

**Presbyterian Villas of Port Charlotte, Inc.**

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# RESIDENT SELECTION PLAN

**OWNER:**

Presbyterian Villas of Port Charlotte, Inc.

**MANAGEMENT AGENT:**

Presbyterian Homes and Housing Foundation of Florida, Inc.

**MAILING ADDRESS:**

2295 Aaron Street  
Port Charlotte, Florida 33952

This Resident Selection Plan has been prepared in accordance with HB-2-3560 and Rural Development requirements. Revisions shall be made to the Plan as required by Rural Development or as needed by the Management Agent.

Revised on January 31, 2023

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### I. Project Eligibility Requirements:

#### A. Community Specific Requirements

Presbyterian Villas of Port Charlotte was funded by the United States Department of Agriculture (USDA) office of Rural Development (RD) using the Section 515 Rural Rental Housing (RRH) loan program authorized under Section 515 of the Housing Act of 1949. This community is designated to serve elderly persons and households as defined in §3560.11. An elderly person is defined as a person who is at least 62 years old or a person with a disability, regardless of age. An elderly household or an individual with a handicap household is defined as a household in which the tenant or co-tenant is at least 62 years old or is an individual with a disability. An elderly household may include persons younger than 62 years old and the household of an individual with a handicap may include persons without disabilities.

**Rental Assistance:** This community also receives Section 521 Rental Assistance (RA) payments for 56 of its 70 apartments through a contract with RD and the Rural Housing Service (RHS). RA is a project-based program, providing an additional subsidy for residents in Section 515 financed housing with incomes too low to pay the RD subsidized rent from their own resources. The RA payments are made directly to the Owner and they make up the difference between the resident's contribution and the RHS-approved rent for an apartment. RA payments enable eligible residents to make monthly rent payments that do not exceed the greater of:

- 30% of monthly adjusted income; or
- 10% of monthly income; or
- the portion of the family's welfare payment that is designated for housing costs.

Eligibility for RA is restricted by income. Income limits and qualifications are described in Section II of this Plan.

**Additional Requirements:** The apartment for which the household is applying must be the household's primary residence. Applicants must agree to pay the rent required by the program under which they will receive assistance.

#### B. Citizenship Requirements

The consideration of an applicant's citizenship is not required by RD when determining eligibility for a Section 515 community.

#### C. Social Security Number Requirements

Prospective residents must provide the Owner with Social Security Numbers (SSN) for every Tenant or Co-Tenant in the household. In addition, family members 6 years of age and older must provide the Owner with a complete and accurate SSN. The Owner may use SSNs to verify income information that is provided. SSNs will only be verified once for each resident. Documentation of the SSN must be provided by a valid Social Security Card or other acceptable evidence of the SSN. If the documentation is sent by mail, applicants may submit a photocopy. If the applicant does not have the documentation, the applicant should submit signed certification stating his/her SSN. The applicant then has 60 days to submit acceptable documentation of the SSN. This 60-day period can be extended for another 60 days for elderly applicants. For any members of the family who do not have a SSN, the applicant or family member must certify that the individual has never received a SSN.

### II. Income Limits

The applicant family's annual income must not exceed the income limits defined by RD for this housing program. Three different income limits are used to establish eligibility for Multi-Family Housing (MFH) programs. The National Office determines the income limits and updates the limits whenever they are revised. Adjusted income should be compared with the below-listed income limits to determine the category in which each household falls:

- The very low-income limit is established at approximately 50 percent of the median income for the area, adjusted for household size
- The low-income limit is established at approximately 80 percent of the median income for the area, adjusted for household size
- The moderate-income limit is established by adding \$5,500 to the low-income limit for each household size

**Occupancy:** To be eligible for occupancy in this Section 515 community, an applicant family's adjusted annual income must not exceed the moderate-income limit (80% of median income + \$5,500) that is applicable to the applicant's family size.



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**Rental Assistance:** To be eligible for Rental Assistance in this Section 515 community, an applicant family's adjusted annual income must not exceed the low-income limit (80% of median income) that is applicable to the applicant's family size.

### III. Procedures for accepting applications and selecting from the waiting list:

#### A. Procedures for accepting applications and pre-applications

**Application Acceptance:** The Owner accepts and processes all applications in accordance with the current version of the HB-2-3560 and all applicable RD regulations. Applications will be accepted via U.S. Mail, electronically via e-mail or in person during normal business hours from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays. This community does not charge an application fee. Tours of the community and/or vacant apartments are conducted during normal business hours from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding holidays.

**Application Interviews:** Interviews are conducted in person or over the phone during regular business office hours Monday through Friday, excluding holidays. During the interview, the Owner will provide:

- An opportunity to answer applicant's questions
- Information on application processing and waiting list policies
- RD required fact sheets and informational brochures

**Equal Access:** In an effort to provide equal opportunity for any and all interested parties to apply for housing, the Owner may:

- For applicants with disabilities, modify or provide an alternative method of having their application processed
- Make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control (for example, medical emergencies, extreme weather conditions, or travel restrictions)
- Provide any assistance requested or needed by applicants who might have literacy, vision, hearing, or language barrier challenges

**Application Review:** At the time an application is submitted, a cursory review of the application will be conducted to accomplish all of the following:

1. Determine if it is fully completed and if it has been signed and dated by all adult household members
2. Determine if all adult household members have signed a Tenant Release and Consent form and provided sufficient information to conduct the required applicant screening
3. Determine if household meets the project eligibility requirements of this community
4. Determine if the community offers the size and/or type of apartment required by the household

**Application Processing:** When an applicant has submitted an application, the applicant is placed on the waiting list. All applications, whether complete, eligible, or ineligible, will be placed on the waiting list. The waiting list will document the final disposition of all applications (rejected, withdrawn, or placed in an apartment). Complete applications have the time and date they are received at the business office recorded on them along with the name of the person who received it. The date and time the complete application was received is also recorded on the waiting list and establishes priority for selection from the list. When occupancy is not immediately available, the Owner will not proceed with the detailed verification of information and the screening portion of the application. At this point, the Owner will make a preliminary determination of eligibility, based on the initial review of the application. If, according to the information provided on the application, the applicant is not eligible for occupancy based on elderly or handicapped status, income, or apartment size/type, their application will be denied and written notice of rejection sent. However, if the applicant is eligible for occupancy based on elderly or handicapped status, income, or apartment size/type, the applicant will be given a preliminary approval and written notice of their application's acceptance is sent. The acceptance letter informs the applicant that their application has been accepted, that they are not guaranteed an apartment, and that they will be contacted when it is their turn to proceed with the detailed verifications and screening portion of the application. It also informs them of their responsibility to report any changes to their contact information and/or preferred method of contact (address/letter, phone, email, text). Within 10 days of receipt of a completed application, the applicant is notified in writing that they have been selected for immediate occupancy, placed on a waiting list, or rejected.

**Incomplete Applications:** If an incomplete application is dropped off, mailed, or e-mailed and the incomplete portions prevent the preliminary determination of eligibility or future detailed screening and the permission to assist form is missing or incomplete, and/or required signatures are missing, the incomplete portion(s) of the application are highlighted and the entire application is copied, and the file is then flagged as pending/incomplete. The applicant is then notified in writing within 10 days of the items that are needed for the application to be considered complete and that priority will not be established until the additional items are received. If the missing items are not received within the



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next 30 days, the applicant will be notified that their application has been rejected for being incomplete. If the permission to assist form is completed and provided with the application, certain incomplete portions of the application may be completed by the Owner unless the applicant elects to come in and complete it themselves or have the incomplete application returned to them for completion as described above. If they elect to have the Owner assist with completion, the incomplete portions will be highlighted and completed by the Owner after obtaining the applicant's responses for the incomplete portions during a virtual or phone interview or via mail, fax, or email. A note to the file will be added to indicate that the applicant elected to have the Owner assist with completing the highlighted portions of the application. The permission to assist form does not permit assistance with signatures.

**Waiting Lists:** The waiting list consists of applicants who have received preliminary approval and are waiting to complete the detailed verification portion of the application process. This community has a master waiting list for all applications that is kept according to the date and time each completed application is received. A separate waiting list is maintained for all applicants and residents requiring the design features of an accessible apartment that have indicated such a need on their application. This list is also kept according to the date and time each completed application is received. All waiting lists include each applicant household's income level to ensure that RD's requirements for applicant selection based on income level are followed. The race and ethnicity of each applicant is recorded on the waiting list using the same race and ethnicity codes that are utilized on the RD tenant certification form. This information is collected for statistical purposes only and is not used when making eligibility determinations or in any other discriminatory manner.

**Waiting List Contact:** Applicants will be contacted in writing every twelve months to reaffirm their intention to stay on the waiting list(s) and to update any pertinent information. In addition, applicants near the top of the waiting list may be contacted more frequently to confirm their interest and ability to move as soon as a vacancy occurs. Applicants on a waiting list are not guaranteed an apartment. It is the responsibility of the applicant to notify the owner of any changes to their contact information. Applicants may be contacted via email, phone, text, and/or letter if provided on their application.

**Waiting List Selection:** Qualified applicants are considered for occupancy in a suitable apartment based upon the lowest level of income and then in the order that their fully completed application is received, unless they meet the criteria for preferential treatment described in Section III. B. Selections from the completed applications on a corresponding waiting list shall be made in the following order:

1. Very low-income applicants
2. Low-income applicants
3. Moderate-income applicants (moderate income applicants cannot be selected unless there are no applicants in the first two income categories)

Suitability is determined by comparing the Owner's occupancy standards for an available apartment with the floorplan requirements and/or verified needs of an applicant. The Owner's occupancy standards are described in Section IV.

**Waiting List Offers and 3 Strike Policy:** Applicants selected from the waiting list are contacted and given a preliminary offer for a suitable apartment. The type of preliminary offer that a selected applicant may receive is determined by the availability window of the offered apartment.

- Full notice offers are offers for a suitable apartment with at least 30 days advanced notice before availability.
  - Applicants may receive and refuse up to three (3) separate full notice offers for suitable apartments before losing their position on the waiting list. Each full notice refusal, regardless of reason, shall count as one (1) strike and be documented in the file and on the waiting list. If a third offer for a suitable apartment is refused, regardless of reason, that application will be denied and removed from all waiting lists.
- Short notice offers are offers for a suitable apartment with immediate or less than 30 days advance notice before availability.
  - Refusals of short notice offers do not count as a refusal strike, but each offer is still documented in the file and on the waiting list.

There is no guarantee that an offered apartment will include non-essential features requested by the applicant. Applicants that refuse an offer for a suitable apartment will be noted on the waiting list and skipped and will not receive another offer for at least 60 days unless they specifically request to be contacted again sooner. Applicants that refuse three (3) full notice offers will receive a Denied Application Notice listing the refused apartments and dates and be removed from all waiting lists. Applicants that fail to respond to an offer before a stated deadline determined by the offered apartment's availability will be noted on the waiting list and skipped. Applicants that we are unable to contact or that fail to respond to three (3) separate offers will have their application denied and be removed from all waiting lists. Preliminary offers are not a guarantee for the apartment nor a determination of eligibility. Final offer letters guaranteeing an accepted apartment are only made after completing all required detailed screening and verification necessary to determine the applicant eligible as described throughout this plan.



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**B. Priorities and preferences for admission**

Applicants with preferences are selected from the waiting list to receive an opportunity for an available apartment earlier than those who do not have a preference. Preferences may be established by federal law, RD regulations, State or local law, or written Owner policy. Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to eligible applicants based upon household circumstances. Preferences only affect the order in which eligible applicants are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible. Eligible applicants will be selected from the waiting list according to the following priorities:

1. First priority – Current residents that need
  - a) to move to a larger or smaller apartment size due to occupancy standards
  - b) to move to a larger, smaller, or other apartment due to reasonable accommodations.
  - c) an accessible apartment when one becomes available
  - d) a safe apartment due to imminent threat
2. Second priority – Applicants in need of the features of an accessible apartment on the waiting list receive priority for an accessible apartment over others on the waiting list as long as there is no current resident in need of the accessible apartment.
3. Third priority – Applicants with a Letter of Priority Entitlement (LOPE), applicants that were displaced from Agency-financed housing but never issued a LOPE, applicants displaced in a federally declared disaster area, or applicants that qualify for an External VAWA Emergency Transfer due to imminent threat.
4. Fourth priority – Current residents will have priority to transfer to a vacant apartment over applicants from the waiting list.
5. Finally, if no other priority exists, applicants are selected according to their income level in the following order:
  - a) Very low-income applicants
  - b) Low-income applicants
  - c) Moderate-income applicants

**Imminent Threat Preference (VAWA Emergency Transfer or Involuntary Displacement):** In some cases, persons that qualify for an Internal VAWA Emergency Transfer may receive preference over other residents who have requested an apartment transfer. Additionally, persons that qualify for an External Emergency Transfer may receive preference over other applicants. Please see the VAWA Policy, the VAWA Emergency Transfer Plan and/or contact the Owner for additional information. Applicants who have been involuntarily displaced by government action or a presidentially declared disaster are given preference on the waiting list.

**Accessible Apartments:** Accessible apartments will always be offered to residents and then applicants who need the features of the accessible apartment even if they are in lower priority categories before they are offered to residents and applicants who do not need the features of the accessible apartment. This means that, an outside applicant that needs the features of an accessible apartment could be offered an available accessible apartment before a resident that does not need such features.

**Verification of Preferences:** All preferences will be verified using the verification methodology described in this plan. Special consideration applies when a VAWA Emergency Transfer Request is submitted by a victim of a VAWA crime due to imminent threat. If this is your situation, please contact the Owner for additional information. Acceptable verification for involuntary displacement includes a LOPE from RD or a registration letter from FEMA showing approval for emergency housing related benefits due to displacement.

**Rental Assistance:** When assigning available Rental Assistance, the Owner will use the five priorities below as outlined in HB-2-3560, Exhibit 8-2:

1. First priority is always to eligible very low-income residents paying the highest percentage of their adjusted annual income in shelter costs.
2. Second priority is to very low-income applicants on the waiting list, considering the apartment size and type needed by the applicant.
3. Third priority is to eligible low-income residents paying the highest percentage of their adjusted annual income in shelter costs.
4. Fourth priority is to eligible low-income applicants on the waiting list.
5. Final priority is to households that are residing in an apartment for which they do not qualify based on an occupancy waiver or other special approval situation.



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In order to provide Rental Assistance to the third, fourth, and final priority categories, the Owner must fully document that either there are no very low-income households on the waiting list or fully document that occupancy by low-income households is limited to no more than 25 percent of the total apartments in the community.

### C. Applicant screening criteria

All eligible applicant household members must be screened prior to performing the final determination of applicant eligibility in accordance with program regulations. The Owner will use standard procedures and forms to ensure screening is performed in a fair, consistent, and objective manner. Screening is used to help ensure that households admitted to the community will abide by the terms of the lease, pay rent on time, take care of the apartment and common property, and allow all other residents to peacefully enjoy their homes. Anyone who wishes to live at this community must be screened prior to the date of move-in. This may include, but is not limited to, live-in aides, security/police officers, or additional household members wishing to move-in after the initial move-in. Any fees incurred for the collection of screening information will not be passed to the applicant. Should an application be approved and move-in has occurred, any addition to the household must be approved by the Owner. The same screening completed to approve the original application will be used for future household members. Prior and current ability to meet the following basic criteria is necessary for initial, as well as continued, occupancy. This criterion pertains only to the individual behavior of each applicant household member.

- Past performance in meeting financial obligations, in a timely manner, such as the payment of rent, if applicable, and/or any other charges under the lease
- Fulfillment of the lease agreement, with or without assistance
- No record of eviction from housing programs
- An applicant's ability and willingness to comply with the terms of the lease, occupancy rules, and program requirements of the community
- Noninterference with the rights of other residents or community employees
- No record of destruction or damage to the property of others
- Not to engage in activity on or near the community that involves illegal use of controlled substances or weapons or any criminal activity on or off the community

**NOTE:** Live-in aides are not subject to credit or rent payment history screening.

### D. Required drug-related or criminal activity criteria including State lifetime sex offender registration check in all states where applicant household members have resided or using a database that checks against all state registries, e.g., the Dru Sjodin National Sex Offender Database.

Background screening is conducted on all applicants, residents, and household members to determine if current or past criminal activity indicates a present threat to other residents, our staff, or persons residing in the immediate vicinity of the community.

**General Requirements:** This community prohibit the admission or tenancy of:

1. Eviction for Drug Related Criminal Activity: Any household in which any member was evicted in the last three (3) years from federally assisted housing for drug-related criminal activity.
2. Illegal Drug Use: Any 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 community by other residents.
3. Sex Offender Registration: Any household member who is or ever has been subject to any state lifetime sex offender registration requirement.
4. Alcohol Abuse: Any household in which there is reasonable cause to believe that a member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment of the community by other residents. Any such decision must be based on behavior, not the condition of alcoholism or alcohol abuse.
5. Medical Marijuana Use: Any household member who is currently engaged in the illegal use of marijuana or whose marijuana use interferes with the health, safety, and right to peaceful enjoyment of the community by other residents. Pursuant to the HUD memorandum published on December 29, 2014, the use of "medical marijuana" in federally assisted housing is illegal under federal law.

**Additional Requirements:** In addition to the above requirements, the Owner's criminal history screening policy includes the following provisions:



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1. If a member of an applicant household has been convicted of any of the felony offenses listed below, the applicant will be denied admission:
  - a) First degree murder
  - b) Rape
  - c) Sex crimes
  - d) Arson
  - e) Violent crimes against children
  - f) Crimes involving explosives
  - g) Crimes involving terrorism
2. If a member of an applicant household has been convicted of a felony offense involving the sale or manufacture of a controlled substance, the applicant will be denied admission if the **conviction, or exit from incarceration, occurred within 8 years of application.**
3. If a member of an applicant household has been convicted of a violent felony offense not covered above, the applicant will be denied admission if the **conviction, or exit from incarceration, occurred within 8 years of application.**
4. If a member of an applicant household has been convicted of a nonviolent felony offense including drug use or possession, the applicant will be denied admission if the **conviction occurred within 5 years of application.**
5. If a member of an applicant household has been convicted of a violent misdemeanor, the applicant will be denied admission if the **conviction, or exit from incarceration, occurred within 3 years of application.**
6. If a member of an applicant household has been convicted of 3 or more unrelated violent felony offenses not covered above, the applicant will be denied admission.
7. If a member of an applicant household has been convicted of 3 or more unrelated felony offenses, the applicant will be denied admission if the three convictions are not covered above and the **convictions occurred within 10 years of application.**
8. If a member of an applicant household has been convicted of 3 or more unrelated violent misdemeanor offenses, the applicant will be denied admission if the three convictions are not covered above and the **convictions, or exit from incarceration, occurred within 10 years of application.**
9. If a member of an applicant household has been convicted of 3 or more unrelated misdemeanor offenses, the applicant will be denied admission if the three convictions are not covered above and the **convictions occurred within 5 years of application.**

**Charges vs Convictions:** The Owner will not consider an arrest or charge that was resolved without conviction nor an adjudication withheld but may delay admission until resolution of any pending charges at the time of application.

**Mitigating Circumstances:** Applicants are permitted to address and present mitigating circumstances regarding criminal background checks prior to admission decisions. Relevant mitigating evidence might include: (1) the facts or circumstances surrounding the criminal conduct; (2) the age of the individual at the time of the conduct; (3) the seriousness of the criminal offense; (4) the relationship of the offense to the safety and security of other residents, staff or property; (5) evidence that the individual has maintained a good rental history before and/or after the conviction or conduct; (6) the length of time since the criminal offense, with particular weight being given to significant periods of good behavior; (7) and evidence of rehabilitation efforts.

### E. Other allowable screening criteria

**Credit Report:** Credit history is used to determine how well an applicant meets their financial obligations and verify that there are no collections or outstanding balances for rental or housing related activities such as utility payments or other landlords. Any fees incurred for the collection of screening information will not be passed to the applicant. Credit history is not screened for live-in aides.

**Rental History:** References received from one or more landlords can provide important details about an applicant's previous rental history and behavior. The following information learned from a landlord may be grounds for rejecting an applicant:

- Failure to cooperate with recertification procedures
- Violations of house rules or the lease
- History of disruptive behavior
- Poor housekeeping practices
- Previous evictions for lease violations
- Termination of assistance for fraud



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- Conviction for the illegal manufacture, distribution, or use of controlled substances

At least three (3) years of residential history is required. Should a previous landlord reference be obtained in addition to the current landlord, the Owner will rely more heavily on previous landlord references. Previous landlords do not have a reason to provide misleading information, and therefore may provide more accurate references.

### F. Procedures for Rejecting Ineligible Applicants

Rejection of an application is appropriate where the Owner has a reasonable basis to believe that the applicant cannot meet the essential requirements for successful residency.

**Ineligibility Criteria:** Applicants may be rejected for one or more of the following reasons:

- Not meeting RD criteria for this program or community
- Incomplete application
- Willful or serious misrepresentation in the application procedure or verification process for federally assisted housing
- Household characteristics or family size not appropriate for existing types of apartments.
- Applicants who owe a balance to a local utility provider will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for failure to pay the utility bill have changed sufficiently to enable the household to pay and maintain utilities in their own name.
- Not meeting student eligibility requirements.
- Prohibited criminal activity found during background screening.
- Unfavorable landlord reference that reveals any of the following conduct by the applicant, any member of the applicant's household, a guest, or another person under the applicant's purview:
  - **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence, or irresponsibility, which damages the equipment or community in which the household resides; or which is disturbing, dangerous, or disruptive to others.
  - **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a real danger or disruption to others.
  - **Non-compliance with Lease:** Includes evidence of any failure to comply with the terms of their lease at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
  - **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the household to pay rent and other charges when due.
  - **Unsanitary or Hazardous Care of Apartment:** Includes generally creating any health or safety hazard through acts of neglect, including but not limited to: causing or permitting any damage to or misuse of community and equipment, if the household is responsible for such hazard, damage, or misuse; causing or permitting infestation, foul odors, or other problems injurious to other persons' health, welfare, or enjoyment of the community; failing to dispose of all garbage and waste; failing to use, in a reasonable and proper manner, all utilities, facilities, services, appliances, and equipment within the apartment or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the community.

**Notice of Rejection:** In the event that an applicant is rejected, the Owner will provide a written rejection notice that:

- Specifically states the reason(s) for the rejection
- Informs the applicant of their right to respond to the notice within ten (10) calendar days to dispute or appeal the rejection of their application
- Informs the applicant of their right to a hearing in accordance with §3560.160, which is available upon request
- Informs the applicant that persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process
- Informs the applicant that persons who are victims of an act covered by the Violence Against Women Act (VAWA) have the right to request to exercise those protections if they feel the rejection decision is based on an adverse factor(s) that can be determined to be the direct result of the fact that the applicant is or has been a victim of an act covered by the VAWA. Please see the VAWA Policy for additional information

**Rejection Responses:** In the event that a rejected applicant submits a request for a meeting:

- The applicant is allowed to participate in an informal meeting with or without a representative



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- The meeting will be conducted by an individual who was not involved in the initial decision to reject the application
- Supportive evidence provided by the applicant will be accepted and reviewed
- Mitigating circumstances that would allow the processing of the application to continue will be considered
- Provide a written determination to the applicant within five (5) days of the response or meeting conclusion

Application rejection responses should be directed to our corporate office, located at:

Presbyterian Homes & Housing Foundation of Florida, Inc.

Attention: Corporate Relations Manager

Phone: (727) 894-0368

1050 Burlington Avenue North

Fax: (727) 823-2476

St. Petersburg, Florida 33705

TTY: (800) 955-8771

**Record Keeping:** The following items related to application rejections will be kept on file for at least three (3) years:

- Complete application
- Initial Rejection Notice
- Any applicant replies, appeals, evidence, or other written requests
- Owner's final response
- All documentation supporting the reason for removal from the waiting list

**Applicants with Disabilities:** The Owner must consider the appeal of an application rejection; if the applicant has a disability and the reasons for the rejection could be overcome by the Owner's reasonable accommodation of the applicant's disability. For reasonable accommodations to apply there are several requirements:

- The applicant must request the reasonable accommodation
- The applicant must have a verifiable disability and need for the accommodation
- The disability must have a direct relation to the reason the application would be rejected
- The accommodation must be reasonable and not result in an undue financial and administrative burden to the community

**NOTE:** In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations, the applicant is not eligible and the application will be rejected. Examples of such situations are:

- The behavior or performance in past housing caused a direct threat to the health or safety of persons or property
- Past history or other information that shows the applicant's inability to comply with the terms of their lease
- An objective determination that the applicant would require services from community that represent an alteration in the fundamental nature of the program

## IV. Occupancy standards

The applicant household size must be appropriate for the available apartments. Occupancy limits are determined by the number of bedrooms with a maximum of two (2) persons per bedroom.

**Timeframes:** Occupancy standards are applied at the time a completed application is received to allow applicants immediate notification of ineligibility due to household size. In addition, household composition is compared to occupancy standards whenever there is a change in household or family size.

**Available Sizes:** This community offers one and two-bedroom apartments only. For one-bedroom apartments, there is a maximum occupancy limit of two (2) persons. For two-bedroom apartments, there is a minimum occupancy limit of two (2) persons and a maximum occupancy limit of four (4) persons. Single person households are considered over-housed and therefore ineligible for a two-bedroom apartment. Households are considered under-housed when the total number of family members exceeds the maximum allowed for their apartment size. If, after initial occupancy, the family size changes to be over/under-housed and the required size apartment becomes available, the resident will agree to move, at their own expense, within 30 days after the Owner notifies him/her that an apartment of the required size is available within the community. RD must approve any occupancy waivers prior to move-in or to allow continued occupancy of an ineligible tenant that is over-housed. Upon RD approval, the applicant or resident will sign a Lease Addendum that outlines the conditions of the occupancy waiver.

**Household Size:** The number of persons living or anticipated to live in the household determines the appropriate apartment size. When determining household size:

- Every full-time family member listed on the application is counted
- All anticipated children are counted. Anticipated children include the following:
  - Children expected to be born to a pregnant woman



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- Children in the process of being adopted by an adult family member
- Children whose custody is being obtained by an adult family member
- Foster children who will reside in the apartment
- 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
- Live-in aides are counted
- Foster adults living in the apartment are counted

### V. Apartment transfer policies, including selection of in-place residents versus applicants from the waiting list when vacancies occur

**Transfer Reasons:** The Owner will accept requests for transfer based on the following:

1. There is a verified need for a reasonable accommodation
2. There is a verified need for an accessible apartment
3. There is a need for a transfer of a household that does not require the accessibility features of the apartment in which they are living
4. The resident has requested and qualifies for a VAWA Emergency Transfer
5. Family is over/under housed (apartment size is too large/small)
6. Other reasons

**Transfer Policies:** Transfers from one apartment to another will be processed in accordance with the lease. Residents must submit transfer requests in writing at least thirty (30) days prior to the requested transfer date. Requests must be submitted to the Owner and explain the reason for the transfer. The Owner will accept the transfer request in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. Approval of any such transfer is within the sole discretion of the Owner. The Owner may require residents to fulfill certain conditions prior to the granting of a transfer, including but not limited to, requiring execution of a new lease and/or requiring payment of an additional security deposit amount to adjust to the amount required on the size apartment requested. If the transfer request is approved, the resident will be placed on the waiting list for the next available apartment that meets the requirements and needs of the resident. When filling vacancies, approved transfer requests are given a higher priority than outside applicants. Special consideration is given when transfers are for reasons that qualify for preferential treatment.

**Moving Costs:** The resident shall be obligated to pay all moving costs associated with their transfer.

**Non-compliance:** Approval of a requested transfer for "other reasons" will not be granted if the resident is in material noncompliance with their lease at the time of the request. This includes, without limitation, having a repeated pattern of paying rent beyond the grace period included in the lease, lease violations for "decent, safe and sanitary conditions" that have not been "cured", unpaid rent, damage charges, and/or any other outstanding lease violations. The transfer request will remain on the waiting list until the resident is in compliance with their lease, cancels the request, or moves out.

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

### VI. Policies to comply with Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and other relevant civil rights laws and statutes

It is the policy of the Owner to fully comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 13166, Section 504 of the Rehabilitation Act of 1973, Fair Housing Amendments Act of 1988, Executive Order 13988, and any legislation protecting the individual rights of residents, applicants, or staff which may subsequently be enacted.

The Owner is pledged to the letter and spirit of U.S. policy for the achievement of equal opportunity in housing. In compliance with all federal, state, and local fair housing and civil rights laws, this community forbids discrimination based on actual or perceived race, color, creed, religion, sex (including sexual orientation and gender identity or expression), disability, national origin, language, income, family or familial status (including pregnancy), or marital status of applicants and residents. We encourage and support an affirmative advertising and marketing program. The Owner will market to certain persons as specified in the Affirmative Fair Housing Marketing Plan. Title VI regulations require that Owners maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federal financial assistance.



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Pursuant to the Fair Housing Act, this community shall not discriminate in the leasing, rental, or other disposition of housing based on actual or perceived race, color, creed, religion, sex (including sexual orientation and gender identity or expression), disability, national origin, language, income, family or familial status (including pregnancy), or marital status. Additionally, the Owner will not take any of the following actions:

- Deny anyone the opportunity to apply to rent housing, or deny to any eligible applicant the opportunity to lease housing suitable to their needs
- Provide anyone housing that is different than that provided to others
- Subject anyone to segregation, even if by floor or wing
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat anyone differently in determining eligibility or other requirements for admission, in use of housing amenities, facilities or programs, or in the terms and conditions of a lease
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons
- Discriminate against someone because of that person's relation to or association with another individual
- Retaliate against, threaten, or act in any manner to intimidate someone because they have exercised rights under the Fair Housing Act

**Additional Protections for Persons with Disabilities:** Although the Fair Housing Act generally requires applicants to be given equal treatment and prohibits discrimination against anyone with respect to the prohibited bases, there are certain limited circumstances when the Act requires a housing provider to treat persons with disabilities differently to enable them to have equal access to, or enjoyment of, housing and other housing-related programs. Specifically, the Fair Housing Act requires housing providers to provide "reasonable accommodations" to persons with disabilities. This means the Owner may have to modify rules, policies, practices, procedures, and/or services to afford a person with a disability an equal opportunity to use and enjoy the housing. (For more information on reasonable accommodations, please refer to Section X.)

**Section 504 of the Rehabilitation Act of 1973:** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities and establishes accessibility requirements by recipients of federal financial assistance in housing programs. Section 504 also establishes certain affirmative accessibility standards to be met regardless of whether or not an applicant or resident has made an individual request for a reasonable accommodation. Pursuant to Section 504, the Owner shall operate this community so that, when viewed in its entirety, it is readily accessible to and usable by persons with disabilities. Such operations include the following actions:

- Making and paying for reasonable structural modifications to apartments and/or common areas that are needed by applicants and residents with disabilities, unless these modifications would change the fundamental nature of the community or result in undue financial and administrative burdens
- Making modifications to policies and practices so they do not discriminate against persons with disabilities
- Operating housing that is not segregated based upon disability or type of disability, unless authorized by federal statute or executive order
- Providing auxiliary aids and services necessary for effective communication with persons with disabilities. Requests by persons with disabilities will be used to determine which alterations and auxiliary aids are necessary
- Ensure that structural changes are properly implemented to meet program accessibility requirements
- Operating programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities
- Identifying and eliminating situations or procedures which create a barrier to equal housing opportunity for all

**Improving Access to Services for Persons with Limited English Proficiency (LEP):** It is the policy of the Owner to take reasonable steps to ensure meaningful access to and/or effectively communicate with persons in need of any provided services or information in a language other than English.

**Equal Access to Housing Regardless of Sexual Orientation or Gender Identity:** It is the policy of the Owner to never inquire about the sexual orientation or gender identity of an applicant or resident for purposes of determining eligibility. Please note that certain information like gender may be requested in order to assure the Federal Government, acting through the RHS that the Owner complies with the Federal laws prohibiting discrimination. Applicants are not required to furnish this information. However, the Owner would be required to document such information, on the basis of visual observation or surname, should an applicant choose not to furnish it themselves.



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**Privacy Policy:** It is the policy of the Owner to guard the privacy of individuals granted by the Federal Privacy Act of 1974 and the Health Insurance Portability & Accountability Act of 1996 (HIPAA) to ensure the protection of such individuals' records being maintained at this community. Therefore, neither this community nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested has given written consent to the disclosure or the information is being subpoenaed by a court of law. This Policy in no way limits the ability to collect such information as needed to determine eligibility, compute rent, or determine an applicant's suitability for tenancy in accordance with RD guidelines. The Owner is dedicated to protecting the privacy of all personal information received during this process, including Social Security, governmental identification numbers and any other required information. The Owner has adopted this Privacy Policy to help ensure that all personal information is kept secure. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability will be treated in a confidential manner. Additionally, the Owner will maintain all documentation relating to an individual's domestic violence, dating violence, sexual assault, and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

### VII. Eligibility of students

At the time of move-in, all applicants must declare their student status in order to determine if they are eligible for residency in accordance with HB-2-3560, Chapter 6.5(B). A student or other seemingly temporary resident of the community may be considered an eligible tenant when all of the following conditions are met:

- The student is of legal age in accordance with the applicable state law or is otherwise legally able to enter into a binding contract under state law; and
- The person seeking occupancy has established a household separate and distinct from the person's parents or legal guardians; and
- The person seeking occupancy is no longer claimed as a dependent by the person's parents or legal guardians pursuant to Internal Revenue Service regulations, and evidence is provided to this effect; and
- The person seeking occupancy signs a written statement indicating whether or not the person's parents, legal guardians, or others provide any financial assistance and this financial assistance is considered as part of current annual income and is verified in writing by the Owner.

Students must meet the age requirement of 62 or older or be disabled to be considered eligible as a single person household.

### VIII. Policies for applying Violence Against Women Act (VAWA) protections

**Protections Provided Under the VAWA:** The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, and/or stalking – collectively referred to as VAWA crimes – who are applicant to, or beneficiaries of, assistance under any housing program covered by the VAWA, regardless of sex, gender identity, or sexual orientation. The Owner understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of VAWA crimes have certain rights under federal fair housing regulation. As a result, the Owner will not discriminate VAWA victims or any other individuals based on actual or perceived race, color, creed, religion, sex (including sexual orientation and gender identity or expression), disability, national origin, language, income, family or familial status (including pregnancy), or marital status and the Owner will ensure that its housing is made available to all otherwise eligible individuals and families. The Owner's VAWA Policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their housing as a consequence of their status as a victim of a VAWA crime. An affiliated person is defined as:

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

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

**Confidentiality:** The Owner is committed to ensuring that the Privacy Act is enforced in this and all other situations. The identity of the victim and all information provided to the Owner relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a



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related entity, except to the extent that the disclosure is requested or consented to by the victim in writing, required for use in an eviction proceeding or termination of assistance, or otherwise required by applicable law. The Owner will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault, and/or stalking in a separate file that is kept in a separate secure location from other applicant/resident files.

**Requests and Certification:** The Owner will not assume that any act is a result of abuse covered under the VAWA. In order to receive the protections outlined in the VAWA, the resident/applicant must specify that they wish to exercise these protections. Individuals wishing to exercise the protections provided in the VAWA may make a request for a VAWA accommodation by completing a VAWA Request form provided by the Owner, submitting a written request, orally requesting in person or via phone, or any other reasonable manner. When responding to a request to exercise protections provided under the VAWA, the Owner will request, in writing, that an individual provide documentation to "certify" their status as a victim of a VAWA crime or as a person affiliated with a victim of a VAWA crime, within thirty (30) calendar days of the request. The individual claiming rights under the VAWA has the option to either complete, sign, and submit the VAWA Certification form or choose an alternate form of documentation to certify their status as a victim or person affiliated with a victim of a VAWA crime. Alternate forms of documentation that will be accepted in lieu of or addition to the VAWA Certification include:

1. A federal, state, tribal, territorial, or local police record or court record; or
2. Documentation signed by the victim and a professional (employee, agent, or volunteer of a victim service provider, an attorney, medical professional, or a mental health professional) from whom the individual seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault, and/or stalking or the effects of the abuse in which the professional attests under penalty of perjury that they believe that the incident(s) of domestic violence, dating violence, sexual assault, or stalking are grounds for protection under the VAWA, and that the incident meets the applicable definition of "domestic violence", "dating violence", "sexual assault", or "stalking" in the VAWA regulations at 24 CFR 5.2003; or
3. Documentation that the victim is currently living in a shelter established to protect victims of violence covered under the VAWA; or
4. Any other statement or evidence that the Owner has agreed to accept.

Please refer to the VAWA Policy for more details. The certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. The Owner will be mindful of the victim's safety and will work with the victim in making acceptable alternative arrangements if requesting and obtaining the protections afforded to them under the VAWA would put their safety at risk. The VAWA Lease Addendum, VAWA Notice, and VAWA Certification will be implemented and provided in accordance with RD guidance.

**Lease Bifurcation:** If the Owner determines that physical abuse caused by a resident is clear and present, the law provides the authority to bifurcate a lease in order to evict, remove, terminate occupancy rights, or terminate assistance of the offending household member, while allowing the victim, who lawfully occupies the home, to maintain tenancy. Special consideration will be given to remaining household members if they are not qualified to remain in the apartment after the accused perpetrator that was the qualifying household member leaves or is terminated. Please refer to the Owner's VAWA Policy for more details. Eligibility requirements are provided in Section I of this Plan.

**Legal Action:** Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, the Owner may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the community. VAWA does not limit the Owner's authority to comply with court orders or the authority to deny, evict, or terminate assistance to an individual for violations that are not the result of a VAWA crime or when an actual and imminent threat to others is demonstrable.

**VAWA Emergency Transfer (VET) Plan:** The Owner will consider a VAWA Emergency Transfer (VET) request when an individual reasonably believes that they are in imminent danger or if they were sexually assaulted on community property within ninety (90) days of the request. Please refer to the Owner's VAWA Policy or VAWA Emergency Transfer Plan for more details.

### IX. Applicant notification and opportunity to supplement information already provided

Applicants will be notified of the disposition of their application in writing, after a preliminary determination of eligibility has been made, as described in the application processing procedures. Applicants desiring to provide additional information to support their application or make clear any portion thereof can do so by supplying the desired information to the Owner. It is the responsibility of the applicant to notify the Owner of any changes to their contact information.



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### X. Procedures for identifying applicant needs for the features of accessible units or reasonable accommodations

**Reasonable Accommodations:** Pursuant to Section 504 of the Rehabilitation Act of 1973 and the Federal Fair Housing Act, the Owner will provide reasonable accommodations upon request to all applicants, residents, and employees with disabilities. A reasonable accommodation is a change, exception, or adjustment to a program, service, building, apartment, or workplace that will allow a qualified person with a disability to:

- Participate fully in a program
- Take advantage of a service
- Live in an apartment
- Perform a job

**Requests:** Under both Section 504 and the Fair Housing Act, a resident or applicant for housing makes a reasonable accommodation request whenever they make it clear to the housing provider that a request is being made for an exception, change or adjustment to a rule, policy, practice, service, or physical structure because of their disability. A request can be made by the person with the disability, a family member or someone else acting on the individual's behalf. All activity related to reasonable accommodations must be documented to maintain an auditable record of compliance with the requirements of Section 504 and the Fair Housing Act. Therefore, all requests for reasonable accommodations must be reduced to writing, either by the individual or by the Owner. If the individual with the disability requires assistance in providing a written reasonable accommodation request, the Owner may assist the individual by completing the written request for them. The Owner is obligated to provide prompt responses to reasonable accommodation requests.

**Verification:** To show that a requested accommodation is necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. Unless it is readily apparent, verification of the need for the accommodation is required before any such accommodation or modification will be approved. When an applicant requests a reasonable accommodation, an accessible apartment, or an apartment preference, such as first floor only, inquiries may be conducted to verify the person's disability. In doing so, the Owner may verify a person's disability only to the extent necessary to document that the person:

- Is qualified for the housing for which they are applying
- Is qualified for deductions used in determining adjusted income
- Is entitled to any preference they may claim
- Has a disability related need for the requested accommodation or modification
- Has a disability related need for the design features of the accessible apartment

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

- Make structural alterations that require the removal or altering of a load-bearing structure
- 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, or
- Take any action that would result in an undue financial and administrative burden on the community, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS)
  - When a request for a reasonable accommodation will result in an undue financial and administrative burden, the Owner must provide all other needed accommodations up to the point at which further accommodations would result in an undue financial and administrative burden.

**Refusal:** If the Owner refuses a requested accommodation because it is not reasonable, the Owner must engage in an interactive dialogue with the requester to determine if there is an alternative accommodation that adequately addresses their disability-related needs. If an alternative accommodation or modification would meet the individual's disability-related needs and it is reasonable, the Owner must grant it. This includes permitting individuals to make and/or pay for accommodations or modifications themselves.

### XI. Updating the waiting list

**Periodic Assessment:** Waiting List Confirmation Notices will be sent once a year to all applicants to reaffirm their intention to stay on the waiting list, ensure that applicant information is current, and remove any names that should no longer be on the list. The notice will specify the date by which the applicant's response is required in order to remain on the waiting list.



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**Changes Reported by Applicant:** If the applicant reports a change in household composition, the waiting list information will be updated accordingly and a determination will be made as to whether the household needs the same or a different apartment size. Regardless of the final determination, the original application date will be kept. If the applicant reports a change of contact information, the new information and the date it was received will be noted on their submitted application and then updated on the waiting list. Applicants are responsible for reporting any changes to their contact information and/or their preferred method of contact (address/mail, phone, email, text).

**Changes in Preference Status:** Occasionally households on the waiting list who did not qualify for a priority or a preference when they applied will experience a change in circumstances that qualifies them for a priority or a preference. In such cases, it will be the household's duty to contact the Owner so that their change in status may be verified to reflect the priority. If verification determines that the household now qualifies for a priority or a preference, their application will be moved up on the waiting list in accordance with the priority or preference and their application's original submission date and time.

**Removal of Applications:** The Owner must document removal of any names from the waiting list with the time and date of the removal. An applicant's name will not be removed from the waiting list unless:

- The applicant was notified, in writing, of the intention to remove the applicant's name; **and**
- The applicant requested their name be removed; or
- The applicant no longer meets the eligibility requirements for the community or program; or
- The applicant fails to respond by the date specified in a written notice for an eligibility interview or other waiting list contact notice; or
- The applicant refuses to sign and submit required release and consent forms for verification of eligibility factors; or
- Mail sent to the applicant's address is returned as undeliverable and documentation in the file shows that reasonable effort was made, unsuccessfully, to contact the applicant using any/all available methods (mail, email, phone, or text); or
- The apartment that is needed using family size as the basis changes and no appropriate size apartment exists in the community; or
- The applicant refuses three (3) separate full notice offers for suitable apartments; or
- The applicant fails to respond to three (3) separate offers before their stated deadlines; or
- The applicant changes their mind and refuses a previously accepted offer or fails to show up or respond after accepting an offer.

**Extenuating Circumstances:** In some situations, the consideration of extenuating circumstances may be necessary. These are circumstances beyond the applicant's control. Examples of extenuating circumstances include, but are not limited to:

- Hospitalization of applicant or member of applicant household
- Applicant out of town for a family emergency (such as the death or severe illness of a close family member)
- Applicant on military duty overseas

**Reinstating Applicants:** Applicants removed from a waiting list may reapply at any time unless the waiting list is closed. Applicants removed from the waiting list due to an error made by the Owner will be returned to the waiting list in their original position.

**Activity:** All activity regarding an application on a waiting list is documented in the Waitlist Notes on the applicant's Activity tab in OneSite. Applicants will be notified in writing of all critical actions taken on an application (acceptance, denial, final offers) via mailed letter and/or email, if available. Copies of all written or electronic correspondence with an applicant are kept in their file.

## XII. Policy for notifying applicants and potential applicants of changes in the Resident selection plan

This Resident Selection Plan will be reviewed periodically and updated as necessary to ensure that it correctly reflects current operating practices, program priorities, and RD requirements. If changes are made to the Resident Selection Plan that affect the eligibility or placement of applicants on the waiting list, the Owner will provide notice to all applicants on the waiting list that a revised plan is available and explain how they may obtain or request a copy. In addition, the revised plan will be made available to all other interested parties by updating the community website and common area bulletin boards with the new version.



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### XIII. Procedures for assigning units with originally constructed design features for persons with physical disabilities

Section 504 requires that Owners take reasonable, nondiscriminatory steps to maximize the use of accessible apartments by eligible individuals whose disability requires the accessibility features of a particular apartment. As part of this requirement, available accessible apartments will be assigned to residents/applicants in the following order:

**When there is a current resident and/or qualified applicant with at least one household member requiring the features of an available accessible apartment:**

1. Current Residents – The first priority, the accessible apartment will be offered to a household currently residing in a non-accessible apartment in the same community, with a household member whose disability requires the features of the available accessible apartment.
2. Applicants with Disabilities – If there are no current residents requiring the special features of the available accessible apartment, it will then be offered to the next qualified applicant on the waiting list with a household member whose disability requires the features of the available accessible apartment.

**When neither current resident nor qualified applicant require the features of an available accessible apartment:**

- The apartment may be offered to another resident or qualified applicant in a manner consistent with this Resident Selection Plan and RD requirements. If an apartment accessible to individuals with disabilities is available and there are no applicants or residents that require the features of the accessible apartment, the Owner may rent the accessible apartment to a non-disabled individual after the non-disabled individual has agreed in writing to vacate the accessible apartment, at their own expense, within 30 days of being notified in writing by the Owner that an eligible individual with disabilities requires the accessible apartment. In accordance with program regulations, non-disabled individuals may not occupy an accessible apartment unless:
  - The accessible apartment has been marketed as an accessible apartment; and
  - Outreach has been made to organizations representing the disabled; and
  - Marketing of the apartment as an accessible apartment will continue even after being occupied by the non-disabled individual.
- In the event that the member(s) of the resident household requiring the special features of the accessible apartment no longer reside in the apartment, and where the lease permits, the remaining members of the household will be required to agree in writing to move to an available apartment with no such design features, at their own expense, should an applicant or current resident require an accessible apartment of the type currently occupied by the persons without disabilities. Such occupants will receive, in writing, a 30-day notice to transfer to the newly available non-accessible apartment, if such a situation should occur.

### XIV. Charges for facilities and services

The Owner will not collect any money from residents at initial occupancy other than rent and the maximum allowed security deposit.

### XV. Security deposit requirements

Security deposits provide the Owner with financial protection when a resident moves out of the apartment and fails to fulfill their obligations under the lease. The Owner requires collection of a security deposit at the time of the initial lease execution. The required security deposit amount is equal to one month's basic rent for the bedroom size.

- The amount of the security deposit established at move-in does not change when the residents' rent changes, but the amount of the security deposit established at move-in could change for voluntary apartment transfers (see Section V. for additional information on transfers)
- Residents are expected to pay the entire security deposit from their own resources or other public or private sources before move-in
- The security deposit is refundable
- If an applicant cannot pay the full amount of the security deposit at initial move-in, they may be placed on a payment plan. Should installments not be met, the total charge may become due and payable in full.



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### XVI. Apartment inspections

Before executing a lease, the Owner and the new resident must jointly inspect the apartment. After the Owner conducts an apartment inspection, the inspection form must clearly indicate the condition of the apartment. If cleaning and/or repair is required, the inspection form must specify the date by which the work will be completed. This date must not exceed 30-days after the effective date of the lease. Both the Owner and the resident must sign and date the inspection form. The inspection form must include the statement, "The unit is in decent, safe and sanitary condition". The resident has 5 days to report any additional deficiencies to be noted on the move-in inspection form. All apartments must undergo a move-in and move-out inspection by the Owner. In addition, there will be an inspection conducted at least annually by the Owner using an Annual Inspection form and from time to time, RD or its representatives may also conduct random inspections.

### XVII. Annual recertification requirements

In accordance with program requirements, recertification of family income and composition will be conducted at least annually to verify continued eligibility and, if applicable, to recompute resident rent and assistance payments.

- Each time a resident is recertified, the certification is good for one year. At the end of the year, the certification will expire and the Owner is required to recertify the household. The effective date of the recertification is the first day of the month following the expiration of the current certification.
- At least 75 to 90 days prior to the date that the certification expires, the Owner will notify the residents in writing that they must be recertified to remain eligible to continue residence at the community. Failure to respond to this letter will result in the issuance of a second letter 30 days prior to the date which the certification expires informing the resident of the:
  - Information needed to recertify; and
  - The time frame in which the new certification must be submitted to RD; and
  - The consequences for failure to comply with the recertification process.
- Residents must supply all information requested by the Owner or RD regarding their income, assets, and expenses along with any other factors that may affect the determination of their adjusted annual income such as household composition.
- Residents must sign the consent forms that allow the Owner to verify all reported income, assets, and expenses.
- All residents receive copies of the following documents at initial occupancy and at least annually during each recertification:
  - Things You Should Know About USDA Rural Rental Housing
  - Grievance Procedures
  - Notice of Occupancy Rights Under the Violence Against Women Act
  - Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation

### XVIII. Interim recertification reporting policies

To ensure that assisted residents pay rents commensurate with their ability to pay, residents must supply information requested by the Owner or RD for use in an interim recertification of family income and composition. In accordance with RD requirements, all residents must notify the Owner when:

- A family member moves out of the apartment
- The family proposes to move a new member into the apartment
- An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment
- The household's income cumulatively changes by \$100\* or more per month
  - \*Per Agency temporary waiver (12/6/2022 Federal Register), this limit for a required recertification was changed to \$200 or more per month due to 2023 COLA. This waiver will expired 12/31/2023.

Residents may request an interim recertification due to any changes occurring since the last recertification that may affect the resident's rent and assistance payment. Changes a resident may report include the following:

- Decreases in income including, but not limited to, loss of employment, reduction in number of hours worked by an employed family member, and loss or reduction of welfare income
- Increases in allowances including, but not limited to, increased medical expenses or higher child care costs



This company does not discriminate on the basis of disabled status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

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- Other changes affecting the calculation of a family's annual or adjusted income including, but not limited to, a family member turning 62 years old, becoming a full-time student, or becoming a person with a disability

Additionally, the Owner must:

- process an interim recertification of family income and composition within a reasonable time, which is only the amount of time needed to verify the information provided by the resident. Generally, this should not exceed 30 days.
- process an interim recertification for changes in income of \$50 per month if the resident requests that such a change be made
- submit updated or new recertification forms within 10 days of the effective date of the certification or change in the resident's status

**Determining the Eligibility of a Remaining Household Member:** Periodically, family composition changes after initial occupancy. If the qualifying person leaves the apartment, a determination must be made as to whether the remaining member of the household is eligible or not. Eligibility depends upon the type of community occupied and other issues. The following basic requirements for eligibility must be met for a person to qualify as a remaining member of a household:

- They are eligible with respect to income
- They were either a cotenant or member of the household and are of legal contract age under state law
- They occupied the apartment with the original resident at the time the original resident died or departed
- They sign a new tenant certification establishing their own tenancy

Remaining household members that are over housed must move to a suitably sized apartment within 30 days of its availability. If a suitably sized apartment does not exist at the community, the resident will be required to vacate the property in accordance with program requirements.

**Surviving Household Members:** Members of an elderly household residing in an elderly project may continue to occupy the apartment after the death of the original resident, regardless of age, provided that:

- They are eligible with respect to income
- They were either a cotenant or member of the household and are of legal contract age under state law
- They occupied the apartment with the original resident at the time the original resident died
- They sign a new tenant certification establishing their own tenancy

Surviving household members who are over housed may remain in the apartment, but must move to a suitably sized apartment within 30 days of its availability. If a suitably sized apartment is not available, surviving household members may remain in the apartment, with the understanding that:

- Continued occupancy of the apartment will not be allowed when:
  - The apartment has accessibility features for individuals with disabilities; and
  - The household no longer has a need for such accessibility features; and
  - The community has an application from an individual with a need for the accessibility features.
- If the community does not have an application from an individual with a need for the accessibility features, the household may remain in the apartment until the community receives an application from an individual in need of the accessibility features, at which point, the household will be required to move within 30 days.
  - If a suitably sized apartment is not available in the community within 30 days, the resident may remain in the apartment with accessibility features until a suitable apartment becomes available and must then move within 30 days.

## XIX. Implementation of occupancy rules changes

As part of the lease, residents agree to abide by the Occupancy Rules established for this community. The Owner will periodically review the Occupancy Rules to determine if any changes are required. The Owner will generally provide residents with written notice at least 60 days prior to implementing any required changes to the Occupancy Rules. However, depending on the circumstances, such rule changes may be implemented with as little as 30 days advance notice. Residents who do not wish to accept the new Occupancy Rules must provide their 30-Day Notice to Vacate prior to the new Occupancy Rules going into effect.



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