of Age.

It is unlawful to inquire about or deny housing to an applicant based on:

- Prior arrests or convictions resolved in the applicant's favor
- Youthful offender adjudications
- Pending arrests with adjournments in contemplation of dismissal
- Convictions that have been sealed

Automatic bars to housing include only:

- The applicant was convicted of producing methamphetamine in the home, or
- The applicant is required to be a lifetime registrant on the Sex Offender Registry.

For all other convictions management will conduct an individualized assessment. In the assessment no one factor can be considered in isolation; the entirety of factors must be considered. In the event a negative report is received the *"Worksheet for Assessing an Applicant's Criminal Legal System History for State-Funded Housing"* will be completed per FEHO and HCR guidelines before a final determination is made. Applicants will be given the opportunity to provide evidence of mitigating factors before a final determination is made.

A reputable background check company will be used to conduct criminal background checks. This Tenant Selection Plan contains the policies and procedures for the background check and the applicant's right to appeal.

9D - Screening for Credit and Rental History

Applicants will be screened for eligibility prior to occupancy using Realpage LeasingDesk Scoring, a rental scoring system that weights credit factors such as tradelines, FICO, payment history, and rental history to provide a LeasingDesk Score. *Medical and student bills* are filtered out of the scoring. Credit and rental history represent an estimated level of risk in meeting lease obligations for each applicant.

A poor rental history may be considered during the screening process. Applicants will not be rejected for a lack of a rental history. In the event of a denial or other adverse action the applicant has the right to obtain a free copy of the credit or consumer report used for the denial.

☒ Landlord references are also used for rental history screening. A landlord reference may be requested for any rental residence of an adult applicant from the previous 3 years.

New York Properties Only: Applicants will be given the opportunity to provide proof of 12 month's good rent payment in lieu of having a credit screening report processed. Credit screening reports will not be processed for applicants with rental assistance. In the event a negative report is received the "Individualized Assessment Credit Worksheet: Applying New York State credit Policy for Applicants to State-funded Housing" will be completed per FEHO and HCR guidelines before a final determination is made. Applicants will be given the opportunity to provide evidence of mitigating factors before a final determination is made. New York properties will limit consideration of landlord comments or references to material violations of the terms and conditions of the lease.

Section 10: Procedures for Rejecting Ineligible Applicants

Rejected applicants will be notified in writing of the reason for rejection and of their right to appeal in accordance with the written Grievance and Appeal Procedure. The written rejection notice will include:

- The stated reason(s) for the rejection.
- The applicant's right to respond to management in writing or request a meeting within 14 business days to dispute the rejection.
- That persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.
- If a credit or consumer report was used for the denial, the name and contact information of the credit or consumer reporting agency and a statement of the applicant's rights to obtain a free copy of the credit or consumer report in the event of a denial or other adverse action.
- Form HUD-5380, Notice of Occupancy Rights under the Violence Against Woman Act.
- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation.
- **New York Properties:** Rejected applicants will receive HCR's "[Know Your Rights](#)" materials twice, once when the negative history is discovered and again with the rejection letter.

10A - Conditions Under Which Applications May be Rejected

The criterion for rejecting an application includes:

- Failure to meet the program income, asset, or student limits.

- Failure to provide necessary documentation that enables management to determine eligibility.
- Ineligible to participate in the programs applicable to the apartment.
- Ineligible to receive a subsidy/assistance payment under the programs applicable to the apartment.
- Failure to meet credit, rental history, or criminal screening requirements.
- Failure to respond to contact and/or requests from management representatives.
- Failure to sign and submit verification consent forms, disclose required information, or provide required documentation.
- Failure to provide accurate or complete information on the application forms.

10B - Appeal of a Rejected Application

Applicants have the right to dispute any information relied upon by management that is inaccurately or incorrectly attributed to the applicant or is based upon management's use of prohibited criteria. The applicant has the right to receive a response from management regarding any information disputed by the applicant.

Requests to appeal a decision to deny housing must be made, in writing, to management within 14 business days of the notice of rejection. Within 15 days of the receipt of the request for appeal a meeting will be scheduled between the applicant and a management representative who was not involved in the original decision to reject the application. The meeting will be held at a time and location convenient for both parties.

Applicants will have the right to request Reasonable Accommodations for the appeals process. Applicants will have the right to have an advocate present for any in person meeting held to consider extenuating circumstances. Applicants will have the opportunity to present evidence to support reversal of the original application rejection at the appeals meeting. Interpreting services will be made available for applicants who are not proficient in the English language. VAWA protections will be extended when considering extenuating circumstances related to the rejection of an application.

The applicant will be notified, in writing, of the appeal decision within 5 business days of the appeals meeting. Applicants whose original adverse action is not overturned during the appeals process have the right to request review by HUD.