

Wellesley Townhouse Cooperative

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MEMBERSHIP SELECTION PLAN

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WELLESLEY TOWNHOUSE COOPERATIVE MEMBERSHIP SELECTION PLAN

NON-DISCRIMINATION

Wellesley Townhouse Cooperative adheres to the Fair Housing Act and Federal Civil Rights Laws. We will not discriminate against applicants or occupants based on race, color, national origin, sex, age, disability, religion or familial status. In compliance with Section 504 regulations, we will consider extenuating circumstances in the screening process for applicants with disabilities, where required as a matter of reasonable accommodation alternate forms of application can be accepted Housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.

CITIZENSHIP

Assistance in subsidized housing is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status as determined by HUD. All family members, regardless of age, must declare their citizenship or immigration status. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student. Non-citizen applicants will be required to submit evidence of eligible immigration status at the time of application and will be verified through the U.S. Immigration & Customs Enforcement, Systematic Alien Verification for Entitlements (SAVE) Program.

SSN REQUIREMENTS

Each member of an applicant's household; except those who do not claim to have eligible immigration status or persons who were 62 or older and whose initial determination of eligibility was prior to January 31, 2010, must disclose and provide documentation of Social Security Numbers (SSN) before the household may be housed. All SSN's for an applicant's household must be verified using appropriate documentation before the household can be admitted into the project. *However, they do not need to disclose their SSN to be placed on the waiting list.* SSN's will be verified through the Enterprise Income Verification. When adding household members 6 and under they will be allowed to continue the application process but must provide SSN within 90 days. (EIV) System within 90 days of move-in.

All family members who are 18 years of age or older are required to sign consent and verification forms. All information reported by the family is subject to verification.

The unit must be the family's sole residence. The owner must not provide assistance to applicants who will maintain a residence in addition to the HUD assisted unit. Under no circumstance may any member benefit from more than one subsidy. When processing the application, the property will conduct an Existing Tenant Search through the Enterprise Income Verification (EIV) System to verify the applicants and/or other household members are not currently residing in subsidized housing. If the applicant or any member of the applicant household fails to fully and accurately disclose receipt of HUD assistance or rental history on the application, the applicant will be denied based on "misrepresentation" of information. EIV Income reports and other applicable reports will be generated to assist in the Annual Recertification process and at other times outlines in the HUD guidelines this information will be for all household members 18 and over.

STUDENT RULE

Eligibility Requirements for Section 221(d)(3) BMIR Residents

On 11-30-05 Congress enacted Public Law 109-115, which included in Title III, Section 327, appropriations for HUD regarding eligibility of students for assisted housing under the Section 221(d)(3) BMIR program. Owners are required to determine a student's eligibility for housing assistance at move-in, annual recertification, initial certification (when an in-place resident begins receiving housing assistance), and at the

time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student. Management will use the following HUD guidelines as indicated in Chapter 3 and Appendix 3 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.

Students who are Not Eligible for Assistance for the Section 221(d)(3) BMIR Program

A student who is enrolled at an institution of higher education must meet all of the following criteria, or s/he will not be eligible for assistance in the Section 221(d)(3) BMIR program:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the US Dept of Education's definition of an independent student;
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support, even if no assistance is being provided.

Eligibility Requirements for Section 8 Residents

Management is required to determine a student's eligibility for housing assistance at MI, AR, IC (when an in-place resident begins receiving housing assistance), and at the time of an IR.

Students who are NOT Eligible for Section 8 Assistance

At this Section 8 property, assistance will not be provided to any individual who:

- is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
- is under the age of 24;
- is not married;
- is not a veteran of the United States Military;
- does not have a dependent child;
- is not a person with disabilities and was not receiving Section 8 assistance as of 11-30-05;
- is not living with his or her parents who are receiving Section 8 assistance;
- is not individually eligible to receive Section 8 assistance; and has parents (individually or jointly) who are not income eligible to receive Section 8 assistance.

Note: Unless the student can demonstrate his or her independence from parents the student must be eligible to receive Section 8 assistance and the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance. However, note the paragraph below regarding vulnerable youth.

Department of Education's Definition of Independent Student

The Dept of Education provides that an independent student is a student who meets one or more of the following criteria:

- The individual is 24 years of age or older by December 31 of the award year;
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- The individual is a graduate or professional student;
- The individual is a married individual;
- The individual has legal dependents other than a spouse;
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by--
 - a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
 - the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
- a financial aid administrator; or
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

HUD's Definition of Vulnerable Youth as Regards Independent Student Status

HUD defines vulnerable youth as unaccompanied homeless youth, youth that are at risk of being homeless, and youth who have aged out of the foster system. Individuals who meet the Department of Education's definition of independent student are considered vulnerable youth. If an O/A determines an individual is a vulnerable youth, such determination is all that is necessary to determine a person is an independent student for purposes of using only the student's income for determining eligibility.

Demonstrating Independence from Parents

For a student to be considered living independently of their parents, they must be able to demonstrate the absence of or independence from parents, and must meet all of the following to be eligible:

- Be of legal contract age under state law;
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or meet the US Dept of Education's definition of an independent student (see definition below);
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support, even if no assistance is being provided.

If an individual can prove independence from his/her parents and is otherwise eligible for assistance, the student would be eligible to move into the property and receive assistance. Non-tuition student financial assistance would be counted as income unless the student is over 23 with a dependent child.

Student's Independence Verification Requirements

O/As will need to verify a student's independence from his or her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by doing all of the following:

- Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education's definition of independent student;
- Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of independent student; and
- Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student.

Note: Verification of a Student's Independence is not required if the student meets the definition of vulnerable youth.

Defining Student Financial Assistance Income for the Section 221(d)(3) BMIR Program

The full amount of financial assistance paid directly to the student or to the educational institution and amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs, are excluded from annual income for the above programs.

Defining Student Financial Assistance Income for the Section 8 Program

Any financial assistance an eligible Section 8 student receives (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.

Note: Financial assistance that is provided by persons not living in the unit is not part of annual income for students who meet the Department of Education's definition of vulnerable youth.

Definition of Tuition for Section 8

On 12-10-15 HUD published Notice H15-12 to amend the definition of tuition to promote consistency across HUD's programs and provide O/As with a standard definition of tuition and fees. HUD defines tuition in the same manner in which the Department of Education's defines tuition, which is the amount of money charged to students for instructional services which may be charged per term, per course, or per credit. In addition, the department further defines tuition and fees as the amount of tuition and required fees covering a full academic year most frequently charged to students. These values represent what a typical student would be charged and may not be the same for all students. If tuition is

charged on a per-credit-hour basis, the average fulltime credit hour load for an entire academic year is used to estimate average tuition. Required fees include all fixed sum charges that are required of a large proportion of all students. The student who does not pay the charges is an exception. 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 (i.e., nursing program). Expenses related to attending an institution of higher education must not be included as tuition, such as room, board, books, supplies, meal plans, transportation, parking, student health insurance plans, and other non-fixed sum charges.

OCCUPANCY STANDARDS - Unit Size Minimum And Maximum Occupants

- 1 Bedroom, 1-2
- 2 Bedroom, 2-4
- 3 Bedroom, 3-6

A single person cannot occupy a unit with two or more bedrooms unless one of the following applies:

- A person with a disability who needs the larger unit as a reasonable accommodation.
- A remaining family member of a resident family when no appropriately sized unit is available.
- A smaller unit size may be assigned upon request; only if occupancy of the smaller unit will not cause serious overcrowding and will not conflict with local codes.

A larger unit size may be assigned upon request if one of the following conditions exists:

- No eligible family in need of the larger unit is available to move into the unit within 60 days, the property has the proper size unit for the family but it is not currently available.
- The family needs a larger unit as a reasonable accommodation for a family member who is a person with a disability.

INCOME LIMIT REQUIREMENTS

Income Limits for Section 221(d)(3) BMIR Units

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to eligible families. The Income limits for this Section 221(d)(3) BMIR property are restricted by HUD not to be greater than the Low Income Limit. The limits are based on family size and the annual income the family receives. Applicants must have an income that is not greater than this maximum income limit established by HUD. Once an applicant is approved under the income limit rule and moves into the property, this income eligibility test will not be done again unless the resident has gone to market rent and wants once again to be eligible for subsidy.

Income Limits for Section 8 Units

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to families that need it. All income limits are based on family size and the annual income the family receives, and are available for review at the site office. This property's original Section 8 contract was effective after 10-1-81, and the owner may admit only families at or below the Very Low Income (VL) limit. Also, tied into the VL income limits for Section 8 properties is an additional income limit called the Extremely Low Income (ELI) limit, which is defined by the Quality Housing and Work Responsibility Act of 1998 as family incomes that do not exceed 30% of median income. Further, the Consolidated Appropriations Act of 2014 modified the definition of ELI limits to ensure that they would not fall below the poverty guidelines determined for each family size. Specifically, ELI families are defined to be VL income families whose incomes are the greater of the Poverty Guidelines as published and periodically updated by the Department of Health and Human Services, or the 30 percent income limits calculated by HUD.

The limits are based on family size and the annual income the family receives, and are available for review at the site office. Applicants must have an income that is not greater than the maximum income limits established by HUD. Once an applicant is approved under the income limit rule and moves into the property, this income eligibility test will not be done again unless the resident has gone to market rent and wants once again to be eligible for subsidy. In addition, 40% of the new move-ins per year at this property must be at or below 30% of the area median income (Extremely Low Income), as required by HUD, and explained in the paragraph below.

Method for Income-Targeting for Section 8 Properties

HUD requires that Section 8 properties must lease not less than 40% of the dwelling units that become available for occupancy in any project fiscal year to ELI families. The methodology management has chosen to fulfill this obligation is to alternate between ELI families on the waiting list and otherwise eligible families. It is possible that applicants of a higher income that are also higher on the waiting list will be skipped over to achieve income-targeting. When this occurs, management will make a notation on the waiting list to indicate that an applicant was skipped over to achieve the 40% income-targeting rule.

Counting Family Members for Income Limits

In order to determine which family size to use for Income Limits, the property will count all full-time members of the family who will reside in the unit, with the exception of live-in aides. (See the paragraph on live-in aides below for more information.)

Counting Family Members Not Living in the Unit

In addition to full-time family members, the property will also count any the following persons who are not living in the unit:

- Children temporarily absent due to placement in a foster home;
- Children in joint custody arrangements who are present in the household 50% or more of the time;
- Children who are away at school but who live with the family during school recesses;
- Unborn children of pregnant women;
- Children in the process of being adopted;
- Temporarily absent family members who are still considered family members, such as a member on a temporary work assignment in another state;
- Family members in the hospital or rehabilitation facility for periods of limited or fixed duration;
- Persons permanently confined to a hospital or nursing home, if the family decides to include them.

Live-In Aides are Not Counted as Family Members for Income Eligibility

When determining the family size for establishing income eligibility, the property will not include any live-in aide living in the unit. (However, note that a live-in aide is counted in the family size when establishing unit size under the property's occupancy standards.) The live-in aide is defined as a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who is determined to be essential to the care and wellbeing of the person(s), is not obligated for the support of the person(s), and would not be living in the unit except to provide the necessary supportive services. To qualify as a live-in aide the following guidelines must be used:

- The owner will verify that the live-in aide is needed to provide the necessary supportive services essential to the care and well-being of the person. The verification will be obtained from the applicant's physician, psychiatrist, other medical practitioner, or health care provider, but will never include asking for access to confidential medical records, or for the applicant to submit to a physical examination.
- Expenses for services provided by the live-in aide, such as nursing services (dispensing of medications or providing other medical needs) and personal care (such as bathing or dressing), that are out-of-pocket expenses for the resident and where the resident is not reimbursed for the expenses from other sources, are considered as eligible medical expenses. Homemaker services such as housekeeping and meal preparation are not eligible medical expenses.
- The live-in aide qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a resident. The live-in aide may not qualify for continued occupancy as a remaining family member. The owner has instituted at the property a HUD-approved lease addendum that denies occupancy of the unit to a live-in aide after the resident, for whatever reason, is no longer living in the unit. The addendum also gives the owner the right to evict a live-in aide who violates any of the house rules.
- The income of a live-in aide is excluded from annual income.
- The live-in aide must disclose and provide verification of their SSN.

- The live-in aide must meet the property's screening criteria.
- A relative may be considered to be a live-in aide if they meet the requirements above.

Need for Assistance in Section 221(d)(3) BMIR

In this Section 221(d)(3) BMIR property, income-eligible families must also need the assistance. The amount the family would be required to pay using the HUD Section 221(d)(3) BMIR rent formula must be less than the market rent for the unit.

Admitting Over-Income Applicants

If the owner of this Section 221(d)(3) BMIR property is temporarily unable to lease all units to income eligible families, s/he will admit families with incomes that exceed the applicable program income limits, but these families must be willing to pay market rent. HUD's guidelines will allow this practice only if there are no income-eligible applicants available, and fewer than 10% of the units are already occupied by residents paying market rent. If at least 10% of the units authorized under the interest reduction subsidy are already occupied by residents paying market rent, the owner will obtain HUD's approval to admit additional over-income applicants who pay market rent. Before admitting any ineligible applicants, the owner will:

- Admit all available eligible applicants, unless there is good cause for denying assistance.
- Take all reasonable steps to attract eligible families, including using marketing activities most likely to attract eligible applicants and marketing outside the community or immediate area.
- Place in the file of any ineligible resident who is admitted, a written certification indicating that the requirements above have been completed.

VAWA PROTECTIONS

The Violence Against Women Act of 2013 (VAWA 2013) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of age, sex, gender identity, or sexual orientation. Criminal activity directly relating to domestic/dating violence, sexual assault, or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of assistance, or occupancy rights if the resident or an *affiliated individual* of the resident's family is the victim or the threatened victim of that abuse. Incidents of actual or threatened domestic/dating violence, sexual assault, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be good cause for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence. An *affiliated individual* is defined as a spouse, parent, brother, sister, or child, or a person to whom an applicant/tenant stands in the place of a parent or guardian (for example, the affiliated individual is in one's care, custody, or control); or any individual, tenant, or lawful occupant living in a tenant's household.

Protections for Applicants

If an applicant otherwise qualifies for assistance under this Section 8 program, they cannot be denied admission or denied assistance because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Members

A Member receiving assistance under this Section 8 program may not be denied assistance, terminated from participation, or be evicted from rental housing because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Also, if an occupant or an affiliated individual of the member is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, they may not be denied rental assistance or occupancy rights under this Section 8 program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking. See the definition for affiliated individual below.

Giving Notice of Rights and Obligations under VAWA 2013

Management will support and assist victims of VAWA crimes, and will protect victims, as well as members of their family or affiliated individuals, from being denied housing or from losing their HUD assisted housing as a consequence of a VAWA-related crime.

Notification of Occupancy Rights and Certification Form, HUD-5380

Effective on December 16, 2016, management will provide the *Notification of Occupancy Rights and Certification* form, HUD-5380, to all appropriate individuals at the following times:

- To applicants when assistance is being denied;
- To new households at the time of move-in into the property;
- To current members during the annual recertification or lease renewal process. If there will be no recertification or lease renewal for a household during the 12-month period from December 16, 2016 through December 15, 2017, management will provide notice via US mail no later than December 15, 2017;
- To current members with any notification of eviction or termination of assistance.

Additional Documentation for Victims

The O/A will also give applicants/member the opportunity to provide (in lieu of the form HUD-5382 or in addition to it), a federal, state, tribal, territorial, or local police record or court record, or documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing a VAWA-related incident or the effects of the abuse in which the professional attests under penalty of perjury to their belief that the incident is a bona fide incident of abuse, and the victim has signed or attested to the documentation.

- Management is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic/dating violence, or stalking in order to receive the protections of the VAWA. Management will provide assistance to an individual based solely upon the individual's statement or other corroborating evidence, and will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.
- In extreme cases where an individual's health or safety is at risk, the O/A will allow a verbal request for protection.
- Management will work with the applicants/tenants in making acceptable delivery arrangements for a certification form, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

Confidentiality of Information

The identity of a victim, and all information relating to VAWA incidents, will be retained in confidence by management and will not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is requested or consented to by the individual in writing; is required for use in an eviction proceeding; or is otherwise required by applicable law. Management will retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.

Applicable VAWA Forms

Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Effective 12-16-16 and ongoing, until HUD's Office of Multifamily Housing has updated Form HUD-91066 listed below, management will provide to current tenants the option to complete form HUD-5382 to certify if they are a victim of domestic violence, dating violence, sexual assault, or stalking.

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

Form HUD-91066 is currently being updated by the Office of Multifamily Housing, and therefore effective 12-16-16, in lieu of HUD-91066, all current residents will be provided the option to complete form HUD-5382 until the updates for form HUD-91066 have been completed.

Form HUD-91067, Lease Addendum for VAWA

Form HUD-91067, HUD's lease addendum for the VAWA provisions, is a required addendum to every lease. If it is determined that physical abuse caused by a resident is clear and present, the law provides management the authority to bifurcate the lease, and remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction/termination action against the individual, will be done in accordance with the procedures prescribed by federal, state, and local law. If such action is deemed necessary, an interim recertification will be processed reflecting the change in household composition.

Emergency Transfers

Under VAWA 2013 current victims are offered the protection of emergency transfers, which allow for survivors to move to another safe and available unit if they fear for their life and safety. The cooperative cannot guarantee there will be an available unit to transfer to and any transferring person must be an approved member of the cooperative or new approved applicant. Any current occupant seeking an emergency transfer will be required to complete a written Emergency Transfer Request, form HUD-5383, which will be made available upon request. In addition, management has an Emergency Transfer Plan available for perusal in the property office.

Occupancy Agreement / Membership Termination

VAWA 2013 requirements provide that notwithstanding the restrictions placed on admission, occupancy, and termination of occupancy or assistance, or any Federal, State, or local law to the contrary, an O/A of assisted housing may order to evict, remove, or terminate assistance to any individual who is an member/occupant or lawful occupant of the housing who engages in *criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual*, and mandates that if such occurs, and the removed member/occupant or lawful occupant was the sole individual eligible to receive assistance under a covered housing program, the management will provide any remaining occupants the opportunity to establish membership into the cooperative and eligibility for the covered housing program. If the remaining occupants cannot establish membership and eligibility, management will provide the occupants a reasonable time to find new housing to establish eligibility into or under another covered housing program. VAWA 2013 provides that HUD is to determine what constitutes a reasonable time, which when established will be followed by the property.

Prohibition of Rejecting Applicants Due to VAWA

VAWA protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant's status as a victim of domestic violence, dating violence, 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.

APPLICANT SCREENING CRITERIA

All applicants age 18 or older will be screened for suitability prior to residency. Screening criteria will be applied consistently to all applicants. Consideration of extenuating circumstances will be considered in the screening process.

Credit History

Priority will be given to current credit activity over older activity. All rent and utilities must be paid in full. Poor credit history is grounds for rejection; however, a lack of credit history is not.

Rental History

Past record of destruction, consistent late or unpaid rental obligations, police activity or poor housekeeping habits resulting in health or safety hazards is grounds for rejection. Lack of rental history is not grounds for rejection.

- Late Payment History
- Failure to comply with recertification procedures
- Violation of house rules
- Violations of the lease
- History of disruptive behavior
- Poor housekeeping practices
- Termination of assistance for fraud
- Convictions for the illegal manufacture, distribution, or use of controlled substance

Criminal History

Applicants will be rejected if any of the following apply:

- Any household member has been evicted from Federally-assisted housing for drug-related criminal activity, for three (3) years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household) the owner may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use.

- Any member of the household is subject to a lifetime registration requirement or is currently registered under a state sex offender registration program. During the admissions screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.
- The Owner determines that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug or alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any member of the applicant's household has been convicted of the manufacture of methamphetamine on the premises of federally subsidized housing (lifetime).
- Violent criminal activity which indicates a pattern of violence that may threaten the safety of residents or staff. Violent criminal activity *includes* sex crimes any lifetime sex offender registrant and crimes against children.
- Any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or any employee who is involved in the housing operations.
- Unlawfully obtaining government assistance.

****Note: The same criteria regarding criminal history applies to live-in aides also.***

NOTIFICATION OF APPLICANT REJECTION

If an applicant is denied admission to the property they will receive a written notice stating the reason (s) for the rejection. The applicant has the right to respond in writing or request a meeting with the Cooperative Board and Management to dispute the rejection within 14 days of the notice.

Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. If admission is denied because criminal background screening indicates the applicant provided false information; the entity making the determination must provide the subject of the record and the applicant a copy of the information the action is based upon. The subject of the record and the applicant have the opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

APPLICATION and WAITING LIST PROCEDURE

Applications completed in full and properly signed will be accepted according to unit size and type in chronological order. If an extremely low-income applicant is needed to achieve targeting requirements, and the next applicant has income above the extremely low-income limit, that applicant must be placed on the waiting list until the property is ready to house an applicant with income above the extremely low-income limit.

Applicants will be removed from the waiting list for the following reasons:

- The applicant no longer meets the eligibility requirements.
- The applicant fails to respond to a written notice for an eligibility interview.
- The applicant is offered and rejects two (2) units in the property.
- The applicant fails to provide SSNs for all household members within the allotted time frame.
- Mail sent to the applicant's address is returned as undeliverable.
- Family characteristics change and no appropriate size unit exists in the property.

The waiting list will be updated every six (6) months. Applicants are required to contact the property within six months if they wish to remain on the waiting list. Failure to do so will result in removal from the waiting list. The cooperative will monitor the vacancies in the property and waiting list regularly to ensure that there are enough applicants to fill the vacancies as well as make sure the wait for a unit doesn't become excessive.

If the BOD decides to close the waiting list potential applicants will be advised if the waiting list is closed and additional applications will not be accepted. Notice will be publicly posted on the property.

When the waiting list is re-opened and applications will be accepted again, notice will be publicly posted on the property. The notices will clearly explain the rules for applying and the order in which applications will be processed.

UNIT TRANSFER PROCEDURE

All unit transfers must be approved by the cooperative BOD, unless it is required due to HUD program requirements.

Current members requiring a unit transfer for the following reasons will be given preference over applicants and those on the waiting list:

- A required unit transfer due to family size or changes in family composition, deeper subsidy and or medical. When an owner determines that a transfer is required for a member who is over/under housed they may remain in their current unit and pay the HUD approved market rent or must move within 30 days after notification that a unit of the required size is available within the property.
- A unit transfer for a medical reason certified by a medical professional or the need for an accessible unit.
- A deeper rent subsidy, if it applies to the property.

Current members requesting a unit transfer for any other reason will be added to the waiting list of applicants provided there is no record of consistent late or unpaid carrying charge obligations, are not currently on probation, no record of police activity and inspection of the member's current unit must indicate there is no damage to the property or poor housekeeping habits resulting in health or safety hazards.

****Unit transfers will alternate between in house members and qualified outside applicants.**

LIMITED ENGLISH PROFICIENCY (LEP)

For persons who do not speak English as their primary language and those who have a limited ability to speak read, write, or understand English; we will make reasonable efforts to provide language assistance. We will arrange to provide forms relating to tenancy in a language that is understood by the individual. We will make every effort to obtain oral interpretation and written translation services if deemed necessary. We will also consider extenuating circumstances in the screening process for applicants with disabilities, where required as a matter of reasonable accommodation.

Anyone needing assistance completing the application process, please contact us and we will provide alternate forms of application submission as needed.

PREFERENCES

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances. Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change an owner's right to adopt and enforce resident screening criteria. The property will inform all applicants about available preferences and give all applicants an opportunity to show that they qualify for available preferences including all applicants currently on the waiting list.

Statutory, HUD, State, and Local Preferences

Congress and HUD have established various types of preferences in an effort to provide housing to those most in need. Owners must apply preferences to applicants based on the rules for the property subsidy type as well as any owner-adopted preferences. The owner will follow HUD regulations requiring that Section 221(d)(3) BMIR properties give preference to applicants who have been displaced by government action or a presidentially declared disaster. The owner will also apply preferences required by state or local law only if they are consistent with HUD and applicable civil rights requirements.

VAWA Preferences

Housing providers in covered programs are allowed to establish adoption of a local preference for admission of families that include victims of domestic violence, dating violence, sexual assault, and stalking. **There are no preferences for membership eligibility and approval.** These preferences must be established in accordance with statutory or regulatory requirements. Such adoption would be an admission preference, admitting individuals as new tenants to a covered program, and not to be confused with a transfer priority list, which a housing provider could use to assist existing tenants. The property has adopted a preference for admission subject to membership eligibility and approval of families that include victims of domestic violence, dating violence, sexual assault, or stalking.