

**RENTAL ASSISTANCE DEMONSTRATION
PROGRAM
(RAD)**

TENANT SELECTION PLAN

**NATURE TRAIL CROSSING I
NATURE TRAIL CROSSING II
ANDERSON PLACE
HARRIS HILLS
SCATTERED SITES**

Managed By:

**HOUSING AUTHORITY OF FORT MILL
105 Bozeman Drive
Fort Mill, SC 29715**

July 1, 2015

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Introduction

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the HUD Occupancy Handbook – 4350.3 Rev.1, and the Rental Assistance Demonstration (RAD) Final Rule (PIH 2012-32).

The Tenant Selection Plan sets forth procedures for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, notice requirements, as well as, continued occupancy.

Right to Apply

No person may be refused the right to apply for housing unless the development's waiting list is closed for a particular unit size or type, and notice of the closed waiting list has been posted. For further information on closing the waiting list, see Section 3, Waiting List and Tenant Selection.

Statement of Non-discrimination

It is the policy of Housing Authority of Fort Mill (hereinafter referred to as Management), to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing including, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act, Age Discrimination Act of 1975, and Affirmative Fair Marketing Regulations. In furtherance of this policy:

Management will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, sex, actual or perceived sexual orientation or gender identity, familial status, disability, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. Management will affirmatively market the property as specified in its Affirmative Fair Marketing Plan.

Improving Access to Services for Persons with Limited English Proficiency (LEP)

Management will take affirmative steps to communicate with persons who need services or information in a language other than English. This may include interpreter services and/or written materials translated into other languages.

1. Project Eligibility Requirements

A. Project-Specific Requirements

Nature Trail Crossing I & II and the *Scattered Sites (formerly Harris Hills & Anderson Place)* located in Fort Mill, SC formerly received rental subsidy through a Public Housing ACC Contract administered by the Housing Authority of Fort Mill. The property was converted to a Section 8 PBRA HAP Contract in conjunction with the Rental Assistance Demonstration (RAD) Program effective November 1, 2014. The Housing Authority of Fort Mill is the owner and management agent of Nature Trail Crossing I & II, Harris Hills, Anderson Place & Scattered Sites

All properties are designated as family properties, and consist of a total of 141 subsidized rental units containing the following unit types:

<u>Unit Type</u>	<u># Units</u>
0 BR	6
1 BR	42
2 BR	38
3BR	53
4 BR	2

All applicants must initially qualify according to the Low Income Limits (80% of AMI) for the York County Area, as published annually by HUD.

B. Citizenship Requirements

By law, assistance in subsidized housing is restricted to the following:

- (1) U.S. citizens or nationals; and/or
- (2) Non-citizens who have eligible immigration status as determined by HUD.

All family members, regardless of age, at admission must declare their citizenship or immigration status. U.S. citizens must sign a declaration of citizenship.

Noncitizens (except those aged 62 and older) must provide a signed declaration of eligible immigration status, a signed verification consent form and submit one of the HUD-approved DHS documents verifying their immigration status, or sign a declaration that they do not contend eligible immigration status. Noncitizens aged 62 and older must sign a declaration of eligible immigration status and provide a proof of age document.

Management will utilize the Multifamily Systematic Alien Verification for Entitlements (SAVE) System to verify the validity of documentation provided by non-citizen applicants.

Management will follow all Section 214 regulations in providing applicants with due process if the applicant appeals the SAVE System results.

Note: Management will not delay a family's assistance if the family submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, Management will offer the family a unit. However, Management will only provide assistance to the family members determined to be eligible and to those family members that submitted their immigration documents on time. If any family members do not provide the required immigration documentation, then the assistance for the family will be prorated.

A mixed family is a family with one or more ineligible family members and one or more eligible family members, and may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance. Mixed families qualify only for pro-rated assistance in accordance with HUD regulations.

Applicants who hold a non-citizen student visa are ineligible for assistance as are any non-citizen family members living with the student. However, spouses and children who are citizens may receive assistance.

C. Social Security Number Requirements

All applicant and tenant household members, including live-in aides, foster children and adults must disclose and provide verification of the complete and accurate SSN assigned to them. Exception: Those individuals who do not contend eligible immigration status or tenants who were aged 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.

Failure to disclose and provide documentation and verification of SSNs as required will result in an applicant not being admitted.

The applicant who has not disclosed and provided verification of SSN's for all household members may retain their position on the waiting list for 90 days. After 90 days, if the applicant has not been unable to provide acceptable verification of SSNs, the applicant will be determined ineligible.

D. Sole Residence Requirement

A family is eligible for assistance only if the unit will be the family's sole residence. Management shall not provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit.

E. Prohibition Of Double Subsidies

Under no circumstances may any tenant benefit from more than one of the following subsidies: Rent Supplement, RAP, Section 202 PAC, Section 202 PRAC or Section 811 PRAC, or project-based Section 8 housing assistance, including Section 202/8, or any Public and Indian Housing (PIH) rental assistance program. Tenants must not receive assistance for two units at the same time. In addition, tenants must not benefit from Housing Choice Voucher assistance in a unit already assisted through project-based Section 8, Rent Supplement, RAP, Section 202 PAC or Section 202 PRAC and Section 811 PRAC, or Public Housing.

All applicants must disclose on their application if they are currently receiving HUD housing assistance. Management will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

This prohibition does not prevent a person who is currently receiving assistance from applying to another property. However, the assisted tenancy in the unit being vacated must end the day before the subsidy begins in the new unit.

Management will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

F. Eligibility of Students for Assisted Housing under Section 8

Management must determine a student's eligibility at move-in, annual recertification, initial certification, and at the time of an interim recertification if the family reports that a household member is a student.

Section 8 assistance shall not be provided to any individual who:

- Is enrolled as a full or part-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; and
- Is under the age of 24; and
- Is not a veteran; and
- Is not married; and
- Is not a person with disabilities, and was not receiving assistance as of

- November 30, 2005; and
- Does not have a dependent child; and
 - Is not living with his/her parents who are receiving Section 8 assistance; and
 - Is individually ineligible for section 8 assistance or has parents who are, and individually or jointly, ineligible for assistance; and
 - Is not eligible as an independent student as defined by the U.S. Department of Education; and
 - Has not established a separate household from parents for at least one year prior to application, or has not been claimed as a dependent by parents pursuant to IRS regulations.

Any financial assistance a 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 (as defined by the institution) is included in annual income, except if the student is over the age of 23 with dependent children, or is living with his or her parents who are receiving assistance.

G. Consent and Verification Forms

Each family head, spouse, or co-head, regardless of age, and all other household members who are at least 18 years of age must sign and date the HUD-required consent forms, HUD 9887, Notice and Consent for the Release of Information, and form HUD 9887-A, Applicant's/Tenant's Consent to Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance.

The release forms must be signed at initial certification and each annual recertification. All adult members regardless of whether they report income must sign and date these forms annually.

In addition, all adult members of an applicant or resident family must sign individual consent and verification forms authorizing management to verify family income and other applicable eligibility factors; e.g., disability status, criminal history.

If the applicant or resident, or any adult member of the household does not sign and submit the consent forms as required, Management must deny assistance and admission to the entire family. For current residents, the assistance will be terminated and the family charged market rent.

H. Resident Screening Criteria

Residents must meet all of the required tenant screening criteria outlined in Section 3 (F), below for criminal and past rental history.

2. Income Limits

Pursuant to the regulations contained in HUD Notice PIH 2012-32, Management shall comply with the following income limit requirements for new applicants:

<u>Subsidy</u>	<u>Type of Income Limit</u>
Section 8 (pre-1981)	Low-Income Limit (80%) (York County Area)

3. Waiting List and Tenant Selection

A. Accepting Applications

1. Applications will be made available to applicants at the Housing Authority of Fort Mill office during normal business hours of Monday through Friday from 8:00 a.m. to 5:00 p.m. or printed from the website at www.hafmsc.com.
2. Application forms will be distributed and accepted in the manner indicated below:

In Person By Mail (as a reasonable accommodation or due to distance from the office and no internet capability)

The application form:

- Collects all the necessary information to determine program eligibility;
- Provides the opportunity to state the need or desire for an accessible unit;
- Provides the opportunity to apply for a waiting list preference;
- Lists all members of the household, including foster children and live-in aide(s); and
- Includes a self-certification of the accuracy of the information contained in the pre-application.

Every application must be completed and signed by the head of the household and spouse as applicable. All household members 18 years or older must sign a release to conduct criminal background checks, and landlord history references. Live-in aides must sign a release for a criminal background

check.

Management will process applications as follows:

- a. Review for completeness** – Prior to listing on the applicant on the waiting list, applications will be reviewed for completeness. Incomplete applications will be rejected, returned to the applicant and will not be evaluated until all of the required information has been provided.
 - b. Preliminary determination of program ineligibility** - Completed applications will be reviewed for income eligibility and compliance with any project specific eligibility requirements such as age or disability. Applications determined ineligible, pursuant to program guidelines, will be rejected in accordance with procedures outlined herein.
 - c. Waiting list placement** - Once a fully completed application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the development, the applicant will be placed on the property's waiting list. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's name advances to the top of the waiting list. The applicant will be placed on the waiting list, by date of receipt of the application, within the correct preference category and bedroom size.
- 3. Notification of Decision on Application Status** – Management will send a written response to each applicant of the status of their application. The response will be mailed not more than thirty days from the date of receipt. The notice will include:
- Result of the preliminary determination of eligibility,
 - Estimate of the time it may take before the applicant will be offered assistance,
 - Notice that the applicant is responsible for reporting changes in address, phone number, and preference status,
 - Where applicable, the applicant's qualification for a preference(s) for admission, and
 - A statement that the applicant has the right to meet with Management to discuss the determination made with respect to the application.

B. Owner-Adopted Preferences and Income Targeting Requirements

Owner-Adopted Preferences:

- A. Housing Authority of Fort Mill elects to adopt the following Preference System for new applications received November 1, 2014 and later. Within each unit bedroom category, applicants will be ranked on the waiting list as follows:
1. Applicants with an adult family member who is working a full time employment with a minimum of thirty (30) hours per week. This preference is also extended equally to all applicant households whose head, spouse or sole member is age 62 or older or disabled. Disability will be evidenced by receiving social security disability benefits, supplemental security income, verification from a medical professional, or any other payment based on the individual's inability to work.
 2. Displaced person(s): Individuals or families displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief laws. (Displaced action must be verifiable and the applicant is not responsible for the displacement.)
 3. Applicants with an adult family member enrolled in an employment training program, currently working 20 hours a week, or attending school on a full-time basis.
 4. In each category above, priority will be given to elderly, disabled, or displaced single persons over other singles.
 5. All other applicants by date and time of application.

Based on the above preferences, all families in preference 1 will be offered housing before any families in preference 2, preference 2 families will be offered housing before any families in preference 3, and preference 3 families will be offered housing before any families in preference 4.

Priorities for Accessible or Adaptable Units

As applicable, persons with mobility, visual, or hearing impairments, or households containing at least one person with such impairment, will have first priority for units with the required accessible features. Management may request verification from a licensed medical professional as to the applicant's need for the accessible unit.

If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, will be requested to sign a lease rider stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature

applies or a family requires a transfer from a non-accessible unit. Any family required to transfer will be given a 30-day notice. (See Section 5, Transfer Policy.)

NOTE: Current residents requiring a transfer to an accessible unit will have priority over applicants on the waiting list. (See Section 5, Transfer Policy.)

Building located at 130 Bozeman Drive:

In accordance with Section 651 of Title VI, Subtitle D of the Housing and Community Development Act of 1992, the owner hereby adopts a selection preference for elderly families as follows:

- Elderly Families – A family in which the head of household, co-head, or spouse is at least 62 years of age.
- Near Elderly Families – A family in which the head, spouse, or sole member is a person with disabilities who is at least 50 years of age, but below the age of 62; or two or more persons with disabilities who are at least 50 years of age but below the age of 62, living together, or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in-aides.
- Nonelderly Disabled Families – A family in which the head of the household, co-head, or spouse is disabled and 18 - 49 years of age.
- All other applicants by date and time.

Income Targeting Requirements

In order to achieve compliance with HUD's income targeting requirements, Management, within the established preferences above, will ensure that at least 40% of its applicants in a given year with incomes at or below the 30% of median income level (ELI).

Management will annually examine the volume of unit turnover and applicant admissions for the past year and, based on this information, estimate the likely number of admissions for the coming year. If it is determined that the 40% requirement will most likely be achieved, no action will be taken. If it appears that the 40% requirement will not be accomplished by the normal selection process, Management will implement the following procedures:

Management will adopt Method 1 as stated in the HUD Handbook 4350.3, Rev-1, CHG-4. In chronological order, Management will select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. This may result in skipping the next applicant on the waiting list

if their income level is over the ELI limit. Once the target number of move-ins has been reached, Management will admit applicants in waiting list order.

If it is determined from examining the current waiting list that the income targeting level may not be achieved, management will diligently make efforts to locate an applicant(s) at the extremely low income level. If a vacancy occurs and the next applicant will go over the target number of move-ins, and an extremely low income applicant cannot be located within 30 days, Management will fill the vacancy with the applicant on top of the waiting list and make the appropriate notations on the waiting list report.

C. Applicant Screening Criteria

The Tenant Selection Plan sets forth the essential requirements of tenancy and the grounds on which tenants may be rejected. Rejection of an applicant is appropriate where Management has a reasonable basis to believe that the tenant cannot meet these essential requirements, summarized as follows:

- a) To pay rent and other charges under the lease in a timely manner;
- b) To care for and avoid damaging the unit and common areas, to use facilities and equipment in a reasonable way, and to create no health or safety hazards;
- c) Not to interfere with the rights of others and not to damage the property of others;
- d) Not to engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff;
- e) Not to engage in activity on or near the premises that involves illegal use of controlled substances, abuse of alcohol, or weapons;
- f) Not to engage in any criminal activity on or off the premises that would be detrimental to the safety and well-being of residents should it occur on the premises;
- g) To comply with necessary and reasonable rules and program requirements of the housing provider.

D. Mandatory Denial of Admission

An applicant and the applicant household shall be disqualified for a unit for any of the following reasons:

- a) Any household member has been evicted from a federally-assisted housing program for drug-related criminal activity for five years from the date of eviction, unless the individual has successfully completed a supervised drug rehabilitation program approved by Management, or the circumstances leading to the eviction no longer exists;
- b) Any household member is currently engaging in the illegal use of a drug, or Management has reasonable cause to believe that a household member's use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or staff;
- c) Any household member with a history of engaging in drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents;
- d) Any household member that has been convicted of methamphetamine production on the premises of a federally-assisted property;
- e) Any household member with a history of other criminal activity that threatens the health, safety, and right to peaceful enjoyment by other residents or the health and safety of staff or agents of the owner;
- f) Management's determination that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol could interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. Management may consider mitigating circumstances in determining eligibility if the individual is participating in or successfully completed a supervised alcohol rehabilitation program, and is no longer engaging in the abuse of alcohol;
- g) Management's determination that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. Management may consider mitigating circumstances in determining eligibility if the individual is participating in or completed a supervised drug rehabilitation program, and is no longer engaging in illegal drug use;
- h) Any household member who is subject to a State lifetime registration requirement under a state sex offender registration program.

E. Other Grounds for Denial of Admission

- a) The applicant, or household member, has a history of disturbance of neighbors in a prior residence or behavior, which if repeated by a

tenant, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units;

- b) The applicant, or a household member, has caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by a tenant, would have a material adverse effect on the housing development or any unit in such development;
- c) The applicant or a household member has displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant, would pose a substantial threat to the health or safety of the tenant or other tenants or would adversely affect the decent, safe and sanitary condition of all or part of the housing;
- d) The applicant or household member in the past has engaged in criminal activity, or activity in violation of state laws, which if repeated by a resident, would interfere with or threaten the rights of other residents (or the health and safety of the owner, employees, contractors, subcontractors, or agents of the owner) to be secure in their persons or in their property or with the rights of other residents to the peaceful enjoyment of their units and the common areas of the housing development;
- e) Applicants shall not have a history over the past two years of habitual late rent payments, as defined by six or more late payments during one calendar year;
- f) Applicants shall not have been evicted for non-payment of rent over the past two years from the date of the application;
- g) The applicant has a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant of housing, would be detrimental to the housing development or to the health, safety, security or peaceful enjoyment of other tenants;
- h) The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application;
- i) The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application or a prior application submitted within the last three years and the applicant fails to establish that the misrepresentation or falsification was unintentional;

- j) The applicant, or a household member, has directed abusive or threatening behavior which was unreasonable and unwarranted towards a management agent's employee during the application process or any prior application process within the past three years;
- k) The applicant must not have a record of grossly unsanitary or hazardous housekeeping habits. This includes the creation of a fire hazard through acts such as the collecting of rags, and papers, severe damage to premises and equipment, unsanitary living habits causing infestation, foul odors, depositing garbage improperly, or serious neglect of the premises. Consideration may be given in a case where a qualified agency is working with the family to improve housekeeping habits;
- l) The applicant does not intend to occupy housing, if offered, as his/her primary residence;
- m) The applicant or household member has been convicted of other criminal activity, including violent criminal activity that has the potential to endanger the health, safety, and welfare of other residents and staff. Examples include but are not limited to murder, rape, child abuse or molestation, aggravated assault, weapons and/or explosives violations, and arson;
- n) The applicant or household member has been convicted of drug related criminal activity including the manufacture, sale, distribution or possession with intent to manufacture, sell, or distribute a controlled substance;
- o) The applicant family cannot secure utility service to the unit.

Consideration of Mitigating Circumstances

Management may consider whether the appropriate household member has completed a supervised drug or alcohol rehabilitation program and may require documentation of the successful completion of the rehabilitation program. Management may also require an applicant to exclude a household member when the member's past or current actions would prevent the household from being eligible.

As to other grounds for denial of admission, this plan provides for the consideration of mitigating factors that rebut the presumption that an applicant will be unable to meet the requirements of tenancy. Among the factors that should be considered are:

- the severity of the potentially disqualifying conduct;
- the amount of time that has elapsed since the occurrence of such

- conduct;
- the degree of danger, if any, to the health, safety and security of others or
- to the security of the property of others or to the physical conditions of the housing development and its common areas if the conduct recurred;
- the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
- the likelihood that the applicant's behavior in the future will be substantially improved; or
- the problem resulting in the ineligibility of a person with disabilities may be addressed through reasonable accommodation, such as a live-in care attendant.

In general, the greater degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater must be the strength of showing that a recurrence of behavior (which led to an initial determination that the applicant would not be able to meet the essential requirements of tenancy) will not occur in the future.

F. Screening Procedures

Management will secure background information from one or more of the following sources for all adult household members to obtain information regarding an applicant's ability to meet the essential requirements of tenancy:

- References from previous landlords;
- Management will obtain a criminal history on all adult household members as part of the tenant selection process;
- Record of a state mandatory lifetime sex offender registration;
- Verification of income either from a present employer, appropriate agency, financial institution or other appropriate party;
- Verification of a disability from a medical professional when the applicant requests a modification to a unit, eligibility for a preference based on disability status, or a reasonable accommodation. Inquiries concerning a person's disability or disabilities in this regard will be limited to verification of the disability and the need for an accommodation or the qualification for a program;

A home visit to provide the opportunity for the family to demonstrate

their ability to maintain their home in a safe and sanitary manner. The home visit also serves to inspect the cleanliness and care of the rooms, appliances and appurtenances and may consider any evidence of criminal activity; Home visits are only required if the applicant currently lives within 20 miles of the Housing Authority office and is the head of household. Other home visits are optional.

- EIV Existing Tenant Search to determine if the applicant or a household member is residing in another HUD-subsidized unit.

The screening process will be administered uniformly to all applicants without regard to race, color, religion, national origin, sex, disability, or familial status.

G. *Protection for Victims of Domestic Violence*

Based on the provisions of the Violence Against Women's Act of 2005 and Reauthorization Act of 2013, Management will protect tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being denied, evicted or terminated from housing assistance based on acts of such violence against them. At lease signing, Management will have tenants execute the VAWA Lease Addendum (HUD form 91067.)

When responding to an incident or incidents of actual or threatened domestic violence, dating violence or stalking that may affect a current tenant's participation, Management will request in writing that an individual complete, sign and submit, within 14 business days of the request, a HUD Form-91066 Certification of Domestic Violence, Dating Violence or Stalking, whereby the individual certifies that he/she is a victim of domestic violence, dating violence, or stalking, and that the incident or incidences in question are bona fide incidences of such actual or threatened abuse, along with any available documentation of the abuse.

In lieu of a certification form, or in addition to the certification form, a tenant may provide one of the following: (1) a Federal, State, tribal, territorial, or local police record or court record; (2) documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, or stalking has signed or attested to the documentation.

If the individual does not provide the form HUD-91066 or the information

that may be provided in lieu of the certification by the 14th business day or any extension of that date provided by Management, none of the protections afforded to the victim of domestic violence, dating violence or stalking will apply. Management will therefore be free to evict, or to terminate assistance, in the circumstances authorized by otherwise applicable law and lease provisions.

All information provided to Management relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence shall be retained in confidence and shall neither be entered into any shared database nor provided to any related entity, except to the extent that such disclosure is (i) requested or consented to by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or (iii) otherwise required by applicable law.

Management will retain all documentation related to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from the other tenant files.

H. Prohibited Screening Criteria

Management will not screen applicants for eligibility on the basis of the following:

- a) Physical Examinations. Management will not require physical examinations or medical testing as a condition of admission;
- b) Meals and Other Services. Management will not require tenants to participate in a meals program that has not been approved by the Regulatory Agency;
- c) Donations or Contributions. Management will not require a donation, contribution or membership fee as a condition of admission. Owners may not require any payments not provided in the lease.
- d) Disability Status. Except as provided in accordance with the HUD regulations and for the purposes of verifying eligibility for a unit type or allowance, it is unlawful to make an inquiry to determine if an applicant for a dwelling unit, a person intending to reside in that dwelling unit after it is rented or made available, or any persons associated with the applicant, has a disability or handicap, or to make inquiry as to the nature or severity of an identified disability or handicap.

I. Rejecting Ineligible Applicants

Key Requirements

Prohibition of discrimination in the denial of tenancy or rental assistance:
Management will not discriminate against an applicant based on race, color, religion, sex, national origin, familial status, actual or perceived

sexual orientation or gender identity, or disability.

Prohibition of denying assistance to victims of domestic violence, dating violence or stalking: The 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 is not a basis for denial of rental assistance or for denial of admissions, if the applicant otherwise qualifies for assistance or admission.

Prompt notification: Management will promptly notify the applicant in writing of the denial of admission or assistance in accordance with the property's Grievance Procedures.

Notification of Applicant Rejection

If Management determines that the applicant does not meet the criteria for receiving assistance or is not eligible for a claimed preference, Management will promptly provide the applicant with written notice of the adverse determination. The notice will contain a brief statement of the reasons for the denial and state that the applicant has 14 days from the date of the notice to request an informal hearing to review the decision. The notice will also state that persons with disabilities may request reasonable accommodations to participate in the hearing process. The applicant may exercise other rights if the applicant believes that he/she has been discriminated against on the basis of race, color, religion, sex, handicap, familial status, or national origin.

4. Occupancy Standards

Generally, dwelling units are to be leased based on a maximum of two persons per bedroom as follows:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	2
1	1	2
2	2	4
3	3	6
4	4	8

General guidelines used to determine proper bedroom size assignment for each family are as follows. Exceptions to the occupancy standards will be

reviewed on a case-by-case basis.

1. Each head of household and his/her spouse are assigned one bedroom (unless a medical reason is verified);
2. Additional adult member(s) of the household are assigned one bedroom;
3. Two children are assigned a bedroom. Children of the opposite sex may be assigned a separate bedroom;
4. Children anticipated to be added to the household will be included as follows:
 - Children expected to be born to a pregnant woman;
 - Children in process of adoption by an adult family member;
 - Children in process of custody by an adult family member;
 - Foster children residing in the unit;
 - Children who are temporarily in a foster home who will return to the family;
 - Children in a joint custody arrangement who are present in the household 50% or more of the time; and
 - Children who are away at school and who live at home during recesses.
5. Live-in aide(s) residing in the unit are assigned one bedroom;
6. Foster adults residing in the unit are assigned one bedroom;
7. A larger unit than suggested by the occupancy standards may be assigned as follows:
 - If no eligible family in need of a 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, and the family agrees in writing to move at his own expense when a proper size unit becomes available;
 - If a family needs a larger unit as a reasonable accommodation for family member who is a person with a disability.
8. The Housing Authority of Fort Mill uses the HUD recommended limit of two individuals per sleeping room, which this may include the living room.

Single Person Unit Assignment Restriction

A single person will not be permitted to occupy a unit with two or more bedrooms, except for the following persons:

1. A person with a disability who needs the larger unit as a reasonable accommodation;
2. A displaced person when no appropriately sized unit is available;
3. An elderly person who has a verifiable need for a larger unit;
4. A remaining family member of a resident family when no appropriately sized unit is available.

5. Unit Transfer Policy

In filling vacant units, Management shall first offer current residents on the Transfer List the option to relocate to another unit in the development, provided such residents meet one of the following transfer conditions:

- A unit transfer due to a change in family size;
- A unit transfer due to a change in family composition;
- A unit transfer due to a deeper subsidy being available;
- A unit transfer for a medical reason certified by a doctor; or
- A unit transfer based on the need for an accessible unit.
- Where persons without disabilities move into a physically accessible unit, they shall do so only after agreeing to move to a unit with no such design features at their expense within 30 days of notification should an applicant or current resident require an accessible unit of the type currently occupied by the persons without disabilities.

Management shall maintain a formal transfer list for current residents pursuant to these conditions. When a vacancy occurs, Management shall determine if a transfer is warranted from the internal transfer list before proceeding to the general waiting list to select an applicant for the vacant unit.

When Management determines that a transfer is required, the HUD Model Lease states that the tenant:

- May remain in the unit and pay the HUD-approved market rent; or
- Must move within 30 days after the family is notified that a unit of the required size is available within the property.

Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. However, if a tenant is transferred as a reasonable accommodation due to a household member's disability, then Management shall pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden. Upon approval of the transfer, residents must complete their move within five calendar days.

6. Fair Housing and 504 Policies

Applicants with Disabilities and Reasonable Accommodations

Management will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with

disabilities who require such changes to have equal access to any aspect of the application process or to the development and its programs and services. Management may, for example, arrange for sign language interpreters or other communication aides for interviews during the application process.

Management complies with all state and federal laws requiring housing providers to make reasonable accommodations or changes to these rules, procedures and housing units or properties, if such changes are necessary to enable a person with a disability to have equal access to and enjoyment of the unit, properties and other facilities or programs.

Reasonable accommodations will be made during the application process and during an individual's participation in the program; provided the accommodation does not present an undue financial or administrative burden. Any accommodation or change must be necessary for the individual to have equal access and enjoyment of the housing and programs, not just be desirable.

Management will consider suggested accommodations from the individual and determine whether the request is reasonable from a financial and administrative point of view. If such accommodation is not deemed reasonable, Management will work with the individual to provide an alternative accommodation that would meet their disability needs. Requests may be denied if the request poses an administrative or financial burden on the property.

504 Modification Requests

Any 504 Modification Requests and supporting documentation must be submitted in writing, and will be reviewed by the Executive Director of the Housing Authority of Fort Mill, located at 105 Bozeman Drive, Fort Mill, SC 29176. An answer will be given in writing within 10 business days, unless there is a problem obtaining all the information needed or a longer time is agreed upon after verification of need received from provider.

If the request is denied, the reason will be explained to the applicant/resident and other feasible options which do not present a financial and/or administrative burden, or otherwise pose a fundamental alteration to the nature of the housing program may be explored.

Procedures for Assigning Accessible Units

Units with originally constructed design features for persons with physical disabilities will be assigned as follows:

- Transfers within the project will take precedence over new

applicants.

- New applicants requiring accessible features will be offered such units in the order of their standing on the waiting list, determined by date and time the application was received.

7. Opening and Closing the Waiting List

Management will administer the waiting list in accordance with the following procedures:

If an applicant is eligible for tenancy, but no appropriately sized unit is available, Management will place the family on the waiting list for the project. Persons needing handicapped accessibility may apply for a standard unit, as well as an accessible unit, at their discretion.

The waiting list at a minimum will include the date and time an applicant submitted an application, the name and head of household, the annual income level, identification of the need for an accessible unit, preference status and unit size. Waiting lists will be organized by type of unit, applicant preference, and date and time of application within each preference category.

The waiting list will be maintained electronically by unit type. A printed copy of the waiting list will be generated on a monthly basis and maintained for a minimum of three years.

Each applicant will be placed on the waiting list chronologically according to the date and time of the completed application within, the applicable preference categories.

The waiting list may be closed for a specific unit size if the projected turnover rate indicates that an applicant would be unable to obtain a unit within one year. Management will advertise the waiting list closing in the local newspaper, post a notice on the property's bulletin board in the Housing Authority of Fort Mill's office, and be posted to the Housing Authority's website: www.hafmsc.com.

When an applicant pool is no longer adequate, Management shall advertise the reopening of the waiting list in the local newspaper, and as otherwise required by the Affirmative Fair Housing Marketing Plan. The notice will contain the date the waiting list will reopen and instructions on how to apply. Management will also post a notice on the property's bulletin board, and the Housing Authority of Fort Mill Central Office.

8. When Applicant Information Changes



Applicants are responsible for informing Management in writing of any changes in address, telephone number, household composition, and preference status by filling out a Waiting List Status Change Form at the property. If mail is returned due to an applicant's failure to provide a correct mailing address, the application will be removed from the property's waiting list.

9. Updating the Waiting List

The waiting list will be updated periodically as deemed necessary by Management. Every household on the waiting list will be mailed a notice requiring a response within a fixed period if the household wants to remain on the list. If a household returns the letter in a timely fashion and the household composition has not changed, the applicant/household will remain on the list as before.

If a household returns the letter in a timely fashion and the household composition or preference status has changed, the family may be assigned to the waiting list for a different sized unit, or preference category, but the original application date will be retained.

If a household's letter is returned by the US Post Office as "undeliverable," the manager will remove the household from the waiting list and make a notation on the applicant's waiting list computer record. The returned letter will be retained in the applicant's file; or if there is no response from the household in the allotted time, the applicant will be removed from the waiting list.

Applicants will be notified in the update letter that if the update application is not returned in a timely manner, the applicant will be required to fill out and submit a new application.

In the event that an applicant has requested an alternate form of communication, the above information will be communicated to the applicant in the format requested.

10. Leasing Process

Offer of Available Units

When a unit becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for that apartment type (taking into consideration income targeting requirements). The applicant will be mailed a letter stating that the applicant has five business days to contact. If contacted via telephone the applicant must provide a response within two days to meet with Management to complete the full application process. If the applicant fails to respond within the required timeframe, the application will be cancelled and the apartment will be offered to the next applicant on the waiting list.

Upon acceptance of the offer, the applicant will then be assigned a deadline for move-in. Before the end of this period, the applicant must complete all outstanding preoccupancy requirements such as a home visit, establishment of tenant furnished utility services, leasing interview, and lease execution. Normally, this deadline will be within five business days of the offer acceptance, but may be extended by Management as a reasonable accommodation.

Failure to complete all of the move-in requirements within the assigned period will result in withdrawal of the offer and deactivation of the application.

If an applicant refuses the first offer and there is another unit available not otherwise obligated that is ready for occupancy, the applicant will be given a second offer. If an applicant rejects the second offer, the applicant will be removed from the waiting list.

Prior to Move-In/Tenant Interview

Prior to taking occupancy, Management will meet with the applicant family and explain at a minimum the following topics:

1. Security Deposits and refunds
2. Use of the EIV System after move-in
3. Annual Recertification process
4. Interim Recertification process
5. Unit Inspection
6. Community House Rules
7. Transfer Policy
8. Section 8 student eligibility
9. Violence Against Women Act
10. Reporting requirement for income increases of \$200 or more per month
11. Reporting changes in household composition
12. Unit rent and other charges
13. HUD Model Lease
14. Pet Policy

Leasing of Dwelling Unit

The Head of Household and all adult household members are required to execute the HUD Model Lease and VAWA Addendum. The property's House Rules will be attached to the lease as an addendum. A copy of the lease will be provided to the lessee and the original will be filed as part of the permanent records established for the family.

11. Security Deposit Requirements

Prior to move-in all new residents with leases effective after the RAD conversion will be charged a one-time security deposit equal to the Total Tenant Payment or - \$50 whichever is greater. Upon request, Management may offer the applicant a Payment Agreement for the Security Deposit to be paid in not more than three payments. In accordance with State law, the deposit will be refunded within 30 days after the resident has moved out, assuming there is no damage greater than normal wear and tear to the vacated unit. Charges for damages and unpaid rent may be deducted from the security deposit. Management will provide the tenant with a detailed listing of items deducted from the Security Deposit within 30 days of vacating the unit.

12. Unit Inspections

Upon move-in, new residents with leases effective after the RAD conversion will inspect the apartment together with Management, and shall make note of any deficiencies in the unit. The inspection form will be used again upon move-out and the resident will be charged for any damages beyond normal wear and tear with the exception of items noted at move-in.

All units are inspected a minimum of once per year for housekeeping, damage and general repair. Residents will be notified at least 48 hours in advance of an inspection. In addition, residents must submit (upon 48-hour notification) to inspection by government and/or program officials.

13. Annual Recertification Requirements

- A.** To ensure that assisted tenants pay rent commensurate with their ability to pay, HUD requires the following:
 - 1. Management must conduct a recertification of family income and composition at least annually by the annual recertification anniversary date.
 - 2. Tenants must supply the information requested by executing the Recertification Application and must provide all requested supporting documentation.

3. Tenants must sign consent forms and asset declaration forms each year.
 4. Management must use the EIV Income Report as third-party verification of income from sources available on EIV; i.e., Social Security benefits, wages, or Unemployment benefits.
 5. Management must obtain third-party verification of income sources not reporting data in EIV; i.e., Child Support, alimony, pensions, VA benefits, income from assets, gifts, valuation of assets and all other sources of income.
 6. Residents must provide documentation of other eligible factors used in determining allowances in the family's TTP; e.g., medical expenses, and handicapped expenses, and child care payments.
- B.** Management must send Recertification Reminder notifications to residents to meet with management beginning at 120 days prior to the annual recertification anniversary date. If the tenant does not respond, a Second Reminder Notice will be sent at 90 days prior to the annual recertification anniversary date. If the tenant fails to respond, a Third Reminder Notice will be sent to the tenant at 60 days prior to the annual recertification that includes a 60-day notice to terminate assistance if the tenant fails to respond. If the tenant fails to respond by the 10th day of the 11th month prior to the recertification anniversary date, the tenant may be charged market rent until such time as he or she complies with the recertification requirements.
- C.** If the tenant complies with the annual recertification process, Management must provide at least a 30-day written notice of any rent increase. If the tenant does not report in a timely manner, the requirement to provide a 30-day notification of rent increase is waived.
- D.** At annual recertification, an Initial Notice of Recertification (HUD 90100) will be provided to the resident indicating the reporting requirements and deadlines for the next annual recertification.
- E.** Residents who do not comply with the recertification requirements in a timely manner or fail to provide requested documentation may be charged market rent until such time as the recertification process is complete, unless there are verified medical reasons or other extenuating circumstances that apply.

14. Interim Recertification Reporting Policy

- A.** Residents must notify Management within fourteen (14) business days of the occurrence of the following:
1. A family member moves out of the unit;

2. The family proposes to move a new member into the unit;
 3. An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment;
 4. The family's income cumulatively increases by \$200 or more per month.
- B.** Residents may request an interim recertification due to any changes occurring since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant. Changes a tenant may report include:
1. Decreases in earned income or benefits;
 2. Increases in allowances such as medical expenses or child care;
 3. Other changes affecting the TTP, such as a family member who attains the age of 62, or a family member becoming disabled.
- C.** When reporting changes in income and/or family composition, the resident must report in writing (a Housing Authority Notice of Change form, a letter, fax, an acknowledged email). The resident must provide all requested documentation to substantiate the change.
- D.** When proposing to add a new adult household member, Management will apply screening criteria to all adults (including live-in aides) for drug related criminal activity, other criminal activity, State sex offender registration, other eligibility criteria, and EIV Existing Tenant Search before approving the move-in. A formal application and interview must occur.
- E.** The proposed household member must disclose and provide verification of their SSN (including live-in aides). New household members (except live-in aides) must provide information regarding all sources of income, execute the Ethnic Racial Data Form, Declaration of Citizenship and provide proof of age. The head of household may execute these documents for minor children. Adults must sign the HUD 9887/9887A Consent Form.
- F.** If the tenant complies with the interim reporting requirements, rent changes must be implemented as follows:
- Rent Increases – If the tenant's rent increases because of an interim adjustment, Management must give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day notice period.
 - Rent Decreases – If the tenant's rent decreases, the change in rent is effective on the first day of the month after the date of action that

caused the interim certification as long as the decrease is reported at least 5 days prior to the end of the current month. Otherwise the decrease will be a retroactive adjustment.

G. If the tenant does not comply with the interim reporting requirements, and Management discovers the tenant failed to report a change as required, the effective date of the change is as follows:

- Rent Increases - Management will implement any resulting rent increase retroactive to the first of the month following the date that the action occurred.
- Rent Decreases – Any resulting rent decrease must be implemented effective the first rent period following completion of the recertification.

15. Resident Procedural Rights Under RAD

a. Termination of Tenancy and Assistance

The termination procedures for RAD properties require that owners provide adequate written notice of termination of the lease which shall not be less than:

A reasonable period of time, not to exceed 30 days;

- If health or safety of other tenants, owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
- In the event of any drug-related or violent criminal activity or any felony conviction; or
- The notice period will be 14 days in the case of nonpayment of rent.

b. Termination of Assistance

In all other cases, the requirements at 24 CFR 880.603, the Multifamily HUD Model Lease, and other HUD multifamily administrative guidance shall apply.

c. Grievance Process

In addition to program rules that require that tenants are given notice of covered actions under 24 CFR Part 245 (including increases in rent, conversions of a project from project-paid utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances, etc.), the following procedural rights will apply with the requirements of section 6

of the Act. RAD properties require that:

- Residents be provided with notice of the specific grounds of the proposed owner adverse action, as well as, their right to an informal hearing with the owner;
- Residents will have an opportunity for an informal hearing with an impartial member of the owner's staff within a reasonable period of time;
- Residents will have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the owner as the basis for the adverse action. With reasonable notice to the owner, prior to the hearing and at the residents' own cost, the resident may copy any documents or records related to the proposed adverse action; and
- The owner must provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action, and the evidence the owner relied upon as the basis for the adverse action.
- The owner will be bound by decisions from these hearings, except if the (1) hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing, or (2) the decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
- See the Housing Authority of Fort Mill's full Grievance Procedure for the complete process.

ACKNOWLEDGEMENT OF RECEIPT

**THIS IS TO CERTIFY THAT I HAVE RECEIVED A COPY OF THE HOUSING
AUTHORITY OF FORT MILL TENANT SELECTION PLAN.**

HEAD OF HOUSEHOLD

DATE