

# Resident Selection Plan

**Red Alder Residences  
2200 Henderson Street  
Helena, MT 59601**

**August 2018**

Red Alder Residences is a Tax Credit property that is administered by the Section 42 of the IRS Code and is designated to attract applicants for occupancy from all potentially eligible groups of people in the housing area regardless of race, color, religion, sex, national origin, disability, and familial status. Red Alder is also subject to the requirements of the HOME Program and the Housing Trust Fund (HTF) Program. The property has one, two, and three bedroom units available for rent to individuals and families who are income eligible. To be eligible for occupancy at this property, there must be a match between the applicant's family size and the unit size available in the property.

## **Management Agent**

This property is managed by Rocky Mountain Development Council, Inc. PO Box 1717, Helena, MT 59624. For any questions, please call 406-447-1680.

## **Purpose of Plan**

The purpose of this Resident Selection Plan is to establish guidelines for the selection of residents from a pool of applicants in accordance with Tax Credit, HOME, and HTF Program regulations, and state/federal civil rights and fair housing legislation, and to preclude admission of applicants whose habits and practices would have a detrimental effect on other residents, the property, or the neighborhood environment. To enhance the quality of life for all resident families, and to improve financial viability of the property, the plan also implements policies and procedures for all residents after they have been selected for occupancy that take into account the continued mission of providing a safe, sanitary, and comfortable living environment for the tenant body as a whole.

## **Availability of Plan**

The Resident Selection Plan is available to the public upon request. It will be posted in a common area of the management office at the address listed above. It may be reviewed during normal office hours.

## **Modification of Plan**

Management will review this Resident Selection Plan at least once annually to ensure that it reflects current operating practices, program priorities, and Tax Credit/HOME/HTF requirements. If the property feels the plan needs to be modified in any way, a notice of such notification will be provided by mail to applicants on the waiting list. For this reason, the current Resident Selection Plan in place at the property will always be dated.



# I. Fair Housing and Equal Opportunity Requirements

## **Non-Discrimination**

It is the policy of this property to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII, and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants, or staff which may subsequently be enacted.

The property will not discriminate on the basis of race, color, sex, religion, age, handicap, disability, or national origin in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, the property will not:

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

The property shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

## **Section 504 of the Rehabilitation Act of 1973**

It is the policy of this property to assure that qualified individuals with disabilities are not discriminated against on the basis of their disability. The property also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at the property.

### **Reasonable Accommodations**

The property will seek to identify and eliminate situations or procedures that create a barrier to equal opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, the property will make reasonable accommodation for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services at this property where such modifications would be necessary to afford full access to the housing program for qualified individuals with disabilities.

In reaching a reasonable accommodation with, or performing structural modifications for otherwise a qualified individual with disabilities, the property is not required to:

- Make structural alterations that require the removal or altering of a load bearing structural member;
- Provide support services that are not already part of its housing programs;
- Take any action that would result in a fundamental alteration in the nature of the program or service;
- Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).



**Information Regarding Disabilities**

The property ensures that any questions related to disability information on the application for housing have to do with program eligibility. It is not required that any information regarding a possible disability be revealed other than for program eligibility requirements.

**Neutral Policies**

The property will make reasonable adjustments to rules, policies, practices, and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common areas of a dwelling, or to participate in or have access to other activities conducted or sponsored by management.

**Auxiliary Aids to Ensure Effective Communication**

The property will seek to effectively communicate with applicants, residents, and members of the public who are individuals with disabilities. The use of auxiliary aids will be implemented when necessary. The property asks for 7 days’ notice in order to make any service, meeting, interview, appointment, or any business accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, readers, interpreters, large print or Braille applications, leases, and other information/communications, recordings of such information, and a community room television that provides closed-captioning service.

**Assistance Animals**

The property will allow assistive animals which are defined as animals that work, provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support to alleviate identified symptoms or effects of a person’s disability. These animals, often referred to as service animals, support animals, or therapy animals, perform many disability-related functions, including, but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. No pet deposit is required for assistive animals.

**Accessible Route**

For mobility-impaired persons, this property is an accessible facility on an accessible route. Documents that resident would like to review may be examined during regular business hours. Please contact the management office to make arrangements to examine any documents.

**Reasonable Modifications**

The property will permit residents with disabilities to make reasonable modifications to their individual units or common areas at the resident’s own expense. When the resident vacates the unit, s/he must agree to restore the premises to the condition that existed before the modification, if requested by the property. The property will not require this restoration if the modification benefits the property or is needed by another resident.

To ensure with reasonable certainty that funds will be available to pay for restoration at the end of the tenancy, management will negotiate as part of such restoration an agreement requiring that the resident pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money, not to exceed the cost of the restorations. The property will require that the work be done in a workman like manner, utilizing licensed contractors, and that any required building permits will be obtained.

**Equal Access**

The property will provide assistance in a confidential manner and setting to insure equal access to a resident’s documents. An individual with disabilities is responsible for providing his/her own transportation to and from the location to and from the location where all documents are kept.



## Civil Rights Related Program Requirements

### Limited English Proficiency (LEP)

Executive Order 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English. Management has taken steps to ensure meaningful access to the information and services that we provide for persons with limited English proficiency, by providing interpreter services and/or written materials translated into other languages.

### **Mitigating Circumstances**

Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be given to all persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact the property immediately to schedule a meeting.



## II. Privacy Policy

### Personal Information

It is the policy of the property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by the property. Management has established safeguards to deter any of its agents or employees from disclosing or inappropriately inspecting such documents.

#### **PRIVACY ACT 5 U.S.C 552a—Key Statutory Provisions**

Management, in compliance with the Privacy Act, is fulfilling its fiduciary responsibility by providing the following:

##### **Individual Notice**

Individuals are hereby given notice of the authority given by the Tax Credit Program for management to obtain income information on all individuals applying to or currently living at the property. The principal purpose(s) for which the information is being collected and used is to determine eligibility. Each applicant/tenant gives their consent to the release of information by signing individual verification and consent forms that apply to them. It is a requirement to sign these forms at the time of move-in, annual re-certifications, and initial certifications. The effect on an individual for not signing the forms will be denial of residency for an applicant and termination of residency for a tenant.

### Information on Disabilities

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on an applicant's/tenant's disability will be treated in a confidential manner.

### Investigation into Fraud/Criminal Activities

This privacy policy is not intended to preclude the cooperation of management/agent with local, state, or Federal investigations into fraud or criminal activity. With proper identification, the property is permitted to advise the investigation officer whether or not an individual is a resident, how long an individual has been a resident, and any other appropriate answers to questions related to the investigation. The property will not make files, forms, or documents available to the investigating officer unless a court order for such action is provided.



### III. Qualifying for Admission Under Program Eligibility Requirements

#### Defining Program Eligibility

Program Eligibility Determines whether applicants are eligible for the Tax Credit, HOME, and HTF Programs. The property will not admit ineligible applicants. In order to be eligible, a family must meet all of the following tests:

#### Income Limits

Household income limitations are determined based on the area's median gross income (AGMI) as determined by HUD. Each year, HUD adjusts the area's median household income based on a variety of factors such as the area economy and household growth. Income limits are based on family size and the annual income the family receives. These limits are available for review at the site or management office. The property will determine income eligibility prior to approving any applicant for tenancy. Once the applicant moves into the property, this income eligibility test will not be done again unless the resident's income exceeds 140% of the applicable income limit. Applications must have an income test that is not greater than the maximum income limits established by HUD, and as published annually in the Federal Register. All units are available to families who are below 30% of the Area Median Income based on family size.

#### Authorization for Release of Information and Verification Forms

##### Individual Verification Forms

In addition, all adult members of an applicant or tenant family must sign individual verification forms authorizing management to verify certain family income or assets, and other applicable eligibility factors. Both the consent forms and the verification forms protect the rights and privacy of tenants and applicants by allowing them to have control over any information collected about them.

#### Only Residence

Applicants must agree that their rental unit will be their only residence. When applicants are undergoing income limit tests, they are required to reveal all assets they own including real estate. They are allowed to own real estate, whether they are retaining it for investment purposes as with any other asset, or have the property listed for sale. However, they may never use this real estate as a residence while they live in a Tax Credit Property.

#### Rent Formula

The Applicant/Residence will pay no more than 30% of the Applicable Unit Income Limit minus a Utility Allowance established by the HUD Utility Model based on unit type and size.

##### Annual Recertification Policy

Applicants must understand and agree to the Tax Credit/HOME/HTF requirement of an annual recertification annually to provide information about the family income and circumstances per lease agreement and program description. In addition, tenants must understand and agree to sign a Student Certification annually.

##### Notification Policy

The property will inform residents through, through required written notices, about their responsibility annually to provide information about the family's income, which is necessary to properly complete a recertification.

#### Eligibility under the Student Rule

Tax Credit units cannot be occupied by households entirely comprised of full-time students no of whom are eligible to file a tax return jointly. A full time student as defined by the IRS is an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins, is a full-time student at an educational organization described in IRC §170( b)(1)(A)(ii). The 5 calendar months need not be consecutive.



### **Exceptions**

- One full time student is receiving assistance under Title IV of the Social Security Act
- One full time student was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or part E of the Social Security Act
- One full time student is enrolled in a job training program receiving assistance under the Job Training Partnership Act or under similar state or local laws
- Single parents and their children and such parents are not the dependent of another individual and such dependents are not dependents of another individual other than a parent of such children
- Married and file a joint tax return

All households must have their student status re-examined annually. If the household becomes a full time student household, they are required by the Tax Credit Program to move out.

### **Verifying Information**

The applicant must agree to furnish any information required to verify eligibility including all sources of income, assets, and certain expenses. Applicants are hereby informed that, by law, the penalties for false information may include eviction, loss of assistance, fines up to \$10,000, and imprisonment up to five years. The applicant must understand that a final decision of eligibility cannot be made until all verifications are complete. Management must explain all program requirements to applicants, including the following verification procedures:

#### **Individual Verification Consent Forms**

In addition to the Authorization for Release of Information and the appropriate Consent Forms indicated earlier, applicants must sign Individual Verification Forms that have been designed by management for obtaining documentation from third parties, to verify and applicant's income and deductions for determining the rent.

#### **Verification Documentation**

Documentation used as part of the verification process may include checklists completed and signed by the applicant, verification forms completed and signed by third parties, dated notes of interviews with third parties whether by phone or in person, documents provided by family members, or affidavits/certifications supplied by the applicant. Management will be the final judge of the credibility of any verification submitted by an applicant.

#### **Preferred Forms of Verification**

Verifications must be attempted in the order indicated below. Each file will be documented to show that management attempted to obtain third party written documentation before relying on some less acceptable form of information.

- Third party written;
- Third party oral with a record kept in the file;
- Review of documents provided by the family, or
- Affidavits from the family

### **Attempted Fraud**

Any information provided by the applicant that is later proven to be untrue by verification may be used to disqualify the applicant for admission on the basis of attempted fraud. Fraud is defined in Part 8-13A of HUD Handbook 4350.3 REV-1 as an applicant/resident knowingly providing inaccurate or incomplete information. Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis to exclude applicants. Management considers false information about income, assets, family composition, Social Security numbers, allowances, and previous resident or criminal history to be grounds for rejecting an applicant.



## IV. Qualifying for Admission Under Project Eligibility Requirements

### Defining Project Eligibility

Project Eligibility establishes whether or not applicants are eligible to reside in the specific property to which they are applying. This property has units to serve individuals and families. The Occupancy Standards listed below take into consideration not only family type, but also family size and what unit sizes are available in the property. It is possible that a family might be eligible under Tax Credit Requirements, but would not be eligible under the unit size requirements of this particular property.

### Occupancy Standards

When applying to the property, the appropriately sized unit must be in the unit configuration within the development. Units are assigned according to family size and composition. If the appropriate size is not available at the time of application, the applicant will be put on a waiting list. To avoid over-crowding, and in order to be consistent, we have adopted the following occupancy standards:

<u>Bedroom</u>	<u>Minimum</u>	<u>Maximum</u>
1	1	3
2	1	5
3	1	7

### Defining Persons with Disabilities

- Any adult having a physical, mental, or emotional impairment that:
  - Is expected to be of long, continued and indefinite duration;
  - Substantially impedes the person's ability to conduct the activities of daily living;
  - Is such that the person's inability to conduct the activities of daily living could be improved by more suitable housing conditions
- A person having a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, that is a person with a severe chronic disability which:
  - Is attributable to a mental and/or physical impairment or combination of mental and physical impairments;
  - Was manifested before age 22;
  - Is likely to continue indefinitely;
  - Results in substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and responsive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and;
  - Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- A person with a chronic mental illness that is a person who has a severe and persistent or mental emotional impairment that seriously limits his/her ability to live independently, and whose impairment could be improved by more suitable housing conditions.

**NOTE:** A person whose sole impairment is alcoholism or drug addiction will not be considered to be disabled for the purposes of occupancy.

### Assigning Units for Persons with Physical Disabilities

The property will always give a family that has indicated a need for certain unit accommodations because of a disability, the opportunity to benefit from the Tax Credit Program in place at the property. The property asks the family to decide for itself, in compliance with Section 504 of the Rehabilitation Act, whether a unit meets the needs of the family. The property will notify the household whenever any unit becomes available, without regard to unit accessibility. The property will never prohibit an eligible family with a member who has a disability from accepting





a suitable non-accessible unit if no accessible unit is available when the family reaches the top of the waiting list. If the applicant decides to accept a standard unit, s/he may request some modification to the unit as a reasonable accommodation.

#### **Assigning Accessible Units**

If a unit becomes available that has either been made accessible under Section 504, or was originally designed for disabled households when the property was approved for funding, the property will first offer the unit to an individual with disabilities who is currently residing in a non-accessible unit who requires the features of the unit. If there is no such current resident, the property will offer the unit to the next qualified applicant on the waiting list who needs the features of the accessible unit.

When neither a current resident nor a qualified applicant require the features of an available accessible unit, the property will offer the unit to another resident or applicant, and will incorporate as an addendum to the lease and agreement that the resident will move to a non-accessible unit within the property when one becomes available. This addendum will also cover whether the resident or the property will pay for the cost of such a move.

#### **Reasonable Accommodation**

This property will consider requests for reasonable accommodations from applicants/residents with disabilities, in order that they may benefit from the use and enjoyment of the dwelling units. The applicant/resident must be able to show that the requested accommodation is necessary, and that there is a strong, identifiable relationship between the requested accommodation and the individual's disability.

If a household requests an accessible feature, policy modification, or other reasonable accommodation, the property will provide the accommodation unless doing so would result in a fundamental alteration in the nature of the program, or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the operations of the property.

### **Policy for Unit Transfers**

#### **Requests from Residents**

Once an applicant has become a resident, a transfer of units may be warranted. There are one, two, and three bedroom sizes at this property. If a resident has an increase in family size, or has a medical/health condition that warrants a unit that has special design features for a person with disabilities, a transfer may be requested. On occasion there may be other requests for transfers that the property will consider on a case-by-case basis. All transfer requests must be made in writing, and must state the reason for the request. The request will then be forwarded to the property manager/owner for final approval.

#### **Requirement by Owner**

On occasion an owner may require a resident to transfer to a non-accessible unit. This may occur when a new tenant requires the special design features for a person with disabilities of a unit occupied by a tenant who does not need the features. In this case, the resident will be asked to move to another unit of the same size without the features in accordance with the lease. The rent will remain the same for the unit.

#### **Acceptable Reasons for Transfers**

Current residents may qualify for a unit transfer for one of the following conditions:

- Medical/health conditions, including inability to use stairs or the need for a live-in attendant;
- Family size increases or decreases, or composition changes;
- There is a need for a unit with special design features for a person with disabilities; or
- Other potential conditions not related to health, which will be reviewed on a case-by-case basis by management.

#### **Placement on Transfer Waiting List**

If the property manager approves a request for a transfer to a different unit, and there is no current unit available, the resident will be placed on the property's transfer waiting list. In-house residents that must be



transferred due to overcrowding will be transferred first. Residents needing transfers due to medical reasons must have a written physician's statement.

**Procedures for Filling Vacancies**

If the property manager approves a request for a transfer to a different unit, the resident agrees to pay all transfer costs prior to the move. Costs may include damages that are beyond normal wear and tear. However, if a resident is transferred as an accommodation to a household member's disability, then management may be obligated to pay the costs associated with the transfer as discussed under Section 504 of the Rehabilitation Act of 1973 of Chapter 2 of HUD Handbook 4350.3 REV-1.

**Priority for Filling Vacancies**

The property will fill its vacant units with current residents awaiting transfers before applicants from the property's waiting list. Unit transfers that are required by management will take priority over resident requested transfers.



## V. Qualifying for Admission under the Property's Standards

### Property Standards for Occupancy

Being eligible for federal rental housing is not an entitlement. Every applicant must meet the resident selection criteria set in place at the property. These standards are used to demonstrate the applicant's suitability as a resident. They are determined by verifying information on past behavior to document the applicant's ability, either alone or with assistance, to comply with essential lease provisions and any other rules governing tenancy.

#### 1.5 Persons per Sleeping Unit

The property has adopted a bedroom size of 1.5 persons per sleeping unit. Sleeping units include the bedrooms and the living room for a maximum of 3 people per one-bedroom, 5 people per two-bedroom, and 7 people per three-bedroom. This standard serves to prevent the over-utilization or under-utilization of units that could result in an inefficient use of affordable housing. This standard also ensures that residents are treated fairly and consistently in order to receive adequate housing space. This property will not make social judgements on a family's sleeping arrangement.

#### Families with Children

The Fair Housing Act prohibits properties receiving Federal assistance from discriminating on the basis of familial status, defined by Congress as children under the age of 18, making it illegal to discriminate against families because of the presence of children. The property will not exclude seniors or families with children, nor will they develop policies or procedures that have the purpose or effect of prohibiting children.

#### Counting Family Members

In order to determine the size of unit that would be appropriate for a particular family, the property will count all full-time members of the family including live-in aides and foster persons who will reside in the unit. In addition, the property will count all anticipated persons including the following:

- Children expected to be born to a pregnant woman
- Children in the process of being adopted by an adult family member
- Children whose custody is being obtained by an adult family member
- Children who are temporarily in a foster home who will return to the family
- Children in joint custody arrangements who are present in the household 50% or more of the time
- Children who are away at school and who live at home during recesses
- Children who are temporarily in a correctional facility/detention center

#### Anticipated Children Due to Adoption, Pregnancy, or Foster Child

Anticipated children that are not currently living in the unit will be taken into consideration when determining unit size, and in some cases when determining income limits. The rules as laid out in Chapter 5 of HUD Handbook 4350.3 REV-1 are as follows:

- Family Addition Adoption: Counts for income and unit size
- Family Addition Pregnancy: Counts for income and unit size
- Family Addition Foster Child: Counts for unit size

#### Children Who are Away at School

Management will not include as a family member a child who is away at school and who has established residency at another address or location as evidenced by a lease agreement. The new address or location is considered the student's principle place of residence.

### Property Standards for Behavior

The applicant will be judged on past habits and practices related to tenancy and not on any attribute or behavior which may be imputed to a particular group or category of persons of which an applicant may be a member.



## VI. Screening to Determine Applicant Eligibility

### Applicant Screening Policy

All applicants for assisted housing will be screened according to the criteria set forth in HUD's Occupancy Handbook, HUD Handbook 4350.3 REV-1. Certain key questions relating to the applicant's eligibility and resident history will be asked, including Social Security numbers, and the names, addresses, and telephone numbers of current and former landlords. Failure to provide this information will result in cessation of application processing. Property staff will assist applicants, as needed, in understanding the application process and completing forms. Applicants will be instructed on what aspects of their background will be checked. An applicant has the right to voluntarily withdraw from the application process at any time.

#### Things the Property will Check

- Past performance in meeting financial obligations, especially rent;
- A record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents, or cause damage to the unit or development;
- Involvement in criminal activity on the part of any applicant family member which would adversely affect the health, safety, or welfare of other residents;
- A record of eviction from housing or termination of residential programs;
- An applicant's ability and willingness to comply with the terms of the property's lease;
- An applicant's misrepresentation of any information related to eligibility, allowances, family composition, or rent.

#### Things the Property will Not Check

- The property is not allowed to require physical examinations or medical testing as a condition of admission;
- The property will uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy, but will not impose greater burdens on persons with disabilities. Persons with disabilities may meet the requirements of the lease with assistance of others such as attendant care providers;
- The property will not require donation, contribution, or membership fee as a condition of admission;
- It is unlawful for the property to make an inquiry to determine whether an applicant has a disability, or to make inquiry as to the nature or severity of a disability.

### Procedures to Determine an Applicant's History

#### Past Performance

- Past performance for meeting financial obligations will be checked by contacting the current landlord and all prior landlords for the past 5 years.
- If verified records of timely rental payments (and utility payments, if applicable) are received from a landlord and/or utility supplier, not further documentation of past performance in meeting financial obligations especially rent, will be collected.
- An applicant who applies owing a balance consisting of uncollected rent and/or miscellaneous charges may not be placed on the Waiting List until that balance is paid.
- The property will run a credit check and obtain a credit report on the applicant. In addition, the property will check court records for evidence of evictions or judgments against the applicant. The purpose of these checks is to obtain information on the applicant's past history of meeting financial obligations, future ability to make timely rent payments, and to describe whether the applicant has ever been evicted from a rental unit. If it is determined by the landlord that the applicant is not credit worthy, the applicant will be rejected.



- Also, the property will contact the current housing provider to determine the applicant's current behavior and abilities for paying the rent in a timely manner. If the current housing provider is a relative, additional information on the applicant's ability to comply with lease terms will be collected from other sources by the property.

**Record of Disturbance**

- The property will check with the current landlord at least and all prior landlords for the past years for potential problems regarding disturbance of neighbors, destruction of property, or housekeeping habits that would pose a threat to other residents.
- If the applicant is not currently living under a lease with a landlord, the current housing provider will be asked to verify the applicant's ability to comply with lease terms. Any area for which the applicant has upkeep responsibility will be inspected.
- Documentation of current use of illegal drugs on the part of any applicant family member will be sufficient grounds to reject the applicant family.
- An applicant's behavior toward property staff will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward staff will be noted in the file.

**Involvement in Criminal Activity**

- Involvement in criminal activity by any member of an applicant family that would adversely affect the health, safety, or welfare of other residents will be verified. In addition, the current or former landlord will be asked to indicate problems in this area during the applicant's tenancy.

**Record of Eviction**

- Staff will check property records, landlord records, and other court records to determine whether the applicant has been evicted from any other property in the past.
- Record of termination from residential programs will be checked with police, service agencies, and with any housing providers referred by the applicant.
- An applicant will in no way be held accountable by the property for the rental delinquency or other problems of a former household of which the applicant was a member, but not the head or spouse.
- Staff will consider the date and circumstances of any past eviction or termination in determining its relevance to property tenancy.

**Complying with the Lease**

- If an applicant is able to document through landlord references that s/he is complying with lease terms in current residences, and has so in former residences, this criterion will be considered to have been satisfied. Ability to comply with the property lease terms will be checked only in the absence of satisfactory landlord's documentation.

**Misrepresentation of Information**

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

**Review of Information**

If management's review of information about the applicant indicates that the applicant will not be a suitable resident, management may reject the application for tenancy.

**Screening for Credit History**

Management will screen all applicants for their credit activity. Management will reject an applicant for a credit history showing a delinquency on accounts. Management will not reject an applicant for a lack of a credit history.

**Screening for Rental History**

The applicant's rental history must be acceptable to the property's standards, which are as follows:

- Applicants should have at least five years of rental history to contact;
- The rental history of both the current landlord, and prior landlords will be reviewed;
- If the applicant's current living arrangements are with a family member, then two previous landlords will be contacted;



- If an applicant's preceding housing was "owner occupied" this criterion is waived;
- Applicants must not have a history of more than four (4) late payments;
- Applicants must show a willingness to maintain premises in a sanitary condition with no evidence of undesirable noise, odor, or disruptions to the quiet and peaceful enjoyment of other residents.

**Screening for Housekeeping Habits**

- All landlords contacted for rental history will also be questioned regarding the applicant's housekeeping habits, to determine the maintenance of the present home in regards to sanitary conditions, and fire and safety standards.

**Screening for Drug Abuse and Other Criminal Activity**

Management will deny admission if any household member has been convicted of a felony, or if:

- Any household member has been evicted from federally assisted housing for drug-related criminal activity, for 3 years from the date of eviction. If the evicted household member who engages in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, management may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use.
- Management determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

**Screening for Sex Offenders**

Management will deny admission to any member of the household that is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, management is establishing this standard to prohibit admission to this Federally assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admission screening process, management will perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.

**Violence Against Women Act**

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control shall not be cause for termination of tenancy, or occupancy rights if the resident or an immediate member of the resident's family is the victim or the threatened victim of that abuse.

An incident(s) of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be "good cause" for termination of the tenancy or occupancy rights of a victim of such violence.

***Form HUD-91066, Certification of Domestic Violence, Dating Violence, or Stalking***

All current tenants will be provided the option to complete form HUD-91066, *Certification of Domestic Violence, Dating Violence, or Stalking*. This form will also be made available to all families at the time of admission.

***Form HUD-91067, Lease Addendum for VAWA***

Form HUD-91067, HUD's lease addendum for the VAWA provisions, is a required addendum to every lease. If it is determined that physical abuse caused by a tenant is clear and present, the law provides management the authority to bifurcate the lease, and remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction of, or termination action against the individual, will be done in accordance with the procedures described by federal, state, and local law.

**Screening of Live-In Aides or Persons to be Added to the Tenant Household**

As per HUD Handbook 4350.3 REV-1, management will screen live-in aides and new additions to the tenant household for drug abuse and other criminal activity by applying the same criteria established for screening other applicants.



## VII. Marketing

### Fair Housing Requirements

The property enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, or national origin.

#### Filling Available Units

Whenever additional applicants are needed to fill available units, advertising will be carried out in accordance with the HUD-approved AFHMP, and as indicated below.

#### Race and Ethnic Data Reporting

The property will offer all members of an applicant/tenant family the option of completing the Race and Ethnic Data Reporting Form. This form is used for gathering race and ethnic data in assisted housing programs. The form will be offered for completion at initial application or lease signing. In-place tenants who have not completed the form will be offered the opportunity to complete the form. There is no penalty for persons who do not complete the form. The property will place a note in the file of any family member who chooses not to complete the form.

### Affirmative Fair Housing Marketing Plan (AFHMP)

The property complies with the requirements of the HOME-approved AFHMP established for the property, which is designed to promote equal housing choice for all prospective residents regardless of race, color, religion, sex, disability, familial status, or national origin. The purpose of the plan is to ensure that eligible families of similar income levels will have a similar range of housing opportunities. The plan outlines marketing strategies management will use. Special efforts will be made to attract persons who are least likely to apply due to such factors as the racial or ethnic composition of the neighborhood. Marketing will also seek to reach potential applicants outside the immediate neighborhood if marketing only within the neighborhood would create a disparate impact against certain classes, such as the case of an entire neighborhood that includes no minorities.

#### Monitoring and Documenting Market Activities

The property will monitor marketing efforts and document the results in writing. The documentation will be made available, upon request, for all marketing activities, to show consistency with affirmative fair housing marketing requirements and the approved plan for the property. This documentation will include copies of media and marketing materials, records of marketing activities conducted, and documentation of any special marketing activities conducted in accordance with the property's approved AFHMP.

#### Five-Year Review of Plan

The property will review the AFHMP every five years and update it as needed to ensure compliance with HOME regulations. If the demographics of the area have changed, the property will determine whether advertising efforts should be targeted to different groups. The AFHMP will be revised whenever a substantial change takes place, or the local Consolidated Plan is updated, and be submitted to HOME for approval.

### Advertising

#### Population to be Targeted

When available units cannot be filled from applicants on a waiting list, the property will target advertising to groups other than the typical population of the neighborhood, and will reach out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the neighborhood.

#### Form of Advertisement

All advertising for this property includes either the HUD-approved Equal Housing Opportunity logo, the Equal Opportunity Slogan, or an equal housing statement. All visual advertising will depict members of all eligible protected classes including individuals from both majority and minority groups.

#### Source of Advertising

The property will use the following public forums for its advertising: The Independent Record newspaper, Montana Senior News quarterly publication, and Cherry Creek/KMTX Radio/Television.

#### Fair Housing Poster

The property has posted the required Equal Housing Opportunity poster in the window of the Leasing office which can be seen from the street, so that it is readily apparent to all persons seeking housing.



## VIII. Waiting List Management

Anyone who wishes to be admitted to the property or to be placed on the property's Waiting List must complete an application. The application must include a signature certifying the accuracy and completeness of information provided. If the applicant is placed on the property's Waiting List, the list will note the name of the applicant, the date and time of the application, the type of income, the size of unit desired, and any other pertinent information.

### Selecting Names from the Waiting List

The property will select names from the waiting list in chronological order to fill vacancies.

#### Applicant's Refusal to Accept a Unit

When appropriately sized units are offered to applicants, and an applicant turns down unit offers three consecutive times, the applicant will be placed at the bottom of the Waiting List.

### Maintaining the Waiting List

In order to maintain a balanced application pool, the property may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. Decisions about closing the waiting list will be based on the number of applications available, and the ability of the property to house an applicant within a reasonable period of time. Closing the waiting lists, restricting intake, or opening the waiting lists will be publicly announced in the Independent Record.

#### Policy for Closing the List

The waiting list will be closed when the average wait is two years. Potential applicants whose names appear on the waiting list will be notified via mail of the closure of the waiting list. The waiting list closure will also be published in the newspaper listed above, and will state that additional applications will not be accepted until the waiting list is no longer excessive. During the period when the waiting list is closed, the property will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

#### Reopening the List

If there is a need to reopen the waiting list, the property will advertise in the newspaper listed above, explaining the rules for applying, when and where to apply, and the order in which applications will be processed.

### Updating the Waiting List

The Waiting List will be updated annually. Applicants must contact the property the first of every year between January 2<sup>nd</sup> and January 31<sup>st</sup> in order to stay on the Waiting List. The property will update the waiting list by removing the names of those who are no longer interested in, or who are no longer qualified for, assisted housing. The applicant is responsible to update the application with any changes that may occur to remain active on the current waiting list.

#### Removal of Applications for the Waiting List

The property will not remove an applicant's name from the waiting list unless:

- The applicant requests that the name be removed
- The applicant was clearly advised of the requirement to tell the property of his/her continued interest in housing by a particular time and failed to do so. Those applicants failing to respond within the required time frame will be removed from the list. They may reapply at any time, but will not assume their old position on the list.
- The property made a reasonable effort to contact the applicant to determine if there is continued interest in housing, but has been unsuccessful.
- The property has notified the applicant of its intention to remove their name because they no longer qualify for assisted housing.





## IX. Application Intake and Processing

### Application Intake

All persons wishing to be admitted to the property, or placed on the property's waiting list, must complete an application. All applications will be taken at the property site office, or at the home office of the management company at the following address:

Rocky Mountain Development Council, Inc.  
PO Box 1717  
200 South Cruse Avenue  
Helena, MT 59624-1717

### Communications with Applicants

All communications with applicants will be by first class mail or by telephone. Failure to respond to letters or phone messages may result in withdrawal of an application from further processing. The property will make exceptions to these procedures to take into account circumstances beyond the applicant's control, such as medical emergencies or extreme weather conditions.

### Race/Ethnicity Data Collection

The applicant provides self-certification of their race and ethnicity data collection by using the Race and Ethnic Data Reporting form. Completing this form is optional and there is no penalty for not completing it.

### Written and Signed Applications

Written applications will be accepted from anyone who wishes to apply. Every application must be completed and signed by the applicant. The information requested on the application includes:

- Household characteristics such as name, sex, age, need for an accessible unit, and race/ethnicity;
- General household contact information such as name, address, phone number, etc.;
- Sources and estimates of the household's anticipated annual income and assets;
- Social Security number(s);
- Citizen declaration and consent form (s);
- Higher education student status (only if a member of the household is a student in higher education);
- Identification of preferences for which the household qualifies;
- Screening information, which may include prior landlord, credit, and drug/criminal history;
- Marketing information regarding how the applicant heard about the property; and
- Certification from the applicant stating the accuracy and completeness of information provided, and an acknowledgement that the applicant has read the Privacy Act and understands the disclosure requirements.

Staff will be prepared to assist any applicants who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision, or language problems and, in general, making it possible for interested parties to apply for housing.

### Determining an Applicant's Eligibility

#### Preliminary Determination

Before putting any applicant on a waiting list, the property will make a preliminary eligibility determination to ensure that there are no obvious factors that would make an applicant ineligible.

#### Placement on a Waiting List

If a preliminary screening indicates that a family is eligible for tenancy, but units of appropriate size are not vacant, management will place the family on a Waiting List according to the date and time the application was received in the rental office. The family will be notified when a suitable unit becomes available.

#### Placement on More than One List

Families may request and be placed on more than one waiting list as long as they are eligible for the appropriate bedroom size. For more information on Waiting List Management, see Section VIII of this Resident Selection Plan.



## **Verification Interview**

As applicants approach the top of the waiting list, they will be contacted to schedule an interview to verify all information given on the application. The property will confirm and update all information provided on the application, and will explain program requirements, verification procedures, and penalties for false information, which include eviction, loss of assistance, fines up to \$10,000, and imprisonment up to five years. The applicant will be asked to sign the release of information consent portion of the Authorization for Release of Information and any other necessary verification requests.

### **Ineligible Applicants**

At the completion of the verification process, applicants will be ineligible to move into the property for any one of the following reasons:

- The applicant's gross annual income changes by the time they reach the top of the waiting list, and exceeds the income limit for the property;
- Household members have failed to meet the disclosure requirements for Social Security numbers;
- Household members have failed to declare citizenship/non-citizenship status;
- Household members have failed to sign the release of information forms; and
- Landlord reference checks reveal the applicant has a history of nonpayment of rent, eviction for nonpayment of rent, history of disruptive behavior, or history of damaging site property.



## X. Verification Requirements

### Required Consent Forms

All members of assisted families must authorize owners to request independent verification of data required for program participation.

### Required Information

All information relative to the following items will be verified:

- Income, assets, family composition, and Social Security numbers;
- Documented ability and willingness to abide by lease requirements, previous history of tenancy, rent paying, caring for a home, and criminal activity of any family member.

All of the information above will be documented, and appropriate verification forms or letters placed in the applicant or resident file. No decision to accept or reject an application will be made until all verifications have been collected.

#### Certification Checklist/Questionnaire

Each member of an applicant/tenant family who is 18 years of age and older will be required to complete a checklist/questionnaire at move-in or initial certification and each annual re-certification, certifying to any of the above income, assets, deductions, or level of eligibility.

### Preferred Forms of Verification

All verifications of eligibility, income, assets, and deductions will be attempted in the following order:

- Written and Third Party
- Oral third party with a record kept in the file
- Review of documents provided by family or affidavits from the family

### Verification Documentation

Documentation used as part of the verification process may include:

- Checklists completed as part of the interview process and signed by the applicant;
- Verification forms completed and signed by third parties;
- Reports/letters of interviews; and
- Notes of telephone conversations with reliable sources.

At a minimum, such reports will indicate the date of the conversation, source of information, name and job title of the individual contacted, and a written summary of the information received. Management staff will be the final judge of the credibility of any verification submitted by an applicant. If a staff member considers documentation to be doubtful, the property manager/owner will review it before making a ruling about its acceptability. Staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

### Source of Information

Sources of information to be checked may include, but are not limited to:

- Present and former landlords, or housing providers;
- Present and former employers;
- Credit checks and landlord record services;
- Family social workers, parole officers, court records, drug treatment centers, clinics, physicians, clergy; and
- Police departments

### Verifications

Annual Income, which is used to determine eligibility will be computed in accordance with the definitions and procedures established in Federal Law and set forth in the applicable HUD regulations, as found in HUD Handbook 4350.3 REV 1.



## **Verifying Annual Income**

Projections of Annual Income will include estimates for each income recipient, and will be based on the best available information, considering the past year's gross income, and for employed families, the current income rate, and any potential rate increase, bonus, or possibility of overtime. The income of irregular workers will be estimated on the basis of the best information available, considering earning ability and work history. Overtime income will be computed in accordance with verification obtained from the employer, in the absence of more reliable or accurate information.

### **Methods of Verifying Income**

Income is the most important factor in determining a family's eligibility. The property has established methods of verifying income which include:

- Written third party verification (with an appropriate release) through an employer or public agency. Property staff may update this verification by phone provided a memorandum to the file is prepared.
- Property review of documentation provided by the family such as benefit checks, income tax returns, and W-2 forms.

In the absence of any of the above, affidavits from the family describing the amount and type of income are acceptable documentation.

## **Attempted Fraud**

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. The property considers false information about the following items to be grounds for rejecting an applicant:

- Income, assets, family composition, Social Security numbers, allowances, and
- Previous resident or criminal history

Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis to exclude applicants.



## XI. Making an Occupancy Determination

### Non-Discrimination

The following list of factors will not be considered in making a decision to admit or reject an application:

- Race
- Color
- Religion
- Ancestry
- National origin
- Age
- Sex
- Marital status
- Receipt of Public Assistance
- Parental status
- Political ideology
- Sexual orientation
- Disability, including mental or emotional illness

### Applicants with Disabilities

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

#### Determining Program Eligibility

An applicant who happens to have a disability but who is able to demonstrate a history of meeting financial obligations, caring for a rental unit, avoiding disturbing neighbors and destroying property, eschewing criminal behavior, and if necessary, ability to comply with the property's lease, would be recommended for admission with no further reference to or consideration of any disability.

### Recommendations for Admission or Rejection

If at any point in the screening process, it becomes clear to the property that an applicant will not meet the screening criteria, the file will be sent to the appropriate Supervisor for review. The first step in this review is a determination of the file's completeness. If any information is missing or the case for rejection or acceptance is not compelling, the file will be returned to staff for further work.

#### Authorizing Admission

If an applicant is clearly eligible and passes the screening criteria, admission will be authorized.

#### Authorizing Rejection

Likewise, if the applicant is ineligible, rejection will be authorized. See the next page for further requirements regarding rejection.



## XII. Rejection of Ineligible Applicants

Applicants who do not pass the eligibility requirements will immediately be sent a letter of rejection. This written rejection notice will specifically state one of the reasons below for the rejection, and will inform the applicant of his/her right to respond to management in writing, or to request a meeting within 14 days to dispute the rejection.

### Reasons for Rejection

The property will reject an applicant if s/he:

- Is ineligible for occupancy based on Section 42 of the IRS code
- Is unable to disclose and document a SSN for every family member
- Does not sign and submit verification consent forms or the Authorization for Release of Information
- Has household characteristics that are not appropriate for the unit sized that are available
- Has not completed a declaration of citizenship for every family member which declares that the member is either:
  - 1) A citizen or national of the United States
  - 2) A non-citizen with eligible immigrant status, and evidence of such if under the age of 62, or
  - 3) A signed statement not contending eligible immigration status, thus agreeing there is no eligibility for assistance.
- Does not meet the property's resident screening criteria as set forth in this Resident Selection Plan. If this item is the cause for rejection, the letter of rejection will specifically state in which area the applicant did not pass the screening criteria, as indicated below:

#### Failing the Screening Criteria

Reasons for failing the property's resident screening criteria may include:

- A family member was, or is, engaged in criminal activity that involves crimes or physical violence to persons or property, or that disturbs the peaceful enjoyment of the premises;
- There is evidence of acts of violence or any other conduct that constitutes a danger or disruption to the peaceful enjoyment of the premises;
- There is confirmed drug addiction or alcohol abuse, such as a conviction for possession, trafficking, or use of narcotics or controlled substances, a record of conviction for activity relating to the misuse of alcohol, or written reports from a probation officer, a social agency, or the family itself to the effect that the individual is addicted to, or is misusing drugs or alcohol;
- A family member was evicted in the past three (3) years from federally assisted housing for drug and criminal activity
- A family member has a conviction of rape, prostitution, indecent exposure, sodomy, carnal abuse, impairing the morals of a minor, or similar crimes indicating sexual deviation;
- There is evidence of grossly unsanitary or hazardous housekeeping habits, which includes the creation of health or safety hazards through acts of neglect, or causing or permitting to cause any damage to or misuse of the premises. This includes causing or permitting infestation, foul odors, or other problems injurious to other persons' health, welfare, or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances, and equipment within the dwelling unit, or failing to maintain them in good and clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.

#### Report from Qualified Agency

In cases where a qualified agency, such as F.I.A. or Protective Services, reports that family shows potential for improvement in the area of housekeeping, an eligibility decision will be reached after receiving such a referral or recommendation from such an agency.

### Appeal Process

All denied applicants have 14 days to respond in writing or to request a meeting to discuss their rejection. Appeal letters should be sent to the address on the cover page of this Resident Selection Plan. A member of management's staff who was not involved in the initial decision to deny admission will review and conduct any



meeting with the applicant. A written response will be sent to the applicant within 5 days following the review and/or meeting with the final decision.



### **XIII. Acceptance of Eligible Applicants**

#### **Offering a Unit**

When a unit becomes available for occupancy, it will be offered to the first applicant at the top of the Waiting List. If the applicant cannot be contacted within four (4) working days, the offer will be cancelled and the unit will be offered to the next applicant on the Waiting List. In that event, the first applicant will be sent a letter requesting confirmation of their interest in remaining on the Waiting List. If the applicant replies affirmatively, their application will retain its position on the Waiting List. The applicant will be advised at the that time that if another unit becomes available and they cannot be reached within four (4) working days, their name will be moved to the bottom of the waiting list. If the applicant's reply is negative, or if no reply is received within four (4) working days, the application will be withdrawn.

#### **Preparing to Move In**

- The applicant and site manager will inspect the unit and both will sign the Move-In Inspection Form;
- All applicants will sign the lease and related documents;
- The applicant will set up gas and electric services in his or her name;
- The applicant will pay the security deposit by personal check, bank check, cashier's check, or money order;
- The applicant will pay the pet deposit (if applicable) by personal check, bank check, cashier's check, or money order;
- The applicant will pay the rent for the first month or partial month of occupancy by personal check, bank check, cashier's check, or money order;
- The applicant will be given a copy of the lease, Initial notice for next year's Annual Certification, the Move-In Inspection Form, Property Rules, Pet Rules (if applicable), a *Resident Rights and Responsibilities* brochure, the Lead-Based Paint Disclosure Form, VAWA forms, and the receipt for the security deposit, pet deposit (if applicable) and first month's rent.

#### **Move-In Inspection**

Before executing the lease, management's representative and the resident will jointly inspect the unit. The move-in inspection form will be used to indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary, and in good repair. If cleaning or repair is required, management will specify on the form the date by which the work will be completed, which will be no later than 30 days after the effective date of the lease. The inspection form must be signed and dated by both parties.

#### **Initial and Renewal Leases**

Applicants will be required to sign a one-year lease for the program under which they are being admitted. After the first year, the lease is renewed on a month to month basis.

#### **Determination of Security Deposit**

Security deposit amounts are \$300

#### **Pet Deposit**

Pet deposit amounts are \$300

#### **Rent Calculation**

Rents will vary by unit depending on the funding source and type of unit.

#### **Failure to Move In on Time**

If an applicant fails to move in on the agreed date, the applicant will be contacted to determine if extenuating circumstances exist. If the property determines that extenuating circumstances do exist, and the applicant cannot immediately move into the property, the application will be returned to its current spot on the waiting list, and the units will be offered to the next household on the Waiting List. If the property does not find that there are extenuating circumstances, the application will be withdrawn.

#### **Charges for Facilities and Services**

##### **Checks Returned for Insufficient Funds**

The property will impose a fee on the second time, and each additional time, a check is not honored for payment. In addition, the resident will be billed for the amount the bank charges for processing the returned check.





**Damages**

Whenever damage is caused by carelessness, misuse, or neglect on the part of the resident, household member, or visitor, the resident is obligated to reimburse management for the damages within 30 days after the resident receives a bill from management. The property will deduct accrued, unpaid damage charges from the resident’s security deposit at the time of move-out, as allowed by the laws of this state.

**Special Management Services**

The property will charge for special services such as responding to lockout calls and providing extra keys. At the time of move-out, the property will charge the resident for each key not returned.

**Court Filing, Attorney, Sheriff Fees**

The property will accept fees from residents who wish to avoid or settle an eviction suit as permitted by state and local laws.

**Unit Inspections After Move-In**

In addition to the unit inspection at move-in, there will also be annual inspections for repairs and monitoring of housekeeping habits. If a resident is written up for poor housekeeping habits, s/he must clean their unit within five (5) days for a re-inspection. If a resident has three (3) unsatisfactory inspections, s/he will be required to move out of the property. In addition, inspections will be conducted by the LIHTC and/or HOME, and/or HTF Programs every one to three years.

**Property Rules/Resident Policy Handbook**

The Property has Property Rules that are attached to the lease. These rules identify allowable and prohibited activities in housing units and common areas that are related to the safety, care and cleanliness of buildings on the property, and to the safety and comfort of the tenants, and that are compliant with the state and local requirements. It should be noted that if a tenant has a live-in aide, the live-in aide must be compliant with the property rules, even though they are not a party to the lease. Management/owner has the right to evict a live-in aide who violates any of the property rules. Residents are responsible for the behavior of his or her guests and/or visitors.

The property rules are reviewed annually and may be modified. Residents will be notified of any modifications to the property rules 30 days before they become effective. All residents will be given the opportunity to accept changes in writing. If a resident chooses to reject any property rule changes, s/he will be required to move out of the property within 60 days.



## **XIV. Resident Responsibilities after Move-In**

### **Annual Recertification Requirements**

Once a resident has moved into assisted housing and has gone through the process of having his/her income, assets, and allowances, verified, HOME/HTF requires management to go through that same process of certification on an annual basis to ensure continued compliance. This system of annually re-verifying income is called Annual Recertification. In addition, the LIHTC program requires verification if student status on an annual basis.

#### **Notification System**

Management will initiate the annual recertification process by first notifying the resident at the signing of each lease of their obligation to recertify next year. This is called an Initial Notice of Recertification. The resident is obligated to respond by reporting to management at the requested time to complete the recertification process. One hundred twenty (120) days before the new recertification effective date, management will send the resident a First Reminder Notice of their need to report for an Annual Recertification, and to bring income information to the recertification interview, as well as documentation of SSNs that have not been previously documented. If the resident does not respond to this notice, a Second Reminder Notice will be sent ninety (90) days in advance of the annual recertification effective date, and likewise a Third Reminder Notice/Notice of Termination will be sent sixty (60) days in advance, if the resident has not responded to the first or second reminder notices. If the resident does not respond to any of the recertification notices, s/he will be required to move out.

### **Implementation of Property Rules**

The property rules in effect at this property are in place to ensure safety, care, and cleanliness of the buildings, and the safety and comfort of the residents. They are in compliance with Tax Credits, HOME, HTF state and local requirements, and do not discriminate against individuals based upon membership in a protected class. Management will give residents a written 30-day notice prior to implementing any new house rules.



## XV. Termination

### Termination of Tenancy by Owner

The authority to terminate tenancy of residents is in accordance with the lease and the state/local Landlord Tenant Act. Management will terminate a resident's tenancy for the following reasons:

#### Material Noncompliance with the Lease

Management will terminate tenancy when a resident is in material noncompliance with the lease, including:

- Failure of the resident to submit in time all required information on household income and composition;
- Extended absence or abandonment of the unit;
- Fraud, which is when a resident knowingly provides inaccurate or incomplete information;
- Repeating minor violations;
- Nonpayment of rent due under the lease,

#### Drug Abuse and Other Criminal Activity

- Management will terminate tenancy for any type of criminal activity;
- Management will evict a family if it is determined that a household member is illegally using a drug, or if management determines a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Management will terminate tenancy if it is determined that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Management will terminate tenancy during the term of the lease if a resident is fleeing to avoid prosecution.

#### Material Failure to Carry Out Obligations under a State or Local Landlord and Tenant Act

- State and local laws impose obligations on a landlord and a tenant. These laws provide that violations of the tenant's obligations constitute grounds for eviction.

#### Other Good Cause

- Management will terminate tenancy for other good cause, which is defined by state and local laws.
- The conduct of a resident may be deemed good cause, provided management has given the resident prior written notice and stated the conduct would constitute a basis for termination of occupancy in the future.

### Termination of Tenancy by a Resident

In order to terminate tenancy, the resident must provide management with a 30-day written notice to vacate the units, as required in the lease.

