

GREEN COMPANIES DEVELOPMENT GROUP, INC.

**TENANT SELECTION CRITERIA**  
**FOR**  
**GOVERNMENT SUBSIDIZED HOUSING**

An Attachment to the Management Plan

July 18, 2023

This Tenant Selection Criteria has been prepared in accordance with the requirements of Rural Development Instruction 7-CFR 3560 and in response to questions in Exhibit B-1, the general requirements of HUD Handbook 4350.3, and the applicable state affordable housing tax credits rules. Revisions shall be made to the Tenant Selection Criteria as required by changes in federal or state government regulations, or as needed by the Management Agent.



This institution is an equal opportunity provider and employer.



## **TENANT SELECTION CRITERIA FOR GOVERNMENT SUBSIDIZED HOUSING PROJECTS**

This tenant selection criteria shall be used for all government subsidized properties under management by Green Companies Development Group, Inc., the Management Agent. The policy of the Management Agent is one of equal opportunity and non-discrimination in compliance with all federal, state, and local civil rights, fair housing, and accessibility laws and requirements. No applicant will be denied on the basis of race, color, religion, sex, familial status, handicap status or national origin. All apartments are available to Section 8 recipients. However, all applicants, including Section 8 recipients, must meet all applicable tenant selection requirements set by the Management Agent, the state low-income housing tax credit (LIHTC) program, USDA-Rural Development and/or HUD to gain admission.

All applicants must be able to completely document their eligibility under all applicable federal and state rules and other guidelines applicable to the property. In addition, applicants must demonstrate an ability and willingness to timely pay rent and utility charges and not have a history of lease violations or criminal behavior. For this purpose, landlord references and a background check will be required, and a minimum income level has been established.

### **MARKETING**

If not more frequently, each property is marketed at least once per year as required for fair housing purposes, using all advertising and community contacts as set forth on the HUD 935.2 Affirmative Fair Housing Marketing Plan.

### **APPLICATION**

All persons interested in any property rented or managed by the Management Agent may request an application either in person (or through a designated individual) at the local on-site or regional designated site office during posted office hours; or request an application to be mailed by calling the local phone number posted on the project sign or at the central office. FAX requests for applications may also be sent. TDD telecommunication is available by calling the TDD relay number (711). Applications are available to everyone, even if a sizeable waiting list exists.

An application must be completed in full by the applicant and submitted either in person or by mail to the local or regional site office. The property application form requests information necessary for making a preliminary determination of initial income and occupancy eligibility and only that application will be accepted. The application contains a release form, which must be signed to authorize the Management Agent to verify all items, inclusive of credit history, criminal background, and other references. If necessary, applicants may request assistance in completing the application. The Management Agent's policy is to assist wherever possible, especially in accommodation of requests by persons with a disability or handicap. All prospective tenants whose application is not complete will be informed within 10 days of receipt that further information is required to process the application. All applications will be placed on the waiting list whether complete, eligible, or ineligible. The waiting list will document the final disposition of all applications (rejected, withdrawn, or placed in a unit.) All applications will be logged by date and time received and the applicant will be notified in writing that they have been placed on the waiting list, or preliminarily accepted for occupancy (pending further verification), or that their application has been rejected. Applicants shall provide complete and accurate information requested regarding household composition (including, but not limited to, full name, sex, social security number and date of birth for each Household Member).

For properties receiving Project-Based Section 8, the application processing costs will be a project expense and no application fee will be charged to applicants. For other properties, a processing fee of \$12.50, which is the actual costs of processing the application and conducting background checks, may be charged.

### **RESTRICTIONS ON ASSISTANCE TO NONCITIZENS**

HUD regulations prohibit providing public housing assistance to persons other than United States citizens, nationals, or specified categories of eligible non-citizens (42 USC 1436A Section 214). HUD provides that assistance must be prorated based on the percentage of family members that are eligible for assistance. Eligible immigrants are people who are in one of several specific categories specified by HUD. HUD regulations found at 24 CFR 5.500 are incorporated by reference into this policy.

**Mixed Families:** A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

**No Eligible Members:** Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

**Appeals.** For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided participants.

Currently assisted families with no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance are eligible for temporary deferral of termination of assistance. This deferral allows the family an initial deferral period of six (6) months and may be extended for an additional six (6) months, not to exceed a period of eighteen (18) months. During this period, the family will continue to receive its current level of assistance. The owner will inform the family at least 60 days before the end of each deferral period of its ineligibility for financial assistance and offer the family information concerning, and referrals to assist in finding other affordable housing at the beginning of each deferral period.

### **DISCLOSURE OF SOCIAL SECURITY NUMBERS**

Applicants must disclose social security numbers (SSNs) in order for the owner to make an eligibility determination. This paragraph explains the requirements and responsibilities of applicants or residents to supply owners with this information, the responsibility of owners to obtain this information, and the consequences for failure by either party.

**Key Requirements:**

The head of household/spouse/co-head must disclose SSNs for all family members at least six years of age and older. If no SSN has been assigned to a particular family member, the applicant must sign a certification stating that no SSN has been assigned.

**Required Documentation:**

Applicants must provide documentation of SSNs. Adequate documentation means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN.

**Provisions for Accepting Applicants without Documentation of Social Security Numbers:**

1. When an applicant has a SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided.

2. Individuals who have applied for legalization under the Immigration and Reform Control Act of 1986 will be able to disclose the social security numbers, but unable to supply the cards for documentation. Social security numbers are assigned to these persons when they apply for

amnesty. The cards go to the Department of Homeland Security (DHS) until the persons are granted temporary lawful resident status. Until that time, their acceptable documentation is a letter from the DHS indicating social security numbers have been assigned.

3. Owner must accept the certification and continue to process the individual's application.

4. However, an applicant may not become a participant in the program unless the applicant submits the required SSN documentation to the owner. The applicant must provide SSN documentation to the owner within 60 days from the date on which the applicant certified that the documentation was not available.

5. If the owner has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of the SSN, the applicant may retain his or her place on the waiting list for the 60-day period during which the applicant is trying to obtain documentation.

6. After 60 days, if the applicant has been unable to supply the required SSN documentation, the applicant will be determined ineligible and removed from the waiting list. Owner may extend the time period for an additional 60 days if the applicant is at least 62 years old and unable to submit the required documentation within the first 60-day period.

### **ACCEPTIBLE CREDIT REPORT AND REFERENCES**

Applicants with bad credit history may be rejected unless they can show that the bad credit results from a legitimate billing dispute, catastrophic medical expenses, or from bills assigned by court action to a divorced or separated spouse. Applicants with no credit history could be rejected. Landlord references are required with applications and must show the applicant does not have a history of chronic late payment or non-payment of rent, poor housekeeping habits, disturbance of neighbors, illegal drug or other criminal activity, or a history of violation of rental agreements. Felons or persons with a recent criminal history may not be eligible. Management will obtain credit and criminal history reports to determine applicant eligibility.

### **MINIMUM INCOME**

USDA Rural Development and other affordable housing programs require that all tenants and applicants have documentable income. Applicants will be rejected for insufficient income if their current verifiable household income is not at least \$300 per month plus \$100 for each household member.

Applicant(s) with Section 8 or similar rental assistance are eligible for occupancy, provided they meet all other requirements. If rental assistance such as Section 8 is available, the minimum income requirement will be based on the amount of rent and utilities to be paid by the tenant that are NOT covered by the rental assistance.

Applicant(s) of LIHTC properties must demonstrate the financial ability to meet basic living expenses, including tenant portion of rent and utilities.

### **MAXIMUM INCOME**

In accordance with the federal and state policies under which the property is operated as subsidized affordable housing, maximum income amounts have been established. Any applicant who exceeds the applicable maximum income limits for eligibility based upon application information, or who is determined ineligible during later processing, will be notified in writing that they are ineligible. Similarly, any applicants who are not eligible due to eligibility requirements for an elderly project will also receive a notice of ineligibility. However, should the property have permission (or be in the process of seeking such permission) to rent to ineligibles, the income ineligible application will be maintained on the waiting list. In no case, however, will an applicant ineligible for low-income housing tax credits be allowed to occupy a LIHTC unit.

**NUMBER OF OCCUPANTS**

Occupancy is based on the number of persons in the household, and is calculated by counting all full time members of household, dependent minors who are away at school but live with the applicant at recesses, unborn children or children in the process of being adopted or secured by custody action, foster children and live-in attendants. Children who live in a household 50% of the year or more are also counted towards the total household members, but children on active military duty are not counted in this determination for occupancy eligibility.

In determining occupancy standards, the intent of this policy is to neither overcrowd nor under-utilize space so that the government subsidies provided are efficiently used. Additionally, because the sanitary facilities and utility systems of the project and individual units have inherent capacity limitations, it is necessary that a maximum occupancy be established.

The number of occupants in the household must be in accordance with occupancy standards as set forth by the Management Agent based upon local codes and ordinances and applicable federal regulations as each may change from time to time. The Management Agent may change the occupancy limits during the lease term if changes in laws, ordinances or regulations make such a change necessary. The minimum occupancy limit will correspond to the number of bedrooms as specified by federal regulations. The maximum occupancy limit of two (2) persons per bedroom residing in a dwelling unit has been presumed reasonable for the states of Kansas and Oklahoma. The two-person limitation shall not apply to a child or children born to the tenants during the course of the lease.

The following chart presents the ideal range of persons per housing unit:

Number of Bedrooms	Number of Household Members	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6
4	4	8

In some situations, a tenant may become ineligible based on the size of the unit currently occupied, but could become eligible if shifted to a unit of a different size (either larger or smaller) within the property. In this situation, a tenant may continue tenancy as an ineligible tenant, but the borrower should relocate the household to the proper unit size as soon as a unit of that size becomes available. In this situation, the tenant is placed on a transfer waiting list according to the date of ineligibility. The tenant will transfer from the existing unit to the properly sized unit at the tenant's expense. The tenant will have 30 days in which to transfer. If, for any reason, the tenant refuses to transfer to a properly sized unit, the tenant's lease will not be renewed upon expiration or if the tenant is currently on a month to month lease, having signed the OK RD lease addendum, the tenant will receive a 30 day notice to vacate.

In some cases, a household may require a unit size that is unavailable at the property. In this situation the tenant would be considered ineligible and required to vacate the property within 30 days or at the end of their lease, whichever is longer. Properties with zero one-bedroom units (or the only one bedroom unit has been designated as a handicap unit) or having only one type of

rental units are an exception to this policy. Likewise, a handicapped or disabled applicant who requests and would benefit from a larger unit to reasonably accommodate their condition will be allowed to occupy such a unit, if available.

Notwithstanding the above, the Management Agent shall have the right to make requested reasonable accommodations for individuals with disabilities and may adjust occupancy limits to further the goal of ensuring equal availability, use and enjoyment of all facilities.

### **WAITING LIST**

The waiting list will remain open regardless of number of applicants. All completed applications are listed on the waiting list by date and time received. This date/time is based on when the completed application is received. The waiting list contains all data required by HUD or USDA-RD, inclusive of date and time; name; address and phone number of applicant; income category; bedroom size requested; statistical data (e.g. race, sex); eligibility for Rental Assistance (or Section 8); Low Income Housing Tax Credit (LIHTC) eligibility, if applicable; request for congregate services, if available; date contacted for an interview; and final tracking status (e.g. selection, rejection, cancellation, etc.). In RD projects, an applicant on the waiting list with a Letter of Priority Entitlement (LOPE) would be placed at the top of the bedroom size and income level appropriate. Income ineligible applicants will be kept on the waiting list if permission to rent to ineligibles has been requested or received. Any applicant may request information on their current status by writing or calling the local or regional office.

Applicants will be removed from the list if:

1. The applicant no longer meets the eligibility requirements for the property or program;
2. The applicant fails to respond to a written notice for an eligibility update or interview;
3. The applicant has been offered and rejected two units in the property;
4. Mail sent to the applicant's address is returned as undeliverable; or
5. The unit that is needed – using family size as the basis – changes, and no unit of the new appropriate size exists in the property.

The date and reason for any removal will be noted on the waiting list.

### **SELECTION**

Applicants must meet all selection criteria for occupancy in order to be selected. Priority for vacant units will be given by income level category to very low, low, moderate, or ineligible income applicants, in that order. Qualified applicants will be selected chronologically within each income level for all subsidized properties according to the priorities set forth by HUD and/or USDA. Applicants must be able to demonstrate receipt of the minimum income as stated above to be selected for occupancy. Those applicants who cannot afford unsubsidized Basic Rent will be maintained on the Waiting List until rental assistance subsidy becomes available.

Those applicants who have indicated the need for and requested the features of a handicap-adapted unit will have priority for those units. Any applicant who requests modifications or accommodations to non-adapted units will have consideration on those requests when selected, but will have no priority for selection to non-adapted units.

In order to be eligible for selection, an applicant must meet income eligibility based on per person income limits. In properties receiving the Low-Income Housing Tax Credit (LIHTC), applicants must meet LIHTC eligibility first to be considered for selection. Applicants who are LIHTC ineligible but are otherwise income eligible will remain on the waiting list but will not be selected for LIHTC

units. Applicants who meet federal income and/or LIHTC eligibility must then meet occupancy standards set for each individual property and bedroom size, and, if applicable, for elderly housing. Elderly Housing is defined as housing restricted to elderly households where either the tenant or co-tenant must be age 62 or older or meet the appropriate HUD or USDA definition of Handicapped or Disabled. Income and elderly status eligibility must be verified as part of processing. For properties with congregate services, selection for an appropriate number of units will be limited to those applicants who need and/or request supportive services.

All households must provide positive identification of all persons who will be part of the household. Adoption or other custody in process must have written documentation. In the case of marketing problems with various sized units, applicants who meet the income limits and would qualify for another unit under the occupancy policy may occupy a larger unit, provided they agree to transfer to the correct sized unit when one becomes available. In this situation, the applicant will be responsible for any additional moving and utility transfer costs.

In addition to federal income, LIHTC and occupancy policy requirements, applicants must also meet the application, interview and reference criteria. In completing the application, all applicants must sign a release form allowing the Management Agent to verify all credit, personal and landlord references. In addition, the Management Agent will also be authorized to check with police departments and other agencies necessary to verify eligibility and match wages. In properties with Section 8 project-based assistance, a criminal background will be obtained for each adult applicant.

All applicants are required to have a personal interview. After processing and the interview have been completed, an eligible applicant will receive an application processing notice that provides notice of tenant application status (e.g. rejected, accepted, and incomplete). Applicants who wish to be a tenant or co-tenant must possess the legal capacity to sign all documents (unless an accommodation to allow a guardian's signature is made for an otherwise eligible handicapped person) and must agree to complete the tenant certification process, enter into a one year lease agreement, pay a security deposit and participate in a unit inspection prior to physical occupancy of the unit.

The regular required security deposit for all units shall be five hundred dollars (\$500) payable in advance. Those applicants eligible for Section 8 or Rental Assistance, which claim a hardship exists, could request a payment plan which would require a down payment of at least 30% of monthly income and such an amount in monthly payments so as to complete full payment within three months. For those applicants who will be receiving HUD project based rental subsidies, the security deposit will not exceed the monthly Gross Family Contribution (TTP). All other applicants must pay a full security deposit no later than the date the lease is signed.

In federal elderly properties and in other properties that allow pets, pet owners will be required to pay a pet deposit equal to five hundred dollars (\$500), which is in addition to the regular security deposit and which will be paid and handled in the same manner as required for security deposits. For those applicants who will be receiving HUD project based rental subsidies, the initial deposit for a pet in the household will not exceed \$50.00 at the time the pet is brought onto the premises. The remaining deposit is to be paid at a rate not to exceed \$10.00 per month until paid in full. Assistance animals (e.g. seeing eye dogs), with proof of training certification or similar credentials will always be admitted in any property with no charge or deposit for the animal.

For units designed or adapted for the handicapped (e.g. barrier free) applicants needing those special features will be given priority. Should no one apply who would benefit from special unit

features, another applicant who qualifies based on income level and occupancy policy could occupy such a unit with a written lease agreement to transfer to a different unit when one becomes available and should an applicant with need for the specially designed unit exist on the waiting list at that time.

### **STUDENT HOUSEHOLDS**

In order for a household to be eligible to occupy a Low-Income Housing Tax Credit (LIHTC) unit, the household must meet the LIHTC program's student eligibility requirements.

A household comprised entirely of all full-time students who attend school at an educational organization is not eligible to occupy an LIHTC unit, unless the household meets one of the five (5) exceptions.

1. A single household member receives assistance under Title IV of the Social Security Act, Temporary Assistance for Needy Families (TANF).
2. A single household member was previously 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, i.e. foster care.
3. A single household member is enrolled in a job training program receiving assistance under the Job Training Partnership Act (JTPA) or under other similar Federal, State, or local laws.
4. All adult students are single parents with dependent child(ren). In order to meet this exception, no household member (adult or child) can be claimed as a dependent by another individual, other than the parent of such child(ren) who does not live in the unit.
5. All adult students are married and file a joint tax return.

In order for a household to be eligible to occupy a Rural Development (RD) funded unit, the household must meet the RD program's student eligibility requirements.

A student or other seemingly temporary resident of the community who may be considered an eligible tenant when all of the following conditions are met:

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

### **VIOLENCE AGAINST WOMEN ACT**

The law offers protection against denial of housing to victims based on domestic violence, dating violence or stalking. An applicant's or program participant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of rental assistance or fix denial of admission if the applicant otherwise qualifies for assistance or admission.

Applicants with bad credit history may be rejected unless they can show that the bad credit results from a legitimate billing dispute, catastrophic medical expenses, or from bills assigned by court action to a divorced or separated spouse. Landlord references must show that the applicant does not have a history of chronic late payment or non-payment of rent, poor housekeeping habits, disturbance of neighbors, illegal drug or other criminal activity, or a history of violation of rental agreements. Felons or persons with a recent criminal history will not be eligible. Management will obtain credit and criminal history reports to determine applicant eligibility.

After processing the application, an applicant will receive an application processing notice that provides notice of tenant application status (e.g. rejected, accepted, incomplete). Applicants who wish to be a tenant or co-tenant must possess the legal capacity to sign all documents (unless an accommodation to allow a guardian's signature is made for an otherwise eligible disabled person) and must agree to complete the tenant certification process as often as required, enter into a one year lease agreement, pay a security deposit and participate in a unit inspection prior to physical occupancy of the unit.

#### **VIOLENCE AGAINST WOMEN ACT INTERNAL AND EXTERANAL EMERGENCY TRANFER PLAN**

The emergency transfer plan provides that a tenant receiving rental assistance through, or residing in a unit subsidized under, a covered housing program, who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if;

(1) The tenant expressly requests the transfer; and

(2)

(a) The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or

(b) In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

The following will apply to the emergency transfer plan;

(1) Priority will be given to applicants and tenants who qualify for an emergency transfer under VAWA in relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

(2) Strict confidentiality will be incorporated to ensure the location of the dwelling unit of the tenant will not be disclosed to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault or stalking against the tenant

(3) An internal emergency transfer will be allowed by the tenant to another unit where the tenant will not be categorized as a new applicant when a safe unit is immediately available

(a) If a safe unit is not immediately available, the tenant will take priority over other types of emergency transfer requests the housing provider has been provided

(b) If a safe unit is not immediately available nothing may preclude a tenant from seeking an internal emergency transfer

(4) An external emergency transfer will be allowed by the tenant to another unit where the tenant will be categorized as a new applicant when a safe unit is immediately available

(a) If a safe unit is not immediately available;

(i) Arrangements, including memoranda of understanding, with other covered housing providers to facilitate moves; and

(ii) Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking.

(b) If a safe unit is not immediately available nothing may preclude a tenant from seeking an external emergency transfer

(c) A tenant who has tenant based rental assistance will be moved quickly with that assistance

(5) The emergency transfer plan may require documentation from an applicant or tenant seeking an emergency transfer, provided that:

(a) The tenant's submission of a written request to the covered housing provider, where the tenant certifies that they meet the criteria in paragraph (2) of this section, shall be sufficient documentation

(b) The covered housing provider may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in accordance with § 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and

(c) No other documentation is required to qualify the tenant for an emergency transfer

### **REJECTION**

As previously stated, any application that is incomplete will not be processed. An applicant who refuses to sign releases to allow verification of income and eligibility standards and references will be rejected. Applicants who do not meet applicable income limits for a property will be rejected unless permission to rent to income ineligibles is in process or has been received from the appropriate regulatory authority. Applicant households who exceed the maximum number allowable under the occupancy standards for a property will also be rejected. Applicants found to have provided false answers on the application or at the interview will also be rejected. Applicants with no landlord references and no credit history could be rejected. Applicants with a negative credit, personal, landlord, criminal or police reference can also be rejected. Rejection may also

occur should there be a chronic history of late payment or nonpayment of rent, a history of eviction, of non-payment of other financial obligations, of intentional damage, or of violation of the terms of current or previous lease agreements inclusive of failure to maintain a unit in sanitary condition, felony conviction or current use of illegal drugs or a conviction for drug manufacture, sale or distribution or anyone who would pose a direct threat to the health and safety of others or property.

The prohibition on housing shall apply to all persons/applicants who are currently engaged in, has been convicted of using, distributing, or manufacturing methamphetamine or has engaged in Drug Related Criminal Activity within the last five (5) years. Housing of such persons/applicants shall be prohibited for a period of five (5) years from the date of the conviction, or end of the incarceration, whichever is most recent. Management maintains the right to extend this prohibition period based on a review of the circumstances.

The prohibition on housing shall apply to all persons/applicants who are currently engaged in and/or has been convicted of Violent Criminal Activity. Housing of such persons/applicants shall be prohibited for a period of ten (10) years from the date of the conviction, or end of the incarceration, whichever is most recent. Management maintains the right to extend this prohibition period based on a review of the circumstances.

The prohibition on housing shall apply to all persons/applicants who have been convicted or pending conviction of any other felonious activities other than Drug Related Criminal Activity or Violent Criminal Activity. Housing of such persons/applicants shall be prohibited for a period of three (3) years from the date of the conviction or end of the incarceration, whichever is most recent. Management maintains the right to extend this prohibition period based on a review of the circumstances.

Applicants who are subject to a lifetime registration requirement under a Federal or State sex offender registration program will be automatically rejected; likewise, applicants with any history of violent or sexual offenses will also be rejected. Any other history of criminal activity may constitute grounds for rejection, or any five (5) or more misdemeanors of any sort within the last five (5) years based on a review of the circumstances.

Applicants charged with one of the criminal offenses described above and have been given a deferred judgment will be denied housing until the charge has been completely expunged from their record. Applicants with a conviction, but deferred sentence, will be denied.

Applicants will NOT be rejected for arbitrary reasons such as on the basis of race, color, religion, sex, handicapped status, age, familial status or national origin; receipt of welfare, Section 8, or other similar assistance; participation in tenant organizations; or household members with AIDS or HIV. The waiting list is updated on a semi-annual basis to establish continued eligibility, and to remove those no longer eligible, or to reclassify those applicants with changed status.

## **UNIT TRANSFERS**

### Key Requirements:

A. If owner determines that a tenant's current dwelling unit is smaller or larger than appropriate as a result of a change in a tenant's family size or composition, the owner must decide whether to require the tenant to transfer to another unit.

B. Owner will not reduce or terminate the assistance payment associated with the original unit 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.

C. Owner may develop additional unit transfer policies to address tenant transfer requests beyond those needed for change in family size, including transfers needed for medical reasons or to accommodate a person with a disability.

D. Owner may be obligated to transfer tenants to different units as a reasonable accommodation to a household member's disability. For example, a tenant with a physical disability might need a transfer to an accessible unit, or a unit on the ground floor, or a larger unit to accommodate a live-in aide. Transfers which are needed as a reasonable accommodation will be made on a priority basis.

#### Transfers Due to a Change in Family Composition:

##### A. Determining Whether a Unit Transfer Should Occur

If a tenant reports a change (or the owner becomes aware of a change) in family composition, the owner must do the following:

1. Determine appropriate unit size. Owner will use the occupancy standards established for the property to determine whether the unit is still the appropriate size for the tenant

2. Determine whether a transfer is required. The following considerations determine whether the tenant is required to move:

a. Is there a unit of appropriate size in the property? If there are appropriately sized units available, then a transfer to an appropriately sized unit is required. If a unit of appropriate size is not available, then the tenant should be moved to the most appropriately sized unit.

b. Is there a market for the size of unit the tenant would be vacating? If the tenant is occupying a unit that is larger than needed and there is no demand for that larger unit, the owner does not have to require the tenant to move from the larger unit until there is a demand for that size of unit.

c. How long will the tenant remain in the property? If the tenant has given a written notice to vacate, the owner need not require the tenant to transfer.

##### B. Transfer Requirements

1. When 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.

2. 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 an accommodation to a household member's disability, then the owner may be obligated to pay the costs associated with the transfer.

#### Waiting List Priority:

Owner required transfers and reasonable accommodation requests will be given priority over other applicants on the waiting list.

#### Transfers at Tenant Request:

A. Tenants wishing to relocate for other than owner/eligibility required reasons or handicap accommodation are treated as new applicants and requested transfers are subject to application, deposit, and date of application on waiting list.

B. Tenants requesting transfer must meet the eligibility requirements for the project and the unit requested.

### **NON-DISCRIMINATION**

The apartment owner and management agent are committed to providing equal housing opportunity to all eligible households. If you believe that you have been illegally denied

housing or discriminated against in any way, you are urged to contact: USDA Director, Office of Civil Rights, Room 326-W, Whitten Building, 14<sup>th</sup> and Independence Ave, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD).

This section implements the requirements of Section 504 of the Handicap Rehabilitation Act of 1973.

Modification Policy: Where a resident or a member of the resident's household has been determined to be handicapped, the resident may request permission to make reasonable modification(s) to the unit, and exterior that afford a handicap person full enjoyment of the apartment.

The nature of the modification can range from retrofitting a unit for a wheelchair bound resident (kitchen, bathroom, door-ways, common areas, etc.) to perhaps just grab bars in a bathroom.

We will, upon request by the resident, suggest that they contact an architect or engineer to study the request, plan the change, and estimate the cost. Reasonable modifications include, but are not limited to:

Grab bars	Handicapped parking spots and signs
Door widths	Door handles
Wheelchair accessible kitchen and bathroom	Light switches and electric receptacles
Plumbing fixtures	Thermostats
Door threshold	Accessible closets
Ramps	Visual doorbell signal
Curb cuts	

Reasonable modifications do not include structural re-design and re-building.

Our policy is to be affirmative and supportive. We will make a copy of the HB 2-3560 Appendix 5 Adaptable Housing Standards for the Handicap when necessary. We will work with the resident so that proposed modifications are cost-effective and necessary, without being prohibitively expensive.

We will request the resident to submit draft preliminary plans for such modification (and restoration) to the management office for review. We will promptly request in writing RD approval of the modification and permission to use Reserve for Replacement funds for such modification and, if applicable, restoration.

We will work with a proposed architect to provide access to the as-built plans.

Under Section 504, we are responsible for bearing the expense of providing these modifications, or other special accommodations, needed by individuals with handicaps unless the borrower can show that it would cause an "undue financial/administrative burden." If this position is taken, we understand that we must prove such a burden exists and subsequent loans, operating funds, and alternative funding sources, such as State and local Agencies, must be considered. All waiver requests will be reviewed for approval by the Secretary of Agriculture.

If the resident will pay for the modifications, we will engage a contractor to perform the work under contract with the Management Company. This will assure that the work will be performed in a workmanlike manner and that any required permits will be obtained in advance. (The request, permission and documentation will be incorporated into the lease by reference.)

**EFFECTIVE DATE**

The Tenant Selection Criteria provided above, and all related management policies, became effective July 18, 2023 and replaces all previous criteria and policies.