



MERCY RIVERSIDE APARTMENTS
RESIDENT SELECTION CRITERIA
HUD 202 with SECTION 8 – SENIOR/DISABLED HOUSING

LIMITED ENGLISH PROFICIENCY (LEP)

Reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. We ensure meaningful communication with LEP applicants and residents and their authorized representatives. Interpreters, translators and other aids needed to comply with this policy shall be provided free of charge to the person being served, and residents and their families will be informed of the availability of such assistance. Language assistance will be provided through use of a contracted telephonic interpretation service, competent bilingual staff, staff interpreters, or formal arrangements with local organizations providing interpretation or translation services or technology.

INTRODUCTION: Property Name is a 24-unit community for seniors that are sixty-two (62) years of age or older, and persons with disabilities that are 18 years of age or older, that follows the U.S. Department of Housing and Urban Development Section 8 program.

ELDERLY HOUSING AND PERSONS WITH DISABILITIES:

Elderly family means a family whose head or spouse or co-head must be 62 years of age or older. A disabled family is a family whose head, spouse or co-head is a person with disabilities.

Units are designated specifically for the elderly and persons with disabilities:

1. For all applicants, the Head of Household, spouse or co-head must be 62 years of age or older, or a person with disabilities.
2. After initial occupancy, an adult child can move into the unit only if needed for essential care of family member.

I. APPLICATION PROCESS

A. Priority determines the order of processing only, and in no way changes the requirement that all potential tenants must meet the other criteria for resident selection. Applications will be ranked for consideration (and units will be offered) according to the following descending order of priorities:

1. Date and time-stamped property received original application and reference number assigned;
2. Date of completion of verification/certification process; and
3. Date of availability for move-in.

Applications are located at Mercy Riverside Apartments, 460 Main Street, Red Bluff, CA 96080, or if you are not able to pick up one, we can mail, or email it to you.

B. INCOME TARGETING

Consistent with the Quality Housing and Work Responsibility act of 1998, this Development will assure that not less than 40% of new admissions within any fiscal year have incomes at or below 30% of the area median income. Applicants whose income is 30% or below the area median income will be given preference over applicants whose incomes exceed 30% of area median income. Property managers will maintain a list of new admissions showing gross annual income for each household and stating whether the income falls at or below 30% of area median income. Once the required percentage of 40% of all new move-ins at or below 30% of the area median income is reached, applicants will be moved in according to their place on the Waiting List. Waiting list maintenance is outlined in Section III.

C. INCOME LIMITS - The income limits checked below are for this property and are posted in the Leasing Office (*management should mark all that apply*):

- Extremely Low Income - 30%
- Very Low Income - 50%
- Low Income - 80%

D. UNIT SIZE/OCCUPANCY STANDARDS – Households will be accommodated in accordance with the following occupancy standards:

	<u>Minimum</u>	<u>Maximum</u>
1. Efficiency/Studio	1	2
One Bedroom	1	3

2. HUD rules specify that assistance may be given to a person who is the sole-occupant of a unit only if that individual is at least 62 years old or 18 years of age or an emancipated minor with disabilities, and of extremely or very low-income (See Eligibility of a Remaining Member of a Tenant Family).

3. A Live-In Aide is allowed to live in the apartment due to a reasonable accommodation.

E. SOCIAL SECURITY CARDS/NUMBERS - Effective January 31, 2010, August 7, 2013, and March 8, 2016, new social security number requirements apply as follow:

1. Applicants do not need to disclose or provide verification of a SSN for household members to be placed on the waiting list. However, applicants on the Waiting List will be required to disclose and/or provide verification of the SSN for **all** non-exempt members of their household including Live-In Aides, regardless of their age*, who declare themselves to be U.S. citizens, U.S. nationals or eligible non-citizens **before** they can be admitted (excluding Mod Rehabilitation SRO/Homeless Programs). [All current non-exempt residents must disclose SSNs for all household members by their next interim or annual recertification on or after 1/31/10, or termination of tenancy will occur with the appropriate notice.] Applicants who have not provided SSNs for all non-exempt household members including Live-In Aides may remain on the Waiting

List (see Waiting List section). However, an otherwise eligible household may not be deemed eligible until all household members have submitted valid SSNs and acceptable documentation to verify the SSN is correct. (Start applying for needed social security numbers/cards as soon as possible.) *Effective 3/8/16, if a child under the age of 6 years is added to the applicant's household within the 6-month period prior to the household's date of admission, the applicant may become a participant (may move in), so long as verification of the SSN for the child is provided within 90 days of the child being added to the household. We will extend the deadline an additional 90 days if (1) failure to comply with the SSN requirements was due to circumstances that could not have been reasonably foreseen and were outside the control of the household, and (2) there is a reasonable likelihood that you will be able to disclose a SSN by the deadline.

2. When a current resident family requests to add a new household member, the new household member must meet all other eligibility and screening requirements and must submit the complete and accurate SSN assigned to the resident and to each member of the resident's household including persons under 6 years of age, and a valid SS card issued by the SSA or other verification resources provided by HUD, at the time of the request or at the time the recertification that includes the new household member is processed. We cannot add the new household member until the documentation is provided. If a current resident or applicant requests to add a Live-In Aide to the household, the Live-In Aide is required to disclose and provide verification of their SSN. If the new household member is under 6 years of age and never was assigned a SSN, we may complete the interim certification, but the SSN and verification must be submitted within 90 days. We will extend the deadline an additional 90 days if (1) failure to comply with the SSN requirements was due to circumstances that could not have been reasonably foreseen and were outside the control of the household, and (2) there is a reasonable likelihood that you will be able to disclose a SSN by the deadline. During the period we are awaiting documentation of a SSN, the child is entitled to all benefits of being a household member e.g. receive the \$480 dependent deduction, child care expenses, etc. *[We must terminate the tenancy of a resident and their household if the resident does not meet the SSN disclosure, documentation and verification requirements in the specified timeframe, as the household is in non-compliance with its lease. This termination of tenancy includes households who have not disclosed and verified the SSN for any child under 6 years of age who didn't have a SSN when added to the household with the understanding that this SSN would be provided within 90 days after admission, or within the 90-day extension period, if applicable. Termination of tenancy does not apply to the exemptions listed below unless there are other household members who have not disclosed or provided verification of their SSNs.]*

3. Exemptions are provided for:
 - a. All participants, regardless of age, who have previously disclosed a valid SSN and have not been issued a new SSN, are exempt from having to re-provide their SSN for duplicative verification.
 - b. Individuals who do not contend eligible immigration status.
 - c. Individuals age 62 or older by January 31, 2010, whose initial determination of eligibility must have begun before January 31, 2010: (i) The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, which is applicable; (ii) Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the

initial determination of eligibility was determined prior to January 31, 2010. An owner/agent must not accept a certification from the applicant stating they qualify for the exemption; (iii) The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD-assisted program or if there is a break in his/her participation in a HUD-assisted program.

F. VERIFICATION OF CITIZENSHIP AND IMMIGRATION STATUS (*For specific HUD programs only*)

Only U.S. citizens and eligible non-citizens may receive assistance from the federal rental assistance program. All applicants are required to complete the necessary paperwork required by HUD to determine citizenship, utilizing the Systematic Alien Verification Entailments (SAVE) program through the Department of Homeland Security (DHS), the required INS forms obtained for all non-citizens wishing to become residents. Applicants stating they are a citizen or national must provide a birth certificate, passport, or other document verifying citizenship.

Ineligible non-citizens will not be admitted for occupancy. Ineligible non-citizens that are a member of a household that includes one or more eligible family members will be admitted for occupancy; however, the rental rate for the unit will be prorated according to the number of eligible family members and ineligible non-citizens in the household.

1. A mixed family includes citizens and/or eligible immigrants and one or more ineligible family member, who may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance.
2. Families that were receiving assistance on June 19, 1995 under a program covered by the non-citizen rules are eligible for temporary deferral of termination of assistance. If the following applies:
 - a. Family has no eligible members; or
 - b. Mixed family qualifies for prorated assistance (and does not qualify for continued assistance) and chooses not to accept the partial assistance.
3. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.
4. Non-citizens (except those ages 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Non-citizens age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.

G. ENTERPRISE INCOME VERIFICATION (EIV)

EIV is a web-based computer system containing employment and income information on individuals participating in HUD's rental assistance programs. This information assists HUD in making sure the *right benefits go to the right* persons by reducing errors in determining a tenant's income, thereby reducing the number of improper payments in Multifamily Housing's

rental assistance programs.

The income information in EIV comes from the Social Security Administration: 1) Social Security (SS) benefits, 2) Supplemental Security Income (SSI) benefits, 3) Dual Entitlement SS Benefits; and, the Department of Health and Human Services (HSS) National Directory of New Hires (NDNH): 1) Wages, 2) Unemployment compensation, and 3) New Hire (W-4). This information is used to meet HUD's requirement to independently verify your employment and/or income when you recertify for continued rental assistance.

Using the EIV system will determine if you: correctly reported your income; used a false social security number; failed to report or under reported the income of a spouse or other household member; receive rental assistance at another property.

We will utilize the Existing Tenant Report to determine if any applicants (at the initial move-in or when adding a new household member, including Live-In Aides) are currently residing at another HUD-assisted or Public Housing Authority (PHA) property at the time of application processing whereby an applicant could be receiving rental assistance. EIV will search HUD's and the PHA's databases, and if an applicant is living at another location, we will discuss this with the applicant so that the circumstances may be explained. We will follow up with the respective PHA or other HUD-assisted property to confirm the applicant's program participation status before admission.

All applicants must disclose if they are currently receiving HUD assistance. We will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit or who attempt to receive HUD assistance in two separate residences.

HUD provides the property with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

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

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

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

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

H. RESIDENCE CRITERIA – Assisted tenants must have only one residence and receive assistance only in that unit.

1. A family is eligible for assistance only if the unit will be the family's only residence.
2. The owner must not provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit.

I. CONSENT AND VERIFICATION FORMS ELIGIBILITY REQUIREMENTS - Adult members of a family must sign consent forms, and as necessary, verification documents, so that the owner can verify sources of family income and other eligibility or screening requirements. The owner must consider a family ineligible if the adult members refuse to sign applicable consent and verification forms.

J. HUD STUDENT ELIGIBILITY RULE: **Although this is a senior property, we are required to include the complete Student Rule as it relates to families and Section 8.** Section 8 assistance shall not be provided to any individual who:

1. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
2. Is under 24 years of age;
3. Is not a veteran of the United States Military;
4. Is not married;
5. Does not have a dependent child;
6. Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E) and was not receiving assistance under such Section 8 as of November 30, 2005; or
7. Is not living with his or her parents who are receiving Section 8 assistance; and
8. Is not individually eligible to receive Section 8 assistance **or** has parents (individually or jointly) who are not income eligible to receive Section 8 assistance.

Unless the student is determined independent from his or her parents, the eligibility of the student seeking Section 8 will be based on both the students and the parents being determined income eligible for Section 8 assistance. The parent's family income must be at or below the Low Income limit for the state/county the parents reside in. If the parents are from another county, they must qualify under the income limits of the county where the housing is located.

A student under the age of 24 may be income eligible for the Section 8 assistance in circumstances where an examination of the income of the student's parents may not be relevant or where the students can demonstrate the absence of his or her independence from their parents. These practices and criteria include, but are not limited to consideration of all the following:

1. The individual must be of legal contract age under state law.
2. The individual must have established a household separate from or legal guardians for a least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student. Independent Student of Title IV aid also includes (in addition to married, veteran, have dependent children):
 - a. Be at least 24 years old by December 31 of the award year for which aid is sought;

- b. Be an orphan or a ward of the court through the age of 18;
 - c. Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
 - d. Be a graduate or professional student.
3. The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
 4. The individual must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. In cases where there are divorced parents, a separate certification from each will need to be obtained. This certification is required even if no assistance will be provided.
 5. Any financial assistance a student received (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.
 6. If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance of the household will not be prorated but will be terminated in accordance with the guidance in the HUD 4350.3.

Income “included” – *SEC. 215(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children. Financial assistance does not include loan proceeds.*

Amount of annual tuition: Tuition and other required fees include all fixed sum charges that are required of a large proportion of all students. Examples of required fees include, but are not limited to, writing and science lab fees and fees specific to the student’s major or program. Expenses related to attending an institution of higher education must not be included as tuition. Examples of these expenses include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, and other non-fixed sum charges. Owner/agents must verify the amounts of tuition and required fees.

Income “excluded” – *Financial assistance (scholarships & grants) of students who receive Section 8 that live with their parents will not be considered income to the family household.*

II. ELIGIBILITY OF A REMAINING MEMBER OF A TENANT FAMILY

If the qualifying person leaves the unit, a determination must be made as to whether the remaining household member will be eligible to receive assistance. The following basic requirements for eligibility must be met for a person to qualify as a remaining household member:

1. The individual must be a party to the lease when the family member leaves the unit.
2. The individual must be of legal contract age under state law.
3. The remaining family member is defined as the surviving member or members of an elderly family or family with disabilities that was a party to the lease and living in the assisted unit

with the now deceased family member at the time of his or her death.

- a. The remaining family member; based on the death of the family member, is eligible to remain in the unit but must pay rent based on income. In this case, eligibility of the remaining family member, as defined by the death of the family member, is not reviewed.
- b. If the individual who establishes eligibility for the property leaves the unit for any reason other than death, it must be determined if the remaining individual(s) still residing in the unit meet(s) the eligibility requirements for the property, income and age or disability. If the individual is not eligible for the project, he/she may not receive rental assistance. The individual may remain in the unit but must pay contract rent.

III. WAITING LISTS

- A. The Waiting Lists will be maintained according to family size (if family qualifies for more than one size apartment, they will be placed on all waiting lists that apply, at family's request), in date and time-stamped order the application was received, the percentage of area median income the annual income is, and type of unit for applicant households. The Waiting List is open with the understanding that those who are listed are fully informed of its length and the policies/procedures for selecting individuals and updating the list when they apply and are added to the list.
 1. If no units are available, an eligible applicant will be placed on a Waiting List.
 2. If the existing Waiting List contains so many names that the average wait for a unit is a year or more, the property may decline to accept additional applications. In this case, the Waiting List is "closed". An announcement (via posting in property office, on property voicemail and advertising in local newspapers or publications) will be made when the Waiting List closes and when the Waiting List reopens. The notifications should be extensive, and the rules for applying and the order in which applications will be processed should be stated. Advertisements should include where and when to apply.
 - We must ensure that notices of and communications during all meetings are provided in a manner that is effective for persons with hearing, vision, and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24CFR 8.6), and, as applicable, the Americans with Disabilities Act.
 - Advertising and outreach activities must be done in accordance with the applicable fair housing marketing requirements or the HUD-approved Affirmative Fair Housing Marketing Plan (AFHMP), and it must also comply with adopting suitable means to assure that the notice reaches eligible individuals with disabilities and those with limited English proficiency. All advertising and outreach must include the HUD-approved Equal Housing Opportunity logo, slogan or statement. In addition, advertising depicting persons must depict members of all eligible protected classes including individuals from both majority and minority groups, including both sexes. Advertising and outreach should be to groups other than the typical population of the neighborhood in which the property is located while reaching out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the neighborhood.

3. The Waiting List shall be updated after the first year, and at minimum, each year thereafter.
4. Due to the social security number requirements, an applicant may remain on the Waiting List until valid social security numbers and acceptable documentation to verify the social security numbers have been provided for all non-exempt household members including Live-In Aides (See SSN Section for exemptions). If all non-exempt household members including Live-In Aides have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit. Effective 3/8/16, per HUD's Final Rule, if a child under the age of 6 years is added to the applicant's household within the 6-month period prior to the household's date of admission, the applicant may become a participant (may move in), so long as verification of the SSN for the child is provided within 90 days of the child being added to the household. (Please see Social Security Number section for more details.)
 - The applicant who has not provided required SSN information for all non-exempt household members including Live-In Aides has 90 days from the date they are first offered an available unit to disclose/verify the SSNs.
 - During this 90-day period, the applicant may retain its place on the Waiting List.
 - After 90 days, if the applicant is unable to disclose/verify the SSNs of all non-exempt household members including Live-In Aides, the applicant should be determined ineligible and removed from the Waiting List.
5. Due to the Extremely Low-Income Targeting requirements, when an extremely low-income applicant is needed to achieve targeting requirements (see Income Targeting section on page 1), and the next applicant on the Waiting List has income above the extremely low-income limit, that applicant must be returned to the Waiting List. When we are ready to house an applicant with income above the extremely low-income limit, this applicant can be served. We must make a notation on the Waiting List indicating why this applicant has been returned to the list rather than housed or withdrawn. We will then look for the first extremely low-income applicant on the list needing the appropriate bedroom size and qualifying for the top-ranked preference (This property does not have preferences).
6. Following initial rent-up for each size/type of unit, there will be a Waiting List for each of the following, as applicable:
 - (a) Current residents who need to transfer to a different unit (See Transfer Policy below);
 - (b) Outside applicants wishing to move into the property.

B. FILLING VACANT UNITS – Applicants are selected from the Waiting List and offered units in the order required by HUD rules and our policies.

1. When a unit becomes available, we will select the next applicant from the Waiting list based on the unit size available, preferences established for the property (This property does not have preferences), income-targeting policies and requirements, and our screening policies. We will select the first name on the Waiting List for the appropriate unit size (or list of names for units reserved for disabled applicants) and make a final determination of eligibility and suitability for tenancy, using the criteria described in the Applicant Screening section.

2. Applicants will be contacted by telephone in the order as stated above. Applicants who cannot be contacted by telephone will be mailed a notification letter and given ten (10) days to respond to management regarding the available apartment. If the applicant makes no contact or response to management of his/her decision, no further contact will be made to the applicant. The first applicant to complete the process, notifies management of their decision, and pays their rent and deposit, will be offered the unit.
3. If an applicant declines or does not respond to the first offer of an available unit when contacted, his/her name will remain in their current order on the Waiting List. If an applicant declines or does not respond to a second offer of an available unit when contacted, his/her name will be placed on the bottom of the Waiting List. If an applicant declines an apartment a third time, his/her application may be cancelled. Written notification of the attempt to contact, and cancellation of the application, will be mailed to the applicant.
4. We must first lease vacant accessible units to current tenants or applicants requiring special physical design features. If there is no current tenant or applicant requiring an accessible unit or its features, a non-physically disabled individual can move into the accessible unit. The non-physically disabled applicant must agree to move to a non-accessible unit at their own expense when there is a tenant or applicant that requires the accessible unit. A lease addendum (Accessible Unit for Disabled Lease Addendum) will be entered into with the non-physically disabled tenant living in an accessible unit.

IV. TRANSFER POLICY – Transfers from one unit to another type of unit within the property will take precedence over new move-ins, and may be required by management for the following reasons only:

1. If the owner determines that a tenant's current unit is too small or too large as a result of a change in the family's size or composition (See Occupancy Standards on page 1), the owner must decide whether to require the tenant to transfer to another unit. The tenant's assistance payment associated with the original unit will not be reduced or terminated until the family has been offered a transfer to a unit of appropriate size and has been given sufficient time (no less than 30 days) to move to the new unit;
2. For a reasonable accommodation to a household member's disability or for a verifiable medical necessity. For example, if a resident requires a wheelchair accessible unit or additional space for medical equipment, a larger unit to accommodate a live-in aide, or any other medical reasons. Transfers that are needed due to a reasonable accommodation will have priority over non-reasonable accommodation transfers;
3. When a household requests to transfer one or more lessees out of an existing household into another unit on the property, the transferring lessee will be treated as a new applicant. He/she must be at least 62 years of age or older, or of legal contract age or an emancipated minor with disabilities, complete an application, and then they will be placed at the bottom of the Waiting List. As any other applicant, they must meet eligibility and qualify as a new move-in by going through the screening process regarding verifying income, criminal and credit history, etc.;
4. For emergency temporary relocation. (If a unit becomes uninhabitable due to a catastrophe, the resident family will be given any open unit for temporary living quarters until their own unit is repaired. An "open unit" is a unit for which the keys are in the possession of the

- management company.)
5. If a non-physically disabled tenant is living in an accessible unit, and a disabled tenant or Waiting List applicant needs the special physical design features of that unit, the tenant must agree to move to a non-accessible unit at their own expense. Please review Accessible Unit for Disabled Lease Addendum.

Transfer list(s) will be maintained by Unit Size and/or Type, i.e. 2BR Transfer List, or Wheelchair Accessible Unit or 2BR Wheelchair Accessible Unit, etc. Transfer list(s) resident names will be maintained in a date and time order.

When an owner determines that a transfer is required, the Model Lease for Subsidized Programs states that the tenant: (a) may remain in the unit and pay the HUD-approved market rent; or (b) must move within 30 days after the owner notifies the family that a unit of the required size is available within the property. Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. However, if a tenant is transferred as a reasonable accommodation to a household member's disability, the tenant may also request the owner to pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

A nationwide sex offender lifetime registration will be run for adult household members and emancipated minors for the annual recertification process, and before a household is transferred to another unit. Any household member who is subject to a nationwide sex offender lifetime registration requirement will be subject to an eviction, in accordance with the lease and the owner's standards for termination of tenancy.

V. POLICIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, THE FAIR HOUSING AMENDMENTS ACT OF 1988 AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, THE AGE DISCRIMINATION ACT OF 1975, AND EQUAL ACCESS TO HOUSING IN HUD PROGRAMS:

- A. **Section 504** prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. Although Section 504 often overlaps with the disability discrimination prohibitions of the Fair Housing Act, it differs in that it also imposes broader affirmative obligations on owners to make their programs as a whole, accessible to persons with disabilities. These obligations include the following:
 1. Making and paying for reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens;
 2. Operating housing that is not segregated based upon disability or type of disability, unless authorized by federal statute or executive order;
 3. Providing auxiliary aids and services necessary for effective communication with persons with disabilities;
 4. Developing a transition plan to ensure that structural changes are properly implemented to meet program accessibility requirements *(for properties built*

before June 1988); and

5. Performing a self-evaluation of the owner's program and policies to ensure that they do not discriminate based on disability;
6. Operating their programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities;
7. Allowing a larger apartment to accommodate a Live-In Aide (Aides must pass the same criminal criteria as a new move-in would).

Furthermore, the Section 504 regulations establish affirmative accessibility requirements for newly constructed or rehabilitated housing, including providing a minimum percentage of accessible units. In order for a unit to be considered accessible, it must meet the requirements of the Uniform Federal Accessibility Standards (UFAS).

1. Units designed specifically for individuals with a physical impairment:
 - a. For this development, "physical impairment" is defined as mobility impairment which necessitates the permanent use of a wheelchair. For all units designed specifically for wheelchair accessibility, priority will be given to those applicants needing such modifications;
 - b. Priority will be given to households where a member is required to use a wheelchair;
 - c. If there are not enough such households to fill all specially equipped units, owners may give preference to households with members whose physical or mobility impairment would be eased by the design of the accessible unit.
 2. Units designed for individuals with a hearing or vision impairment:
 - a. For all units designed specifically with hearing and/or vision features, priority will be given to those applicants and households where a member is in need of such modifications.
- B. **The Fair Housing Act** prohibits discrimination in housing and housing-related transactions based on race, color, religion, sex, national origin, disability, or familial status. It applies to housing, regardless of the presence of federal financial assistance.
- C. **Title VI of the Civil Rights Acts of 1964** prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.
- D. **The Age Discrimination Act of 1975** prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. It is not a violation of the Act to use age as screening criteria in a particular program if age distinctions are permitted by statute for that program or if age distinctions are a factor necessary for the normal operation of the program or the achievement of a statutory objective of the program or activity.
- E. **Protections Provided Based on Sexual Orientation, Gender Identity or Marital Status:**
Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation, Gender

Identity or Marital Status - The Owner/Agent will comply with the requirements established in the Final Rule which ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in any phase of the occupancy process. No Owner/Agent or administrator of HUD-assisted housing may inquire about the sexual orientation or gender identity of an applicant or occupant for purposes of determining eligibility. HUD further revises generally applicable definitions as follow:

- [a] The term "Family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity or marital status:
 - [i] A family with or without children (a child who is temporarily away from home because of placement in foster care is considered a member of the family);
 - [ii] An elderly family;
 - [iii] A near-elderly family;
 - [iv] A disabled family;
 - [v] A displaced family; and
 - [vi] The remaining member of a tenant family.
- [b] The term "gender identity" means actual or perceived gender-related characteristics.
- [c] The term "sexual orientation" means homosexuality, heterosexuality or bisexuality.

Even though HUD does not create an additional protected class under the Fair Housing Act or the Civil Rights Law, housing discrimination based on sex may still be covered by the Fair Housing Act under the Equal Access Rule.

Persons with disabilities have the right to request reasonable accommodations and to participate in the informal hearing process. The 504 Coordinator for Mercy Housing is: Melanie Kibble, 303-830-3300; TTY - 1-800-855-2880; Fax - 1-877-245-7121; 504adacoordinator@mercyhousing.org.

VI. VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2005 (VAWA), AND VAWA 2013:

- A. **VAWA** protections apply to families applying for or receiving rental assistance payments under the project-based Section 8 program, HUD programs, and other affordable programs. The law protects victims or survivors of domestic violence, dating violence, sexual assault, or stalking, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence [that] is reported and confirmed. VAWA also provides that an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking, does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim or survivor. Furthermore, criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking is not grounds for terminating the victim's or survivor's tenancy. Owner/Agents (O/A) may bifurcate (divide a lease as a matter of law) in order to evict, remove, or terminate the assistance of the offender while allowing the victim or survivor, who is a tenant or lawful occupant, to remain in the unit.
- B. **Definitions** – The following definitions are provided as assistance in understanding and implementing VAWA protections. The definitions for domestic violence, dating violence, sexual assault, or stalking and affiliated individual have been incorporated into the United

States Housing Act.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Sexual Assault means any proscribed by chapter 109A of Title 18, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

Stalking means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

Affiliated Individual means, with respect to a person: (a) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in the place of a parent to a child (for example, the affiliated person is a child in the care, custody, or control of that individual); or (B) any individual, tenant, or lawful occupant living in the household of that person.

Bifurcate means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

C. **Protections for Victims or Survivors of Domestic Violence, Dating Violence, Sexual Assault, or Stalking** - The law offers the following protections against eviction or denial of housing based on domestic violence, dating violence, sexual assault, or stalking:

1. An applicant's or program participant's status as a victim or survivor of domestic violence, dating violence, sexual assault, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
2. An incident or incidents of actual or threatened domestic violence, dating violence,

sexual assault, or stalking will not be construed as serious or repeated violations of the lease or other “good cause” for terminating the assistance, tenancy, or occupancy rights of a victim or survivor of abuse.

3. Criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim or survivor of the criminal acts.
 4. Assistance may be terminated or a lease “bifurcated” in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim or survivor, who is a tenant or a lawful occupant, to remain.
 5. The provisions protecting victims or survivors of domestic violence, dating violence, sexual assault, or stalking engaged in by a member of the household, may not be construed to limit the O/A, when notified, from honoring various court orders issued to either protect the victim or survivor or address the distribution of property in case a family breaks up.
 6. The authority to evict or terminate assistance is not limited with respect to a victim or survivor that commits unrelated criminal activity. Furthermore, if an O/A can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant’s residency is not terminated, then evicting a victim or survivor is an option, VAWA notwithstanding. Ultimately, O/As may not subject victims or survivors to more demanding standards than other tenants.
 7. VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims or survivors of domestic violence, dating violence, sexual assault, or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence, sexual assault, or stalking.
- D. **Certification and Confidentiality** – O/As responding to an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking that could potentially have an impact on a tenant’s participation in the housing program may request in writing that an individual complete, sign, and submit within 14 business days of the request, the HUD-approved certification form (HUD-91066).

Alternately, in lieu of the certification form or in addition to it, O/As may accept a) a federal, state, tribal, territorial, or local police record or court record or b) documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim or survivor has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. § 1746) to his/her belief that the incident in question represents bona fide abuse, and the victim or survivor of domestic violence, dating violence, sexual assault, or stalking has signed or attested to the documentation.

- E. **Tenants Rights and Responsibilities** – Tenants and family members of tenants who are victims or survivors of domestic violence, dating violence, sexual assault, or stalking are protected by VAWA from being evicted or from housing assistance being terminated because of the acts of violence against them.

If requested, tenants are required to submit to the O/A a completed Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other supporting documentation as described in D., above, within 14 business days of the O/A's request, or any extension of that date provided by the O/A. If the certification or other supporting documentation is not provided within the specified timeframe, the landlord may begin eviction proceedings.

If the tenant has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the tenant may submit written proof of this outreach.

It is possible for someone lawfully occupying the unit, who is also a victim or survivor, to be evicted or removed from the home. If the victim or survivor commits separate criminal activity, a landlord may evict them for engaging in crime. Furthermore, if a victim or survivor poses "an actual and imminent threat to other tenants or those employed at or providing service to the property," they could be evicted, despite VAWA. Of paramount consideration within VAWA is that the landlord may not hold the victim or survivor to a more demanding standard than other tenants.

VII. APPLICANT SCREENING

- A. **Initial Interview – All household members should be present at the initial interview, but must be present prior to the time of Initial Certification/Move-In.**

At the scheduled interview, all eligibility factors will be explained to the applicants, with particular emphasis on the Applicant Screening Requirements. During the interview, the staff person will do the following:

- Clarify any information provided by the applicant;
- Income qualification verification: soliciting third-party verification from all sources in order to determine annual household income (the maximum income levels apply to this program), and all assets, including bank accounts;
- Make copies of proof of citizenship, photo identification, i.e. Driver's License or state I.D. card, and social security card or other acceptable form of verification, and birth certificates for children under the age of 18 years of age;
- Answer any questions the applicant may have.

- B. **Screening Criteria**

It is the policy of Mercy Housing Management Group to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the property or on the quality of life for its residents. As a part of the final eligibility determination, Mercy Housing Management Group will screen each applicant household to

assess suitability. The same criteria will be used to screen new move-ins as well as Live-In Aides and new additions to an existing household. Police officers and other security or management personnel that reside in subsidized units must also pass the same screening criteria as other applicants. Factors to be considered in the screening are housekeeping habits, care of property, rent paying habits and credit records, prior history as a tenant, household income, and criminal records. Following is a description of each of these factors and the method of verification to be employed:

Housekeeping and Care of Property

Staff will request phone references from the applicant's current landlord and previous landlords for the past two (2) years. Based upon these verifications, the staff will determine if the applicant is able and willing to maintain an apartment in a clean and sanitary manner, refraining from damaging the unit.

The applicant will not be held accountable for conditions which are or could be the responsibility of the property owner, or conditions which are otherwise not within the control of the applicant to remedy.

Rent Paying Habits and Credit History – Management will initiate an eviction history and credit report, at no charge to applicant. The applicant shall be notified of such action in advance.

Staff will request phone references from the applicant's current landlord and former landlords for the past two (2) years. Based upon these verifications, the staff will determine if the applicant(s) paid rent on time, took care of the unit, and if the landlord would rent to them again. If the landlord provides a good reference, staff will move forward with the application process. If the landlord provides a negative reference, staff will request a written reference from the Landlord.

A currently open bankruptcy proceeding of any of the household members will be considered a disqualifying condition.

Applicants who have failed to pay amounts due or failed to reach a satisfactory agreement to pay rent owed to a landlord will also be considered ineligible.

→ It is the applicant's responsibility to demonstrate utilities can be put in their name. Applicants who cannot have utilities put in their name will be considered ineligible.

If there is a finding of any kind which would negatively impact an application, the applicant will be notified in writing. The applicant then shall have 14 calendar days in which such a filing may be appealed to staff for consideration.

Applicants will not be considered to have a poor credit history when they were delinquent in rent because they were withholding rent due to substandard housing conditions in a manner consistent with local ordinance; or had a poor rent paying history clearly related to an excessive rent relative to their income, and responsible efforts were made to resolve the non-payment problem.

Applicants who have resided in homes they owned during the prior three years or more can provide proof of timely mortgage, insurance or property tax payments in order to demonstrate their ability to meet the financial requirements of the lease.

Criminal Records Check and Eviction Check

Staff will hire a contractor to run a credit check and criminal background check on all applicants and it will check court records for evidence of evictions or judgments against the applicant and evidence of criminal convictions. The purpose of these checks is to obtain information on the applicant's past history of meeting financial obligations and future ability to make timely rent payments and to abide by the federal laws regarding the prohibition of admitting any applicant with specific criminal activity including drug-related activity.

VIII. DENIED APPLICATIONS

1. These standards are established to comply with the federal laws, and a household member who has been involved in the following will not be admitted under any circumstances:

- Any household containing a member(s) who was evicted in the last three (3) years from federally assisted housing for drug-related criminal activity. To be admitted, the household member would have to provide the following;
 - 1) Proof of successful completion of an approved supervised drug rehabilitation program; or
 - 2) Proof that the circumstance leading to the eviction and/or conviction no longer exists and the applicant has been clean and sober for at least one (1) year.
- A household in which any member is currently engaged in illegal use of drugs for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents;
- Any household member who is subject to a nationwide sex offender lifetime registration requirement will not be admitted under any circumstances*; and
- Any household member if there is a reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.
- The Controlled Substances Act (CSA) categorizes marijuana as a Schedule I substance and therefore, the manufacture, distribution, or possession of marijuana as a federal criminal offense. The CSA prohibits all forms of marijuana use (medically or recreationally), even if it is permitted under state law. Marijuana is not permitted in the units, common areas, or on the property. Admission to this property will be denied if the owner has reasonable cause to believe that the illegal use may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, and current resident households can have their tenancy or assistance terminated by the owner for illegally using a controlled substance.

Note: *Failure to respond to the question of whether the applicant or any household member is subject to a lifetime state sex offender registration program in any state may jeopardize the approval of the application.

A background criminal check is conducted to determine that applicants and/or members of an applicant's household have:

- No record of misdemeanor convictions within the past one (1) year.
- No record of non-violent convictions within the past two (2) years.
- No record of two (2) misdemeanor convictions within the past three (3) years.
- No record of violent convictions within the past four (4) years.
- No record of two (2) felony convictions within the past five (5) years.
- No record of felony arson convictions ever.
- No record of criminal sexual convictions ever;
- No record of terrorist convictions ever.

2. Applicants may be denied for any of the following:

- (a) Failure to present all members of the family at the full family interview, except for hospitalization, medical reasons, emergency, etc., (or some other time acceptable to management) prior to completion of Initial Certification;
- (b) Blatant disrespect or disruptive behavior toward management, the property or other residents exhibited by an applicant or family member any time prior to move-in (or a demonstrable history of such behavior);
- (c) A negative landlord or other reference, encompassing failure to comply with the lease, poor payment history, poor housekeeping habits, or evictions for cause including current notices to pay or quit;
- (d) Open bankruptcy proceedings, or an applicant's inability to get utilities in their name;
- (e) Falsification of any information on the application;
- (f) Eligibility income exceeding the maximum allowed;
- (g) Household characteristics that are not appropriate for the specific type of unit available at the time, or the household is of a size not appropriate for the available unit sizes;
- (h) Family members who do not declare citizenship or noncitizenship status, or sign a statement electing not to contend noncitizenship status. (An application may be revised to exclude proposed family members who do not declare citizenship or eligible noncitizenship status); *[RD program excluded]*;
- (i) Failure to meet the Student Eligibility Rule;
- (j) Failure to update application for the Waiting List within specified time when notified;
- (k) Other good cause: including, but not limited to, failure to meet any of the selection criteria in this document;
- (l) Failure to disclose and provide acceptable documentation to verify the valid SSNs of **all** non-exempt household members including Live-In Aides within 90 days of first being offered an available unit;
- (m) Does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A);
- (n) Failure to provide photo identification for adults 18 years of age or older;

- (o) Failure to provide birth certificates for household members below 18 years of age;
- (p) Declines an apartment offer after being contacted three times;
- (q) Consideration may be given for extenuating circumstances where this would be required as a reasonable accommodation when determining the acceptability of tenancy. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

An example of extenuating circumstances for a disabled applicant would be that the Manager received a negative landlord reference that said the applicant's home was unclean and unsanitary and therefore, the applicant was rejected. The applicant informs the Manager that s/he has a disability and their relative cleaned their home and will clean their home one day per week, and asks for a re-inspection from their current landlord, if possible. The home is found clean and sanitary, and the Manager is aware the relative will clean one day per week. This could be considered a reasonable accommodation. An example of extenuating circumstances for a non-disabled applicant would be if the applicant had always paid their rent on time, but then became ill or were injured and couldn't get to the office to pay their rent on time. The applicant arranged for a relative to take their rent check to the office by the due date and believes they will be able to pay the rent on time. The Manager would verify that the applicant paid their rent on time prior to the illness or injury, and if so, the application could be reconsidered.

IX. FINAL ELIGIBILITY DETERMINATION

Staff will make a final eligibility determination on each applicant only after all factors have been adequately verified including household's annual income. Eligible applicants will be notified in writing of their status and given an approximate date when they can expect to receive an offer of a unit. Ineligible applicants will be notified in writing of their ineligibility and the reason, and informed of their right to an informal review.

Once final eligibility is determined, the staff will proceed to calculate the rent, execute lease documents, and assign the next unit available for which the household has been deemed eligible.

Applicants determined ineligible for admission by staff may respond in writing or request an informal review of the determination. They must make the request within 14 days of the date of the notice of ineligibility. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. Within 5 days of receiving the request, the staff must schedule the review and notify the applicant of the place, date and time.

Informal reviews will be conducted by an impartial review officer who had no involvement in the ineligibility determination. The review officer will be selected by the Area Director of Operations. The applicant may bring to the review any documentation or evidence he/she wishes and the evidence along with the data compiled by staff will be considered by the review officer.

The review officer will make a determination based upon the merits of the evidence presented by both sides. Within 5 business days of the date of the review or response, the review officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

X. PETS – A Pet Deposit and Pet Agreement are required. (*An Assistance Animal is not a pet*)

1. Pets will be permitted only in accordance with the HUD-approved Pet Policy established by management. Register pets with the office before moving them into the property. A refundable Pet Deposit can be paid with an initial \$50 payment when the pet is brought into the unit, and \$10 per month payments are allowed until paid.
2. A Service or Companion Animal (Assistance Animal) is allowed with a provider’s verification. Please review the Reasonable Accommodation and Modification Policy.

XI. MODIFICATION OF THE RESIDENT SELECTION CRITERIA PLAN

This Resident Selection Criteria Plan will be reviewed annually to ensure that it reflects current operating practices, program priorities and HUD requirements. If this Resident Selection Criteria Plan is substantially updated, you may be notified.

I certify that I have been given an opportunity to review the Resident Selection Criteria for housing at Mercy Riverside.

_____	_____
Applicant	Date
_____	_____
Applicant	Date
_____	_____
Applicant	Date

