

## Thrive Sweet Auburn Resident Selection Criteria

### 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.

**Reasonable Accommodation Request.** Persons with disabilities have the right to request a reasonable accommodation. The Section 504 coordinator can be contacted at 504adacoordinator@mercyhousing.org.

### Introduction.

Thrive Sweet Auburn (Thrive) is a 117-unit mixed income development for families and individuals. The property is located at 302 Decatur Street Southeast in Atlanta, Georgia. One Hundred and Seventeen (117) units are governed by IRS Section 42 Tax credit Program (LIHTC), Affordable Home Program (AHP) and the Eastside Tax Allocation District (Eastside TAD) funding. Twenty-three (23) Permanent Supportive Housing (PSH) units are governed by Partners for Home. These units will receive project based rental subsidy from Atlanta Housing (AH) under their HAVEN program. Twenty-Two (22) units are governed by the HOME program (HOME), and Twelve (12) units under the US Housing and Urban Development (HUD) Section 811 Project Rental Assistance demonstration program (PRA) which is administrated by the Georgia Department of Community Affairs (DCA).

Property Management will be provided by Mercy Housing Management Group (MHMG).

Applications are located at the Reynoldstown Senior Residences, 695 Field Street, Atlanta, GA 30316 until the property opens. If you are unable to pick one up, MHM will mail or email an application to you upon request.

## **I. PROGRAM DESCRIPTIONS.**

### **A. Veteran Program**

1. **Definition.** In accordance with the AHP implementation plan, a veteran is defined as those that are currently serving in any branch of the US military, or including the National Guard or Reservist, spouses, or that have been discharged from any branch of the US military with any status other than dishonorable, or their surviving spouses.

2. **Verification of Veteran (required documentation):**
  - a. A copy of current orders showing duty posting in a conflict environment, for current active-duty personnel; **or**
  - b. Military Service Record DD-214; **or**
  - c. Veterans ID Card; **or**
  - d. VA Certificate of Eligibility; **or**
  - e. A copy of one of the above, along with a Death Certificate for a surviving spouse application; **and**
  - f. Any other documentation that may be determined acceptable at the Bank's sole discretion.

B. **PRA Program**

1. **Purpose.** The purpose of the PRA Program is to provide Extremely Low-Income Persons with Disabilities, age 18-62, who are eligible for community-based long-term services, and are eligible under the State's Settlement Agreement with Severe and Persistent Mental Illness (SPMI), or eligible for Money Follows the Person program (MFP), which includes adults with intellectual, developmental, or physical disabilities. There are two Tenant-Referral Organizations (TRO), the Georgia Department of Behavioral Health and Development Disabilities (DBHDD) and the Georgia Department of Community Health (DCH) and they refer individuals to DCA. DCA, will determine program eligibility, process applicants, and refer them to Thrive for further processing.

C. **PSH Program**

1. **Purpose.** The purpose of Permanent Supportive Housing is to provide long-term, affordable housing, and support services to people with disabilities or other special needs who are homeless or potentially experiencing homelessness as identified by the Atlanta Homeless Continuum of Care.

- a. Homelessness and at risk of homelessness are defined in Section 578.3 of Title 24 of the Code of Federal Regulations.

D. **HAVEN Program**

1. **Purpose.** The purpose of AH's HAVEN program is based on the need to develop housing assistance for special needs populations such as the homeless, persons with disabilities, persons with mental health or developmental disabilities, U.S. military veterans, at-risk families and youth and other targeted groups who are enrolled in supportive services programs and who require a stable housing arrangement to ensure the effectiveness of their respective supportive services plans.

**II. INCOME LIMITS.** The income limits below are for Thrive Sweet Auburn and are posted in the Leasing Office:

<u>Property</u>	<u>30%</u>	<u>60%</u>	<u>80%</u>	<u>Market</u>	<u>Non-Rev</u>	<u>Total</u>
Thrive Sweet Auburn	39	39	39	0	0	117

**III. UNIT SIZE/OCCUPANCY STANDARDS.**

	<u>Minimum</u>	<u>Maximum</u>
1. Efficiency	1	2
One Bedroom	1	2
Two Bedroom	2	4
Three Bedroom	3	6

2. Heads of household must be at least eighteen years old or an emancipated minor.

3. Live-In Aides are allowed to live in the unit once verified and approved through the reasonable accommodation process.

**IV. APPLICATION FEES**

1. **Non-PRA Units.** An Application Fee of \$35, paid by money order, is required for all adults 18 years of age and older that will reside in the apartment and must be submitted at the time the application is processed. **After the Credit & Criminal Screening is processed, the Application Fee is non-refundable.**

2. **PRA Units.** No Application Fee is required for individuals eligible under the PRA program.

**V. PET POLICY**

A. Pets are not allowed.

1. Assistance Animals are allowed with appropriate verification. Please review the Reasonable Accommodation and Modification Policy.

**VI. APPLICATION PROCESS FOR LEASE-UP PROPERTIES**

A. MHM will rank all applications for consideration and units will be offered according to the following descending order of priorities:

1. **NON-PRA and NON-PSH UNITS**

- a. Lottery
- b. Date and time-stamped property received original application and reference number assigned.
- c. Date of completion of verification/certification process; and
- d. Date of availability for move-in.

2. **PRA UNITS**

- a. Applicants referred by DCA.
- b. If no individuals are referred within 10 days from notification, available units will be leased to families who are not eligible for the PRA or PSH/HAVEN rental assistance based on their location on the waitlist.

3. **PSH UNITS**

- a. Applicants are referred by Partners for HOME via the Coordinated Entry System (CES)
  - (1) Coordinated Entry is a streamlined system that assesses households using an objective tool that identifies vulnerability and barriers to housing.
- b. Applicants must meet eligibility requirements outlined in the Authority's Admissions.
- c. Applicants will be restricted to residents with incomes at 30% area median income or less.

B. MHM will endeavor to communicate the information above and in the application in-take processes in the primary language of the applicant. The applicant, in turn, should make every effort to have family members or other trusted resources assist in interpreting and translating for maximum mutual comprehension.

C. Only one application will be considered and processed per household. The highest ranked application will be submitted if additional applications are found.

D. Initial applications for a Lease-Up will be processed by a Lottery or Random Drawing. All qualifying applications received by the due date, will be entered into the random drawing. At the drawing, each application will receive a number. These numbers indicate the order in which applications will be reviewed-it does not guarantee that the applicant will get an apartment.

E. Within two weeks after the Lottery or Random Drawing takes place, applicants will receive a letter requesting an initial interview. See **Section IX – Occupancy Eligibility** for additional information regarding eligibility determination.

F. All applications received after the Lottery due date will be added to the waitlist based on date/time stamp as to when it was received.

## VII. APPLICATION PROCESS AFTER LEASE UP

A. **Marketing.** All marketing efforts will comply with the approved Affirmative Fair Housing Marketing Plan, which is designed to promote equal housing choice for all prospective tenants regardless of race, color, religion, sex, disability, familial status, or national origin.

B. **Applications:**

1. **NON-PSH and NON-PRA UNITS:**

a. Anyone who wishes to be admitted to the property or placed on the waiting list must complete an application which is signed by all applicant(s) 18 years or older, or their legal designee.

2. **PRA UNITS:**

a. Only individuals referred by DCA who wishes to be admitted to the property may complete an application which is signed by all applicant (s) 18 years or older, or their legal designee.

b. The property does not maintain a waiting list for these units.

3. **PSH UNITS:**

a. Only individuals who are currently experiencing homelessness or at risk of experiencing homelessness, and are referred through the CES may complete an application which is signed by all applicant(s) 18 years or older, or their legal designee.

b. The property does not maintain a waiting list for these units.

C. **Priority.** Priority determines the order of processing only. Each application will be date and time stamped when received and then processed. Applications will be ranked for consideration (and units will be offered) according to the following descending order of priority

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

D. **Closed Waitlist.** 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”.

E. **Purging/Updating Waitlist.** Periodically, letters will be sent to applicants to update their information and confirm they remain interested in applying for a unit. Failure to respond to these notices will result in removal from the waiting list. It is the obligation of the applicant to notify management of any changes to their contact information (address/phone number/email address).

## VIII. WAITLIST PROCEDURES FOR PROCESSING.

A. **Preferences.** Preferences are not permitted if they in any way negate affirmative marketing efforts or fair housing obligations. Transfers from one unit to another type of unit within the property **will take precedence over new move-ins.** The following preferences apply to Thrive Sweet Auburn:

1. **Existing Tenant Preferences.** The following receive priority for current households:

- a. A unit transfer based on the need of an “emergency temporary relocation”.
- b. A unit transfer based on “verifiable medical necessity.”
- c. A transfer for Victims or Survivors of Domestic Violence, Dating Violence, Sexual Assault and Stalking (VAWA) as described in Article VI.
- d. A unit transfer because of household size.

2. **New Move in Preferences.** The following preferences allow for individuals to be moved to the top of the waitlist for processing.

a. **Veteran Preference**

(1) To remain in compliance with the AHP program, the property must have twenty-three (23) units occupied with eligible veterans.

b. **PRA Units**

(1) Owner has agreed to set-aside units that are dedicated for use by HUD 811 eligible households through the execution of Rental Assistance Contracts and HUD 811 Use Agreements. Only direct referrals from the DCA HUD 811 waitlist will be processed in the order in which they are received.

c. **PSH Units**

(1) Owner has agreed to set-aside units that are dedicated for use by Permanent Supportive Housing eligible households through Agreements with Partners for Home. Only direct referrals from the Coordinated Entry system will be processed in the order from which they are referred.

B. **Reasons for Transfers.** Transfers (from one unit to another type of unit within the property) may be required for the following reasons:

1. **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.

2. **Verifiable medical necessity.** Wheelchair accessible unit or additional space for medical equipment. Transfers that are needed due to a reasonable accommodation will have priority over non-reasonable accommodation transfer. Includes the need to accommodate a person with a disability.

3. **VAWA.** See VAWA section.

4. **Household Size.** To alleviate overcrowding (Household has more members than the Occupancy Standards allow), or to avoid occupancy by too few people

(Household is under the minimum Occupancy Standards and is required to transfer to the next available unit of appropriate size)

C. **Obligations for Moving Costs.** 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.

D. **State registered lifetime sex offenders.** A nationwide sex offender lifetime registration will be run for adult household members and emancipated minors during move in, 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.

E. **Existing lessee transfer request.**

1. **Non PRA and PSH Units.** 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 of legal contract age or an emancipated minor, 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.

2. **PRA Units.** When a household requests to transfer one or more lessees out of an existing household into another PRA unit on the property, the transferring lessee will be referred to DCA for eligibility determination and would not be added to the property's waitlist. If the lessee wants to transfer to a Non-PRA unit, the transferring lessee will be treated as a new applicant. He/she must be of legal contract age or an emancipated minor, 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.

3. **PSH Units.** When a household requests to transfer one or more lessees out of an existing household into another PSH unit on the property, the transferring lessee will be referred to the Coordinated Entry System for eligibility determination and would not be added to the property's waitlist. If the lessee wants to transfer to a Non-PSH unit, the transferring lessee will be treated as a new applicant. He/she must be of legal contract age or an emancipated minor, 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.

F. **Unit Offer.** If an applicant is offered and declines an apartment unit two times, the applicant will be denied, notified in writing, and removed from the waitlist.

**IX. CONSENT AND VERIFICATION FORMS ELIGIBILITY REQUIREMENTS.** All adult members of a household must sign consent forms, and as necessary, verification documents, so that MHM can verify sources of household income and other eligibility or screening requirements. MHM must consider a household ineligible if any adult member refuses to sign applicable consent and verification forms.

**X. STUDENT ELIGIBILITY RULE.**

**A. LIHTC Units.**

1. **Determining eligibility.** Households entirely comprised of full-time students are ineligible.
  
2. **Exceptions.** Full time students who meet one or more of the following criteria:
  - a. *The students receive assistance under Title IV of the Social Security Act (Temporary Assistance to Needy Families or TANF);*
  - b. The students are enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, State or local laws;
  - c. The students are single parents with child(ren) and such parents, and the child(ren) are not dependents of another individual;
  - d. The students are married and file a joint tax return or are eligible to file a joint tax return.
  - e. At least one household member was previously (not currently) under the care and placement responsibility of the State Agency responsible for administering a plan under Part B or Part E of Title IV of the Social Security Act (Foster Care).
  
3. **Full Time Student.** Defined as:
  - a. Anyone who is currently enrolled in any type of school and the school they attend defines the hours they attend as full time.
  - b. Anyone who will attend full time any type of school any time in the next twelve (12) months.
  - c. *Anyone who has attended school full time for five (5) months of this calendar year. This does not have to be consecutive. Example 1: If an applicant attends school full time from January 20th through May 13th, this is considered five months. If they attend one day in any month, that counts as a full month. Example 2: If you attended full time one day in January, one day in February, one day in April, one in June and one in July, you are considered a full-time student until January 1st of the following year.*

**B. PRA/HOME/PSH Units.**

1. **Determining Eligibility.** Eligibility for assistance will be determined at move-in, initial or annual recertification, and at the time of an interim recertification.

2. **Eligibility Requirements.** The student must meet all the following criteria to be eligible.
  - a. Be of legal contract age under state law;
  - b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or
  - c. Meet the U.S. Department of Education’s definition of an independent student.
  - d. Cannot be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
  - e. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. Certification is required even if no assistance is provided.

## **XI. HOUSING FIRST [PSH UNITS ONLY]**

- A. The property follows the Housing First approach related to the application, screening process, and supportive services for the PSH units at the development. This approach has shown that residents accessing Housing First programs as compared to other programs are able to move into housing faster, have remained housed longer, able to retain housing stability and have a greater sense of choice and autonomy.
- B. Low barrier admission policies will allow MHMG to “screen in” applicants by allowing for a more flexible screening process to address an applicant’s unique circumstance. Obstacles to entry such as low to no income, poor or no rental history, criminal convictions unrelated to tenancy or behaviors that indicate a lack of “housing readiness” will be acknowledged and taken into consideration during the screening process.
  1. The property receives federal funding and is required to comply with certain federal laws. A household member who has been involved in situations noted in Section XIII, Subsection A, Points 1-5 will not be admitted under any circumstances.
- C. Applicants are not required to agree to participate in supportive services prior to entering housing, nor will service participation be a requirement of tenancy. Services are proactively offered to help individuals achieve and maintain housing stability.

## **XII. OCCUPANCY ELIGIBILITY**

- A. It is the policy of MHM to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of any of the properties or on the quality of life for its resident. Many factors will be considered when determining eligibility. The following is a description of each of these factors and method of verification to be employed.
- B. **Verification Interview.** As applicants approach the top of the waiting list, they will be contacted to schedule an interview to confirm/update all information given on the application,

explain program requirements, verification procedures and penalties for false information. All household members must be present at the initial interview.

1. **Release of Information Forms.** All individuals 18 years and older on the application will be required to sign the release of information form (HUD-9886) to be used to verify income and other aspects of eligibility.

C. **Income qualification verification, including self-employment.** Soliciting third-party verification from all sources to determine annual household income (the maximum and minimum income levels apply to this program), and all assets, including bank accounts.

D. **Credit & Criminal Screening.**

1. 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 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.

2. **PSH Units**

- a. Screening will follow Housing First and low barriers to admissions as stated in **Section XI**.

E. **Landlord References.** Current and previous landlords for the past two (2) years will be contacted for a reference concerning payment records as well as the history of complying with lease requirements and housekeeping habits. This applies to all adult member of each applicant household.

F. **Homeowners.** 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 requirement of the lease.

G. **Utilities.** It is the applicant's responsibility to demonstrate utilities can be put in their name.

H. **Gross Rent as a Percentage of Gross Income.** To protect the project from rent loss and rent delinquency, persons spending more than 50% of the household's combined monthly income for rent may not be accepted. For subsidized units (HAVEN, PRA, Vouchers), an applicant's ratio of rent-to-actual income would be 30% as required by the associated regulatory agency. Those household members listed on the application must be the same as those who have contributed to a household's history of paying more than 50% of gross household income for rent.

1. Current documentation of ability to pay higher rent above 50% must be within the past twelve months for a period of no less than eight (8) months. Suitable documentation shall include the following: cancelled checks, rent receipts or mortgage statements, lease agreement, and landlord verification. All income must be verified by management.

I. **Citizenship & Immigration Status [PRA and PSH units only].** U.S. citizens and eligible noncitizens may benefit from federal rental assistance. Everyone on the application must furnish proof of citizenship or eligible immigration status. For citizens, the evidence consists of a signed declaration of US citizenship or US nationality. Additional verification, i.e., U.S. birth certificate or U.S. passport may also be required. For noncitizens, adequate evidence consists of a signed declaration of eligible immigration status, and one of the documents listed in Figure 3-4 of HUD 4350.3 REV-1.

2. **Declaration Form.** All applicants, regardless of age, must declare their citizenship or immigration status via a declaration form. For household members under the age of 18, the form must be signed by an adult member of the household. This form is a statement made by the applicant clarifying whether s/he is a (1) Citizen or nation of the United States, (2) Noncitizen with eligible immigration status as evidenced by an immigration document, or (3) Noncitizen and is not contending eligible immigration status and is thus no eligible to receive Federal assistance.

3. **Additional Requirements.** For all applicants under the age of 62 who are eligible noncitizens as an immigrant to the United States, s/he must additionally sign a verification sent form and submit documentation of immigration status. Otherwise, for noncitizens who are in this country on a visa, and are not immigrants, there is an appropriate place on the form for them to sign stating they do not claim to have eligible immigration status and are not therefore eligible for assistance.

4. **Verification.** Citizenship information will be verified, as appropriate and required through the Multifamily Systematic Alien Verification for Entitlements (SAVE), the Department of Homeland Security (DHS) automated system.

5. **Subsidy Proration.** Only eligible household members will receive rental assistance, which will be calculated by using a proration method of eligible members divided by total household members.

B. **Social Security Number (SSN) Requirement [PRA and PSH units only].** Each applicant must submit the complete and accurate SSN assigned to everyone on the application.

1. **Exceptions.** Disclosure and verification of an SSN is not required for the following situation:
  - a) Applicants, regardless of age, who have previously disclosed a **valid** SSN and have not been issued a new SSN; or
  - b) Applicants who do not contend eligible immigration status; or
2. **Required Documentation.**
  - a) A valid SSN card issued by the Social Security Administration (SSA); **or**
  - b) An original document issued by a federal or state government agency, which contains the name, SSN, and other identifying information of the individual; **or**
  - c) Other evidence HUD may prescribe in administrative instruction, including acceptable sources listed in Appendix 3 of HUD Handbook 4350.3 REV-1

C. **Enterprise Income Verification (EIV) [PRA and PSH units only].** EIV is a web-based computer system that contains employment and income information from the U.S. Department of Health and Human Services (HHS) and the SSA, respectively.

1. **Use of EIV.** The information is used for the following purposes:
  - a) Confirm name, date of birth and SSN with SSA.
  - b) Verify reported income sources and amounts.
  - c) Confirm participation in only one HUD rental assistance program.
  - d) Confirm any negative status if you moved out of a subsidized unit in the past.
2. **Mandatory Use.** HUD requires all Owner/Agents to use EIV during the application process, annual recertification, interim recertification, or change in household composition.
3. **Existing Tenant Search.** The existing tenant search in EVI will be utilized as part of the screening criteria for new tenants or adding new members, including live in aides, to determine if anyone is currently receiving rental assistance at another property. Exceptions will be applied for (1) minor children where both parents share 50% custody and (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.
  - a) 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.

### **XIII. DENIED APPLICATIONS.**

A. Certain standards have been 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:

1. 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;

- a. Proof of successful completion of an approved supervised drug rehabilitation program; or
- b. 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.

2. Any household member who has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

3. Illegal use, manufacture, distribution, or possession of any controlled substance is prohibited. The Controlled Substances Act (CSA) categorizes marijuana as a Schedule 1 substance and therefore, the manufacture, distribution, or possession of marijuana as a federal criminal offense.

4. A household in which any member is currently engaged in illegal use of drugs providing 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;

5. Any household member who is subject to a nationwide sex offender lifetime registration requirement will not be admitted under any circumstances (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).

6. 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.

B. **Applicants may be denied for any of the included, but not limited to following reasons.**

1. A background criminal check is conducted to determine that applicants and/or members of an applicant's household have:
  - a. No record of non-violent convictions within the past two (2) years
  - b. No record of violent convictions within the past three (3) years
  - c. No record of criminal sexual activity ever, including being subject to a nationwide sex offender lifetime registration;
  - d. No record of terrorist activity ever;
  - e. No record of felony arson convictions ever.
  
2. 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;
  
3. 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);
  
4. A negative landlord 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;
  
5. Any household member with a currently open bankruptcy proceeding;
  
6. Falsification of any information on the application;
  
7. Eligibility income exceeding the maximum allowed, or not meeting the minimum allowed;
  
8. Family composition not appropriate for available bedroom size;
  
9. All members of household are full-time students and do not meet any of the criteria outlined in the Student Eligibility Rule section;
  
10. Failure to provide photo identification for adults 18 years of age and older;
  
11. Failure to provide birth certificates for household members below 18 years of age;
  
12. **PRA Units Only.**
  - a. Family members who do not declare citizenship or non-citizenship status, or sign a statement electing not to contend non citizenship status. (An application may be revised to exclude proposed family members who do not declare citizenship or eligible non citizenship status
  - b. 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.
  
13. Other good cause: including, but not limited to, failure to meet any of the selection criteria in this document;
  
14. 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.

**XIV. FINAL ELIGIBILITY DETERMINATION.** MHM will make a final eligibility determination on each applicant only after all factors have been adequately verified including household's annual income.

- A. **Determination of Eligibility.** 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. Once final eligibility is determined, MHM will proceed to calculate the rent, execute lease documents, and assign the next unit available for which the household has been deemed eligible.
- B. **Determination of Ineligibility.** Ineligible applicants will be notified in writing explaining the reason for the rejection along with the applicants right to an informal review of the decision.
- C. **Appeal Process.** Applicants determined ineligible for admission by MHM must make a request, in writing, within fourteen (14) days of the date of the notice of ineligibility if they wish to dispute their rejection. Within 5 days of receiving the request, MHM 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 was not involved 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 MHM will be considered by the review officer. The review officer will decide based upon the merits of the evidence presented by both sides. Within 10 days of the date of the review, the review officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

## **XV. FAIR HOUSING**

- A. **Section 504 of the Rehabilitation Act of 1973** 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. Questions or request regarding the specific needs of residents and applicants with disability can be submitted to the 504 coordinators, whose information can be found in Subsection
- 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 or Gender Identity). 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.

## **XVI. VICTIMS OR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING.**

A. Existing state laws may prohibit a landlord from denying admission to a person simply because she/he has been a victim or survivor of domestic violence, dating violence, sexual assault, or stalking. If a person is a victim or survivor of domestic violence, dating violence, sexual assault, or stalking, it might not be good cause for evicting the victim or survivor of that violence. A landlord, however, may be able to evict an individual based on the domestic violence against her/him if it can be proven there is an “actual and imminent threat” to other tenants or staff, if she/he is not evicted. In addition, an individual cannot be denied a housing voucher simply because she/he has been a victim or survivor of domestic violence, dating violence, sexual assault, or stalking, nor can the landlord evict her/him for this reason, unless the landlord can show that there is an “actual and imminent threat” to the other tenants or staff if she/he is not evicted. [If a property has a layering of federal funding, the laws might protect 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. The law might provide 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. A tenant may notify the landlord that she/he is a victim or survivor and intends to terminate their tenancy. A notice to terminate a tenancy under the law shall be in writing, with one of the following attached to the notice:

1. a copy of a temporary restraining order or a lawfully issued emergency protective order that protects the tenant or household member from further domestic violence, dating violence, sexual assault, or stalking;

2. a copy of a written report by a peace officer employed by a state or local law enforcement agency acting in his/her official capacity, stating that the tenant or household member has filed a report alleging that she/he or the household member is a victim or survivor of domestic violence, dating violence, sexual assault, or stalking; and/or

3. other written documentation from a qualified third-party of the acts constituting domestic violence, dating violence, sexual assault, or stalking. The notice to terminate the tenancy shall be given within 60 days of the date that any order described above was made, or with the time period described in a Family/Penal/Code of Civil Procedure Section(s). If the notice to terminate the tenancy is provided to the landlord under this Section, the tenant shall be responsible for payment of rent for 30 days following the giving of the notice, or within the appropriate period as described in the Family/Penal Code of Civil Section(s), and thereafter shall be released from any rent payment obligation under the rental agreement without penalty. Existing law governing the security deposit shall apply.

C. The landlord might be required to change the locks, as defined, within 24 hours of a written request, as specified, when the restrained person is not a tenant of the same dwelling unit. The restrained person who has been excluded from a dwelling unit might remain liable under the lease with all other tenants of the dwelling unit for rent as provided by the lease. The landlord, under specified circumstances, might also be required to change the locks when the

restrained person is a tenant of the same dwelling unit. If the landlord does not change the locks within 24 hours, the protected tenant might be able to change the locks without the landlord's permission.

D. **Definitions.** The following definitions are provided as assistance in understanding and implementing the 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.

1. **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.

2. **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.

3. **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.

4. **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.

5. **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.

6. **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.

E. **Confidentiality of Information Received from Victims or Survivors of Domestic Violence, Dating Violence, Sexual Assault or Stalking.** 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) or similar form.

F. 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 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.

G. 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 domestic law protections. Of paramount consideration is that the landlord may not hold the victim or survivor to a more demanding standard than other tenants.

**XVII. 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 the opportunity to review the Resident Selection Criteria for housing at Thrive Sweet Auburn.

Applicant	Date	Applicant	Date
Applicant	Date	Applicant	Date
Management	Date		