

# FAIRVILLE MANAGEMENT COMPANY, LLC

## Resident Screening and Selection Policy

THIS FORM SHALL BE ATTACHED TO ALL WAITING LIST APPLICATIONS AND APPLICATIONS, POSTED AT THE MANAGEMENT OFFICE AND AVAILABLE ON THE COMPANY WEBSITE.

THE FULL APPLICATION FEE, IF APPLICABLE, IS REQUIRED PRIOR TO PROCESSING THE APPLICATION. THE FEE IS \$30 FOR EACH PERSON 18 YEARS OF AGE OR OLDER. THIS FEE IS NOT REQUIRED FOR THE WAITING LIST.

### Fair Housing Policy

Fairville Management Company ("Fairville") complies with all local, state and federal laws relating to the management of rental properties, including, but not limited to:

Section 504 of the Rehabilitation Act of 1973

Fair Housing Amendment Act of 1988

Title VI of the Civil Rights Act of 1964

Pennsylvania Human Relations Act of 1955

Fairville does not discriminate against disability, race, color, religion, sex, familial status, national origin, age, ancestry, or sexual orientation.

Eligible applicants and residents are encouraged to request and complete the necessary Reasonable Accommodation Forms so that their request may be processed.

Fairville has a computer lab at every site. Applicants and residents can convert all documents to a different language by utilizing Google Translate. Applicants and residents can also request that Fairville provide a document translated into another language by Google Translate. The English version of the forms will be considered the controlling policy if there is a conflict or ambiguity as a result of translation.

Fairville will use its best efforts to locate assistance for an individual who has difficulty understanding the forms or policies. This may include accessing government organizations created to assist individuals with special needs.



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## Income Limit, Asset and Voucher Information

The Household annual income must comply with current LIHTC, HUD or RD limits based on type of subsidy and family size as published annually by HUD or USDA. Fairville will not deviate from the income limits. The HUD income limits are available from the local HUD office or online at [www.huduser.org](http://www.huduser.org). The Rural Development ("RD") income limits are determined by the United States Department of Agriculture ("USDA") and can be found at [USDA Rural Development](http://USDA Rural Development). The current Low Income Housing Tax Credit ("LIHTC") maximum income limit and the minimum income requirements are available at the management office and through [welisten@fairvillemanagement.com](mailto:welisten@fairvillemanagement.com). The income limits vary from year to year.

The Regulatory Agreement for each property contains additional rent restrictions. That agreement formalizes the unit restrictions that Fairville must follow in managing the property.

No Applicant will be denied housing as a result of the use of a Section 8 voucher.

Current income and asset amounts will be calculated at the time of Application. The Applicant's income, assets and criminal background must qualify for rental approval to remain on the Waiting List. If Fairville determines that an Applicant does not qualify for a unit based on the information on the application, any updated application, or information discovered through the verification process, the Applicant will be removed from the Waiting List.

Fairville will send a letter when a name is removed from the Waiting List. The process to appeal the decision to remove an Applicant from the Waiting List is explained later in this document.

You may submit a new application if you later qualify for a unit. Your name will be added to the Waiting List as of the date you submit the new application.

## Determination of Family Income Using Other Means Tested Public Assistance, ie. "Safe Harbor"

PHFA will not be accepting other Means Tested Public Assistance information/verification to determine Family Income.

## Enterprise Income Verification System (EIV)

The Department of Housing and Urban Development (HUD) provides property managers with access to a verification database called the Enterprise Income Verification System (EIV).

EIV provides information about project-based and tenant-based HUD assistance recipients. This database is also used to verify certain types of reported income with records maintained in the Social Security Administration databases and the Department of Health and Human Service (HHS) National Database of New Hires. HHS provides information about current and past employment and unemployment insurance information.

During the application process the Enterprise Income Verification System (EIV) will be used to screen Applicants through the Existing Tenant Search. This report shows whether an Applicant is receiving housing subsidies in any PIH or Multifamily Housing Program.

All adult Household members must Fairville give consent to this release of information by signing the appropriate HUD forms. During your annual certification or if management has reason to believe that a resident has unreported income, the EIV system will be accessed to retrieve each adult Household member's information.

A New Hires Report will be run quarterly. EIV Income Report will be run during all recertifications.

If the EIV database and the information on the application have any discrepancies the Applicant will be notified.

## Revocation of Consent Form (Form HUD-9887)

The executed consent form will remain effective until the household is denied assistance, the assistance is terminated, or the household provides written notification to the Owner to revoke consent. Households have the right to revoke consent by notice to the Owner, however, revoking consent can result in termination or denial of assistance



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is the Owner has established an admission and occupancy policy that the revocation of consent will result in termination of assistance or denial of admission. Owners may not process interim or annual reexaminations of income, including when a households's income decreases and the household requests an interim reexamination to decrease tenant rent, without the household's executed consent form(s).

**Property Set Aside Requirements**

**Cambridge Club Apartments**

Unit Type	1BR	2BR	3BR
30%	0	4	0
40%	3	4	0
50%	4	19	12
60%	5	12	12

**Stony Run Apartments**

Unit Type	1BR	2BR	3BR
30%	8	9	8
40%	0	0	0
50%	2	14	9
60%	2	13	7

**Calvert Heights Apartments**

Unit Type	1BR	2BR	3BR
30%	0	0	0
40%	0	3	4
50%	0	3	4
60%	0	2	2

**Baywood Village I Apartments**

Unit Type	1BR	2BR	3BR
30%	13		
40%	3	18	
50%	2		

**Crossroads Apartments**

Unit Type	1BR	2BR	3BR
20%		3	
50%		10	12
60%		6	17

**Galloway Meadows**

Unit Type	1BR	2BR	3BR
30%		14	4
40%	3	8	8
50%	3	1	
811			
50%	3	8	4
60%	3	9	3

**Baywood Village II Apartments**

Unit Type	3BR	4BR	
30%	7	7	
40%	1	2	
50%	2	1	
60%			

**Hopewell Manor**

Unit Type	1BR	2BR	3BR
20%	8		
40%			
50%	29		
60%	34		

**Laurel Woods Apartments**

Unit Type	1BR	2BR	3BR
20%		3	3
50%		15	10
60%		14	14

**Satterfield High Steps**

Unit Type	0BR	1BR	2BR
50%	5	11	6

**Red Clay Manor**

Unit Type	1BR	2BR	3BR
20%	4		
50%	27	1	
60%	16	2	
Market	10		

**Gateway West**

Unit Type	1BR	2BR	3BR
20%		3	2
50%		10	10
60%		13	8

**Granite Ridge I Apartments**

Unit Type	1BR	2BR	3BR
20%		3	3
50%		12	11
60%		13	13

**Granite Ridge II Apartments**

Unit Type	1BR	2BR	3BR
20%		3	3
50%		12	12
60%		13	13

**Meadowbridge Apartments**

Unit Type	1BR	2BR	3BR
30%		40	
40%		9	
50%		46	
60%		9	

**Homes at Riverside Apartments**

Unit Type	1BR	2BR	3BR
20%		3	3
50%		9	9
60%		11	11

**Butter Valley Commons**

Unit Type	1BR	2BR	3BR
20%		2	1
50%		12	14
60%		13	13

**Parkway Apartments**

Unit Type	1BR	2BR	3BR
	10	20	25

**Elizabeth Cornish Landing Apartments**

Unit Type	1BR	2BR	3BR	4BR
	4	20	24	2

**Cheer Apartments**

Unit Type	1BR		
40%	15		
50%	48		



## No Pet Policy

Fairville does not allow pets to live in or visit the unit and apartment site. Assistance Animals and Emotional Support Animals (“Working Animals”) are not considered pets. Working Animals will be allowed in the unit and on the property but must be properly licensed, vaccinated, leashed, and remain within the control of their owner. **A Reasonable Accommodation request must be submitted and approved by Fairville prior to allowing a Working Animal in a unit. The Reasonable Accommodation request may be filed at the time of application. The Applicant must establish a medical need for the Reasonable Accommodation prior to approval. Documentation will be required.**

## Occupancy Limits

Minimum occupancy is 1 person per bedroom and maximum occupancy is 2 people plus 1 per bedroom. If a unit becomes available that has more bedrooms than a Household qualifies for under this policy, and there is no Waiting List for units of that size, Fairville may offer a larger sized unit to an Applicant. **A leased unit must be the Applicant’s only place of residency when the lease is signed. Only those persons approved in the application process may occupy the unit.**

## Credit Report Standards

Credit reports must indicate that Applicants pay their creditors on time. All landlord and utility accounts must be paid in full. Late payments for medical services and student loans will be reviewed by Fairville.

## Bankruptcy

No Applicant, who is currently pursuing bankruptcy, is qualified to rent a unit. Any Discharge from Bankruptcy must be at least five (5) years prior to the application date.

## Criminal Screening Criteria

The following criminal screening criteria will be used in reviewing applications. If an Applicant was convicted of a listed crime within the number of years stated, the application will be denied.

If convicted within:	Felony:
7 years	Arson, Assault and Battery I, Assault and Battery II, Crimes Against Animals, Destruction of Property, Domestic Crimes, Drug Offenses I, Drug Offenses II, Drug Offenses III, Drug Offenses IV, Drug Offenses V, Drug Offenses VI, Drug Offenses VII, Harassment, Homicide I, Homicide II, Homicide III, Homicide IV, Kidnapping I, Kidnapping II, Organized Crime, OUI, OVI, DWI,
5 years	Fraud I, Fraud II,
3 years	Bad Checks, Burglary I, Burglary II, Crimes Against Government, Cyber Crimes, Disturbance of the Peace, Embezzlement, Gambling, Petit Theft, Purposefully Obstructs the Law, Robbery, Sex Crimes not listed elsewhere, Offenses not listed elsewhere
Ever	Crimes Against Children, Sex Crimes Against a Person, Sex Crimes Against a Child, Trespassing, Weapons Related I, Weapons Related II

For Properties in Maryland: we will complete the Worksheet for Applying Maryland’s Tenant Selection Policies when Assessing Applicants for Housing who have Criminal Convictions. Applicants will be given seven (7) days to provide mitigating evidence to support the individualized assessment.

## Previous Fairville Eviction

Residents who have been evicted from a Fairville property will not be approved for placement on the Waiting List or rental of a unit within ten (10) years of the eviction.

Fairville will evict residents in accordance with the Lease, federal law, state law, local law, Low Income Housing Tax Credit Program guidelines, HUD guidelines, and the Landlord Tenant Code.

Eviction procedures for non-payment of rent will be filed against residents who do not respond to the appropriate late notice by making payment in full or arranging a repayment schedule acceptable to Fairville. Eviction procedures for other lease violations will be filed against residents, with proper legal notice, if a resident fails to correct any relevant lease violations.

## Rental History

The Applicant’s residency history will be evaluated. The Applicant must have a favorable landlord reference if the Applicant was a tenant. All prior landlord judgments must be satisfied.



## Record Keeping

All records relating to Applicants will be retained for three years after the Applicant has been removed from the waiting list, or, if the Applicant becomes a resident, three years after the tenancy ends.

## Eligibility of Full-Time Students

### Eligibility Determination

Fairville will determine a student's eligibility for LIHTC, RD and Section 8 assistance at the time of the initial application. Eligibility will be reviewed each time a Certification is required.

### Low Income Housing Tax Credit Properties (LIHTC)

A Household with only Full-Time students is not permitted for LIHTC properties. A Household will not be considered a Full-Time Student Household if:

- The students are married and file a joint tax return; or,
- At least one student is a single parent, and this student is not a dependent of someone else, and the children are not dependents of someone else; or,
- At least one student is receiving Temporary Assistance to Needy Families (TANF), or Aid to Families with Dependent Children (AFDC).
- At least one student participates in the Job Training Partnership Act, or Workforce Investment Act programs, or other similar federal, state or local programs.
- At least one student was under foster care within 5 years of the effective date of the initial income certification.

### HUD Section 8 and USDA Programs

Full-time students are not eligible for USDA or HUD Section 8 housing assistance unless the student is:

- a. Over the age of 24;
- b. Married;
- c. A veteran of the United States Military;
- d. Has a dependent child;
- e. A person with disabilities, as defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005).
- f. Living with his or her parents who are receiving Section 8 assistance;
- g. Is individually eligible to receive Section 8 assistance and has parents who are not income eligible to receive Section 8 assistance;
- h. A student determined to be independent by a financial aid administrator due to unusual circumstances.

### Criteria for Determining Full-Time Student Independence

When a full-time student is determined to be independent, the parents' income is not included in income calculations. The student must demonstrate the absence of dependence on parents. Fairville may use additional criteria for determining the student's independence from parents, however Fairville must use all of the following criteria to determine eligibility. The student must:

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

### Termination of Section 8 Assistance for Households with Full-Time Students

Section 8 assistance will be terminated if an ineligible student is a member of the Household in accordance with the guidance in paragraph 8-6 A of the HUD Handbook 4350.3: Occupancy Requirements of subsidized Multifamily



Housing Programs.

## Calculating Income for the Rental Application and Recertification

Income comes from many sources. Some money received is not included in the income calculation. The following documents assist in determining the income figure that will be used for rental qualification. Fairville will verify all income information when the application is initially submitted, is processed and at every Certification.

### Earned Income

Earned Income is included as income on the application. This category includes income received from providing goods or services. Documentation for this category includes:

#### W2 Wages

The W2 form includes wages, tips and other compensation. This form is provided by employers in January. The W2 amounts should be included in your tax return.

#### 1099 Income

1099 forms are filed by people who pay for services during a tax year. The form is provided to income recipients in January. The 1099 amounts should be included in the tax return.

#### Independent Contractor Income

This is income earned by providing services that are not considered employee services. This may include income from a business, day labor work and seasonal employment. This income should be included in the tax return.

#### Tax Returns

Tax returns provide information about how income is calculated for income tax payments. That amount may be different from the income calculation used for rental qualification.

#### Bank Statements and Investment Account Statements

A bank statement will be reviewed to determine interest earned on bank accounts. Account statements for investment accounts will be used to determine the amount of gain earned during a year.

## Unearned Income

### Unearned Income

Income that is not from earnings may be included in the income calculation. This category includes SS, SSI, Welfare, government subsidies. Unearned Income also includes imputed income from assets that do not earn actual income.

**If qualified assets exceed \$50,000, then income from assets that do not produce actual income will be imputed. This will be calculated by multiplying the value of the asset by 0.40%.**

### Dependent Student Income

Earned income more than the deduction for a dependent is excluded from income. The deduction in 2024 is \$480 and will be adjusted annually.

### Title IV Higher Education Act Income

Income received under this program will be excluded up to the amount that covers tuition and other allowable fees.

### Revocable Trust Income

Income earned by a Revocable Trust under the control of a household member is considered income when it is received by the Trust.

### Retirement Plan Income

Distributions of periodic payments from IRS-recognized retirement plans are income when they are received by the Household.

## Income Exclusions

The following are excluded from the income calculation:

### Non-recurring Income



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Non-recurring income is excluded from the income calculation. Some examples of non-recurring income include:

- Gifts for significant life events or milestones (holidays, birthdays, wedding gifts, baby showers, anniversaries).
- Non-monetary, in-kind donations, such as food, clothing or toiletries received from a food bank or similar organization.
- Lump-sum additions to net family assets, including but not limited to lottery and other contest winnings.
- State or federal refundable tax credits, or state or federal tax refunds, at the time they are received by the Household.
- Direct federal or state payments for economic stimulus or recovery.
- Qualifying U.S. Census Bureau employment income.

### **Adoption Assistance Payments**

Adoption assistant payments are excluded from income.

### **Earned Income of Dependent Students**

Earned income of dependent full-time students more than the amount of the deduction for a dependent is excluded from income. The 2024 deduction amount is \$480 per dependent. Only \$480 of full-time student earned income is included in the income calculation.

### **Title IV Higher Education Act Assistance**

Assistance received under the HEA is excluded from income up to the amount required to pay qualified tuition and costs.

### **Other Student Financial Assistance**

Financial assistance not excluded under the HEA for actual costs covered are excluded from income.

### **Educational Savings Account**

Income and distributions from any Coverdell educational savings account or any qualified tuition program under IRS sections 529 and 530 are excluded from income.

### **Baby Bonds**

Income earned by government contributions to, or distributions from, "baby bond" accounts created, authorized or funded by federal, state or local government are excluded from income.

### **Foster Child or Adult Payments and Income**

Payments received for the care of foster children or adults, including state kinship, guardianship care payments or tribal kinship payments are excluded from income.

### **Live in Aid Income**

Income of a live-in aide is excluded from income.

### **State Payments to Allow Individuals with Disabilities to Live at Home**

Payments by or authorized by a state Medicaid managed care system or other state agency to a family to enable a family member who has a disability to reside in the family's assisted unit are excluded from income.

### **Plan to Attain Self-Sufficiency (PASS)**

Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency are excluded from income.

### **Trust Distributions**

Distributions of income from the trust used to pay the costs of medical care expenses for a minor or distributions from the corpus of an irrevocable trust (or revocable trusts outside the control of the family) are excluded from income.

Distributions from the corpus of a revocable trust under the control of a Household member are excluded from income, however, actual income received by the trust is considered income when received.

### **Reimbursements for Health and Medical Care Expenses**

Specific reimbursements for the cost of health care or medical care expenses of a Household member are excluded from income.

### **Insurance Payments and Settlement Payments for Personal and Property Loss**

Payments through health insurance, motor vehicle insurance and workers' compensation (for less than one year) are excluded from income.

### **Retirement Plan Income**

Income received from any IRS-recognized retirement plan that is not a periodic payment is excluded from income, including IRAs, employer retirement plans and retirement plans for self-employed individuals.

### **Military**



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Special pay to a family member serving in the Armed Forces who is exposed to hostile fire is excluded from income.

#### **Veterans**

Payments related to aid and attendance for veterans under 38 U.S.C. 1521 are excluded from income.

#### **Lawsuit Settlements**

Amounts received from claims of malpractice, negligence or breach of duty owed to a Household member having a disability are excluded.

#### **Reparations for Persecution**

Reparation payments by a foreign government for claims by people persecuted during the Nazi era are excluded from income.

#### **Tribal Claims Payments**

Payments received for claims based on mismanagement of tribal funds by the US government are excluded from income.

#### **Civil Rights Settlements and Judgements**

Civil rights settlements or judgments are excluded from income.

#### **Reimbursements from Other Publicly Assisted Programs**

Qualifying amounts received from public assistance programs which are specifically for out-of-pocket expenses are excluded from income.

#### **Resident Services Stipends**

Resident stipends not to exceed \$200 per month are excluded.

#### **Employment Training Programs**

Incremental earnings and benefits from qualifying HUD, federal, state or local employment training and training of a family member as resident management staff are excluded from income.

#### **Family Self Sufficiency Account**

Income earned on amounts placed in a family's FSS are excluded from income.

#### **Housing "Gap" Payments**

Replacement housing "gap" payments are excluded from income.

#### **Deferred SSI, SS or Department of Veterans Affairs Disability Benefits**

Lump sum payments from SSI, SS and Department of Veterans Affairs are excluded.

#### **Property Tax Rebates**

Property tax refunds and rebates paid on a dwelling unit are excluded.

#### **Loan Proceeds**

Loan proceeds are excluded from income.

## **Repayment to HUD Resident for Overpayment or Rent**

If the Owner calculated income incorrectly, Owner will provide a written notification to the Resident stating the Retroactive Rent Adjustment. Owner will give the Resident the option to apply the credit to future monthly rent payments or to receive a full, immediate refund.

## **HUD and RD ONLY: Deductions**

### **Elderly Deduction**

In 2024 the Elderly Deduction is \$525. This amount is updated annually based on inflation.

### **Dependent Deduction**

In 2024 the Dependent Deduction is \$480. This amount is updated annually based on inflation.

### **Childcare Deduction**

Childcare expenses cannot be deducted for foster children.

**Hardship exemption**-if a Household has been receiving a childcare deduction prior to the 2024 Certification and is no longer eligible to receive the exemption the Household can request a Hardship Exemption.



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A Hardship Exemption may be granted for a period of 90 days. The Hardship Exemption may be extended for an additional 90-day period if the Household re-qualifies for the Hardship Exemption.

A Hardship Exemption may be granted for any of the following reasons:

- No Household Member is able to provide care while the family member is seeking medical treatment; or,
- No Household Member is able to provide care while the family member is on short-term disability; or,
- No Household Member is able to provide care while the family member is providing uncompensated care for another person outside the Household.

A Childcare Exemption may be terminated if:

- The 90-day extension term has ended; or,
- Fairville determines that the need for the expense no longer exists; or
- Fairville determines that the Household is able to pay rent without the exemption.

### Medical Expense Deduction

Unreimbursed qualified medical expenses for Elderly and Disabled Households exceeding 10% of the Household income may be deducted from income. IRS Publication 502, Medical and Dental Expenses, 2023, [2022 Publication 502 \(irs.gov\)](#), defines included and excluded expenses.

### Pre-Existing Deduction Phase In-Policy

For Households taking the Medical Expense Deduction prior to 2024, the following Phase-In Policy applies;

- During 2024, medical expenses over 5% of the total annual Household income may be deducted; and,
- During 2025, medical expenses over 7.5% of the total annual Household income may be deducted; and,
- Beginning in 2026, medical expenses over 10% of the total annual Household income may be deducted.

If assistance is terminated for cause the Phase-In exemption is terminated. If assistance is suspended, the Phase-In exemption will continue upon the Interim Recertification and the percentage will be based on the date of the certification.

### Hardship Exemption

The Financial Hardship Exemption is for **current** Households that can demonstrate that their expenses increased significantly or there has been a change in circumstances which did not allow them to take the Medical Expense Deduction (for example, medical expenses were below the 3% threshold or the Household was not receiving housing assistance prior to 1/1/2024).

Once the hardship is approved by Fairville, the Household may deduct expenses exceeding 5% of the Household annual income for up to 90 days.

### Phase-In Exemption and Hardship Exemption Combined

In 2025, Households that qualify for the Phase-In Exemption and request a Financial Hardship Exemption may stay at the 5% threshold for a 90-day period.

## Recertification Requirements

### HUD Annual and Interim Recertification

The income will be determined for the 12-month period prior to the Certification. Fairville will take into consideration any redetermination of income during the previous 12-month period resulting in an Interim Certification. The Annual Certification will include changes in income from the previous 12-month period not included in an Interim Certification.

The following steps are used for calculating the previous 12-month income:



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Step 1. Calculate annual income as defined by 24 CFR Section 5.609(a) and (b). The EIV Income Report will be pulled within 120 days of the Annual Certification. The income stated on the last HUD-50058-50059, and supporting document, will be reviewed. If there are no changes, the amount on the prior year Certification will be used to determine the Household rental assistance.

Step 2. Interim Certification information will be reviewed. If there are no changes after the Interim Certification that income will be used.

Step 3. If there were changes after the last Interim Certification, or Annual Certification, Fairville will verify all financial information.

Interim Certifications are required if there is a 10% increase or decrease in income and the next Annual Recertification is not within the next 3 months. Fairville will provide each Household with a form indicating what the 10% amount is at each Certification.

If a family member permanently moves out of the unit, we will process an interim reexamination for all decreases in adjusted income. Fairville chooses to include earned income increases in adjusted income when the family previously had an interim recertification during the same reexamination cycle.

### **Interim Reexamination – Report Changes and Effective Date**

Families must report household composition changes and changes to adjusted income within thirty (30) days of the change.

If there is a retroactive rent decrease, it may not be applied prior to the later of:

The first of the month following the date of the actual decrease in income; or

The first of the month following the most recent, previous income examination.

## **Calculating Assets for Recertifications and Applications**

The application requires a listing of qualified assets. Fairville will verify the value of all assets. If documents indicate more than \$100,000 (this amount may be updated annually for inflation) in qualified assets, the application will be denied for Section 8, 202/8 Programs. Households may still qualify for LIHTC and RD Programs if their assets exceed \$100,000.

For recertifications, Fairville Management Company has opted for a total non-enforcement policy of current residents; this means that any current resident(s) with assets over \$100,000, may remain in their current unit.

Owning a residence that is "suitable for occupancy" will disqualify an Applicant from renting a unit. If the residence does not meet disability-related needs for a Household member, is not sufficient in size, is not physically safe to live in or restrictions by State or local law does not permit residency, but the value of the residence will be considered an asset. The Applicant will not automatically be excluded from renting.

Self-certification of net Family assets equal to or less than \$50,000 (this amount may be updated annually for inflation) will be permitted during the Family's 2<sup>nd</sup> recertification and any subsequent year the family is permitted to complete a self-certification.

Not everything owned is considered a qualified asset. The following information will help determine what should be included as an asset.



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## Asset Limitations

In determining if an Applicant has more than \$100,000 in assets the following will be **included**:

Crypto Currency	Pre-Paid Debit Card	Personal Property > \$50,000
Annuities	Investment Account	Assets sold for less than Fair Market Value
Checking Account	Crowd Funding	Deed of Trust/Loan
Real Estate	Lump Sum Receipts	Cash, CD, Money Market, Savings Acct
Revocable Trust	Peer-to-Peer Account	

In determining if an Applicant has more than \$100,000 in assets the following will be **excluded**:

Retirement Account	Revocable Trust Not Controlled by a Household Member
ABLE Account	Value of Non-Necessary Personal Property < \$50,000
Federal Tax Refund	Coverdale Education Savings Account
Funds in FSS Account	Qualified Tuition Account
Irrevocable Trust	Equity in Property with HCV homeownership from a PHA
Interest in Indian Land Trust	Equity in manufactured home with receipt of S8TBRA

## Non-Assets

### Retirement Accounts

Retirement accounts are not included as assets; however, distribution of periodic payments is considered income.

### Educational Savings Accounts

Educational Savings accounts are not considered assets.

### Federal Tax Refund

Tax refunds received within 12 months from the effective date of a Certification and deposited into a bank account. The deposit amount is subtracted from the current balance of the account.

### Non-necessary Personal Property:

Recreational Boat	Expensive Jewelry with no religious, family or cultural value
Recreational Car	Equipment/machinery not used to generate income
Bank Accounts	Gems, Precious Metals, Antique Cars, Artwork, etc
Collectibles	

### Necessary Personal Property

Common Appliances	Cars/Vehicles for Transportation or Business
Common Electronics	Health-Care Related Supplies
Clothing	Personal Computers, Phones, Tablets, etc
Furniture, Carpets, Linens	Family Educational Materials
Wedding and Engagement Ring	Jewelry Used in Religious/Cultural Celebrations or Ceremonies
Exercise Equipment	Medical Equipment and Supplies
Non-Luxury Personal Effects	Professional Tools for Trade or Business
Family Musical Instruments	



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## Waiting List

Fairville will electronically maintain a Waiting List for each unit size. Adequate safeguards will be instituted to ensure that the date of each addition to and removal from the Waiting List will be documented and accessible. The Waiting List will remain open unless the wait time exceeds 1 year and 6 months. Fairville may elect to close the Waiting List if the list exceeds this time limit. Fairville will obtain permission from the state Housing agency before closing the Waiting List. Notification of the Waiting List closing will be sent to all referring agencies. The Waiting List will be monitored and publication of re-opening the Waiting List will be sent to all referring agencies. The Waiting List will be reopened when the wait time decreases to 9 months.

### Waiting List Priority

The order of placement on the Waiting List is:

1. For internal transfers, by date a letter is received by the office, which is required for the transfer. Placement shall be chronological.
2. Chronological by date of application.

Mobility impaired Applicants are given priority only for those units that are specifically designed to accommodate wheelchairs. Hearing impaired Applicants are given priority only for those units that are specifically designed to assist with hearing impairment.

### Waiting List Updates

Every Applicant must update an application when changes occur. All updates will be noted on the Waiting List. Fairville will regularly request application updates. If an Applicant does not respond to a request to update the application the name will be removed from the Waiting List.

### Unit Refusal

An Applicant may refuse the processing of an application one time. If the Applicant refuses an appropriately sized unit a second time the Applicant will be removed from the Waiting List for that size unit. The Applicant may request to be placed on the bottom of the Waiting List if the Waiting List is open.

An Applicant may refuse a unit because of a Reasonable Accommodation need without changing position on the Waiting List.

### Change in Household Size

If the Household size changes and the Household does not qualify for a unit size, the Applicant will be removed from the Waiting List for the non-qualifying size. The Applicant may be added to a Waiting List for the appropriate unit size if the Waiting List is open. The Applicant's place on that Waiting List will be effective as of the date the name is added to the new Waiting List.

### Failure to Respond to Fairville, Undeliverable Mail and Disconnected Phones

An Applicant will be removed from the Waiting List if the Applicant fails to respond to a written request for additional information. If mail sent to the last address provided by the Applicant is returned as undeliverable, or the last phone number provided by the Applicant is disconnected, the Applicant will be removed from the Waiting List.

### Retention of Waiting List Information

An electronic file containing the Applicant's information will be retained for three years after the name is removed from the Waiting List or three years after the tenancy has ended.

### Correction of Error

When an Applicant's name is removed in error, the Applicant will be reinstated as of the original date on the Waiting List.



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### **Transfer of Current Residents**

Transfer approvals are based on Household eligibility within the restriction of the LIHTC, HUD and USDA program guidelines. Residents must submit a written request for a unit transfer. Residents must pay their rent on time, maintain the unit, and comply with the Lease and Resident Handbook to be considered for a transfer.

Transfer requests will be considered as of the date the request is made. Transfer priorities are:

1. Reasonable accommodation; then,
2. Change in family composition; then,
3. Personal preference

### **Selection of New Residents**

Applications will be processed in the order that they appear on the Waiting List, with regard to the qualifications required by HUD, USDA and the Regulatory Agreement. Priority is given to:

1. Residents awaiting approved internal transfers; then,
2. Applicants meeting program income eligibility requirements.

### **Emergency HUD Preference**

HUD may request that Fairville implement a temporary preference for victims of a presidentially declared disaster. Fairville may implement a temporary emergency preference based on requests from the Department of Housing.

Applicants who qualify for this preference have priority over other Applicants or residents, except when a resident requested a unit transfer because:

1. The resident requires the accessibility features of a different unit; or
2. The current unit is too large or too small for the family; or
3. There is a verified medical need for a unit transfer.

An Applicant who qualifies for a preference must meet all property screening criteria.

## **Application Process**

### **Step 1. Pre-Qualification**

You must fill out the application and provide a government issued photo identification and proof of income. You are required to certify the accuracy and completeness of the information provided in the application.

Fairville will review the application to determine if your income, assets and other information on the Application meet the qualifications to rent a unit.

Fairville will process a credit and eviction screening for all Household members over 18 years of age. For HUD units, Fairville may process Applicants over 18 years of age through the EIV system.

If a unit is available, or will become available within 6 months, Fairville may begin verifying the information on the application.

If a unit is not available, you will be placed on a Waiting List. When a unit becomes available, a Fairville will contact the next 10 Households on the Waiting List for that bedroom size. An application fee will be collected, if applicable, and the credit and eviction screenings will be reviewed.

When you successfully complete this stage, and a unit is available, you will be invited to the Qualification Interview.

If you do not qualify at this stage, the application will be denied, and a letter will be sent. The denial may be appealed.

### **Step 2. Qualification Interview**

Once you complete the Pre-Qualification process and a unit becomes available you will be asked to review the original



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Application and update the information. When the updated Application is submitted to Fairville it will be reviewed again to determine current eligibility.

After submitting the updated Application, and providing any information requested by Fairville, you will be invited to a Qualification Interview.

All household members over the age of 18 must attend the Qualification Interview and sign consent forms to allow third parties to release information to Fairville. You will be requested to bring documents and review your Application with the Property Manager. If any documents are missing at the time of the interview, they must be submitted within 48 hours.

### **Rental History, Credit Information and Criminal History**

Residency history, criminal and credit reports will be evaluated. Landlord references and Landlord judgments will be reviewed.

### **EIV Processing**

Fairville will run and evaluate EIV reports for HUD units.

### **Processing Time**

The verification process usually takes 10 to 14 days. When Fairville receives a completed application, the application will be reviewed by the Compliance Supervisor.

If the application is approved, you will be notified.

If the application is denied you will be notified in writing and you will have an opportunity to appeal the denial.

For Properties in Maryland, after completing individualized assessment that includes all reasons for denial, including the specific standard(s) that the applicant did not meet, all records relied on should be attached, including any screening reports. Letters will include instructions on how to submit an appeal within 14 days of receiving a denial letter, if a record is inaccurate, incomplete, or irrelevant; mitigating circumstances exist; or a reasonable accommodation for a disability is needed.

## **Step 3. Occupancy**

When your application is approved you will be asked to inspect the unit, review and sign the Lease, and pay any amounts due under the terms of the Lease.

You have possession of the unit when you are given the key or key fob. When you move out you must return the key or key fob, pay all amounts due under the Lease or court order, and provide a forwarding address.

In the Lease you will agree to follow the policies in the Resident Handbook. A violation of those policies may result in an early termination of the Lease or a non-renewal of the Lease.

If your Lease is terminated, or is not renewed for good cause, you will not be allowed to rent another Fairville unit, or place your name on a Fairville Waiting List, for 10 years.

## **VAWA Protections**

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking (hereinafter referred to as VAWA crimes). Fairville understands that, regardless of whether state or local laws protect victims of VAWA crimes, victims of violence have certain rights under the Violence Against Women Reauthorization Act in 2022.



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This policy is intended to support or assist victims of VAWA crimes and protect persons seeking to exercise VAWA protections, as well as affiliated individuals (as defined by HUD), from being denied housing or from losing their housing or HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

Only residents who are assisted by a covered housing program can invoke the VAWA protections that apply solely to residents. The term "resident" refers to an assisted family and the members of the household on their lease but does not include guests or unreported members of a household. In addition, a live-in aide or caregiver is not a resident, unless otherwise provided by program regulations, and cannot invoke VAWA protections.

VAWA ensures that persons seeking to exercise VAWA protections are not denied housing, and housing assistance is not terminated, solely because the person is a victim of an offense covered under the VAWA.

Fairville will not assume that any act is a result of abuse covered under the VAWA. In order to receive the protections outlined in the VAWA, the Applicant or resident must specify that they wish to exercise these protections.

If any Applicant or resident wishes to exercise their VAWA protections, they should contact Fairville staff immediately. We are committed to ensuring that the Privacy Act is enforced in this and all other situations.

### **Confidentiality**

The identity of the person seeking to exercise VAWA protections, and all information provided to Fairville relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

- Requested or consented to by the person seeking to exercise VAWA protections in writing; or
- Required for use in an eviction proceeding or termination of assistance; or
- Otherwise required by applicable law.

Fairville will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file in a secure location separate from other Applicant or resident files.

### **Requests and Certification**

When Fairville responds to a request for protections provided under the VAWA, it will request that an individual complete, sign, and submit a certification form. This certification may be submitted in an equally effective manner, as a Reasonable Accommodation, if there is the presence of a disability.

Fairville understands that the delivery of the certification form to the Applicant or resident via mail may place the person seeking to exercise the VAWA protections at risk, (e.g., the abuser may monitor the mail). Fairville will work with the Applicant or resident in making acceptable delivery plans, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

If the Applicant or resident has sought assistance in addressing VAWA crimes from the federal, state, tribal, territorial jurisdiction, local police or court, the Applicant or resident may submit written proof of this outreach in lieu of the certification form. The owner/agent may accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a person seeking to exercise VAWA protections, service provider, an attorney, medical personnel, etc.) From whom the person seeking to exercise VAWA protections has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. In this case, the signatory must attest under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the person seeking to exercise VAWA protections of such crimes must sign or attest to the documentation.
- If the Applicant is currently living in a shelter established to protect persons seeking to exercise protections from violence covered under the VAWA, Fairville will accept verification of such living arrangements in lieu of the certification or other forms as noted above.



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The person seeking to exercise VAWA protections must provide such documentation within fourteen business days of the request. Fairville may consider extending the deadline if requested and if specific circumstances prevent the person seeking to exercise VAWA protections from submitting the form within fourteen business days.

The person seeking to exercise VAWA protections is not required to name their abuser if doing so would result in imminent threat or if the person seeking to exercise VAWA protections does not know the name of their abuser.

To ensure that a person is not wrongly accused of committing an offense covered under the VAWA, Fairville will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

### **Criminal Background Check**

Domestic violence can often have negative criminal consequences for a victim of VAWA crimes. The perpetrator may cause damage to the victim's property causing eviction. The perpetrator may force a victim to participate in criminal activity, or a victim may be arrested and/or listed on a police report as part of policies that require arresting both parties in a domestic disturbance. Fairville will take such extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.

### **Credit Checks**

Domestic violence can often have negative economic consequences for a victim of VAWA crimes. The perpetrator may take out credit cards in a victim's name and ruin their credit history or cause damage to a victim's property causing eviction. Fairville will take such extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.

### **Rental History**

Domestic violence can often have negative consequences for a victim of VAWA crimes. The perpetrator may cause damage to a victim's property causing eviction and/or poor rental history. The perpetrator may force a victim to participate in criminal activity or a victim may be arrested as part of policies that require arresting both parties in a domestic disturbance. Management will take such extenuating circumstances into account and will not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim of VAWA crimes.

Fairville Manag will review and respond to requests to exercise protections provided under the VAWA within ten days of receiving all required documentation. Fairville may provide the response in any manner acceptable to the person seeking to exercise VAWA protections, which may include:

- Approval of the Request
- Denial of the Request
- Request for additional information

If the request is denied, the person seeking to exercise VAWA protections may appeal the decision. The appeal meeting will be conducted by someone who was not involved in the original decision to deny.

### **Lease Bifurcation**

If Fairville determines that physical abuse caused by a resident is clear and present, the law provides Fairville with the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any abuser, while allowing the person seeking to exercise VAWA protections, who lawfully occupies the home, to maintain tenancy.)

Fairville may attempt to evict the abuser, but residents should know that state/local tenant/landlord laws prevail, and Fairville Management Company must comply with such laws. It cannot guarantee that a court will award or enforce an eviction.





Fairville must keep in mind that the eviction of or the termination action against any individual must be in accordance with the procedures prescribed by federal, state, and local law. Fairville Management Company is committed to attempting to assist the person seeking to exercise VAWA protections, however evictions are filed through the court system and Fairville cannot override or circumvent a legal decision.

If one household member is removed from the unit because of engaging in VAWA crimes against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a “remaining household member”.

If a lease is bifurcated or if a resident is evicted from the property because of an offense covered under the VAWA, the person will be permanently barred from the property.

Inviting a person evicted because of an offense covered under the VAWA or encouraging such person to remain on the property is a lease violation. The resident agrees to notify the owner/agent and/or the local authorities if such person enters the property.

### **Emergency Transfer**

The owner/agent will consider a “VET” VAWA Emergency Transfer Request when a person seeking to exercise VAWA protections feels that he/she is:

- In imminent danger; or,
- Was sexually assaulted on the property within 90 days of the request.

The owner/agent will accept the Emergency Transfer Request directly from the person seeking to exercise VAWA protections or from an advocate working on behalf of the person seeking to exercise VAWA protections.

### **Lease Addendum**

A VAWA Lease Addendum is included in every Lease and contains language that is consistent with current and future HUD guidance specific to this HUD housing program.

## **Written Grievance Procedure**

This Written Grievance Procedures form will be handed to each resident at the time the Lease is signed, posted in the rental office and will be available on the website as of June, 2024. If an application is denied a copy of the Grievance Procedure will be sent to the Applicant with the Denial Letter.

All Grievance Complaints and appeals should be submitted to the Compliance Manager, by first class mail , postage pre-paid, to Fairville Management Company, Attn: Compliance Manager, 5718 Kennett Pike, Wilmington, DE 19807, or by email to [welisten@fairvillemanagement.com](mailto:welisten@fairvillemanagement.com).

If the Complaint or appeal is not resolved in a satisfactory manner the Complainant is advised to pursue the Appeal Procedure, as outlined below. The Complainant is advised that the appeal process does not limit or eliminate the Complainants legal right to pursue an action through the courts or the applicable governmental agency.

## **Resident Selection Plan and Lease Determination Appeal Process**

### **Appeal Levels**

Fairville has designated distinct levels of appeal to assist the Applicant, resident, or other recipient of a Fairville notice, present a factual basis for reconsideration of an Fairville action. The levels are as follows:

The Initial Appeal is conducted with a Property Manager and one additional Fairville management level employee. One of the attending Fairville employees will be designated as Hearing Officer and will conduct the Hearing. Once an appeal request is filed the party is referred to as “Complainant.” If Complainant chooses to appeal the Initial Appeal the next level of appeal is a Regional Appeal.



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The Regional Appeal is conducted with the Regional Property Manager, or a member of the Regional Management Team. That person shall be the Hearing Officer for the Regional Appeal. If the Complainant chooses to appeal the Regional Appeal the next level of appeal is a Corporate Appeal. The Regional Appeal will begin with Step 1.

The Corporate Appeal is conducted with 3 members of Fairville, none of whom have participated in any of the prior hearings. The members will appoint one person as the Hearing Officer. The Decision of the Corporate Appeal will be considered the final FMC decision. The Appeal Process will begin with Step 1.

Complainant will be advised that there are remedies that may be pursued through filing a legal action with a court or administrative agency.

## Appeal Procedure

### Definitions

"Agreed upon method of Communication" shall mean the first method of contact from the Complainant to Fairville unless Complainant requests or agrees to a particular method of communication. The methods of communication shall include, but not be limited to, US Postal Service, email, text, or resident portal.

"Confidential document" means any document submitted to Fairville with the expectation that the identity of the person submitting the document and/or the content of the document, shall not be disclosed. Confidentiality may be necessary to allow those submitting documents the option of informing Fairville of important information relating to management of the property while protecting their identity for reasons relating to personal safety, or other personal concerns.

"Day", as used throughout this document, shall mean business days, which shall exclude all federally recognized holidays, Saturdays, and Sundays.

"Hearing Officer" means the person who is appointed to conduct the Hearing, determine the conclusion of the Hearing, and write and circulate the Hearing Determination.

Upon receipt of an application denial letter, notice of Lease non-renewal, Violation Notice, or notification of a fee, the following appeal process may be utilized by the affected person(s):

### Procedure:

Step 1. An appeal of any action contained in a qualifying notification may be submitted within 10 days of receiving the notification. Once an appeal is filed the filing person(s) will be referred to as the Complainant. The appeal may be filed by delivery to the property management office, sent via first class mail, postage pre-paid, to (address of management office). The appeal may also be submitted by email, sent to [welisten@fairvillemanagement.com](mailto:welisten@fairvillemanagement.com). The request for an appeal must contain a copy of the notice being appealed, and provide a current mailing address, email address, or, if text communication is requested, a phone number to receive the text.

Step 2. Fairville will acknowledge receipt of the request for an appeal and contact Complainant to schedule a Hearing within 7 days of receipt of the request.

Step 2.a. If Complainant does not receive a response from FMC within the 7 day time frame Complainant must send the request a second time, by email through [welisten@fairvillemanagement.com](mailto:welisten@fairvillemanagement.com) or hand deliver a copy of the notice directly to the property manager. This step is to ensure that Fairville actually receives the notice and shall not be used to extend Fairville's response time. If a second notice from Complainant is submitted Fairville must respond within 4 days.

Step 2.b. Fairville will use its best efforts to schedule the Hearing within the required 7 days. The Hearing may be scheduled virtually. If the Complainant is unable to attend 2 or more suggested Hearing dates, on 2 different days, within the required 7 days then the Hearing scheduling time requirement may be extended an additional 4 days. If Complainant is unable to agree to a Hearing date within the required 4 days, then the required time period will be extended for additional 4 day periods.

Fairville is required to use its best efforts to schedule a Hearing within the required time periods.



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Step 3. Within 2 days of determining the Hearing date Fairville will send a Hearing Scheduling Notice to Complainant by the agreed upon method of communication. The Notice will include acknowledgement of the subject of the appeal, the date the request for the appeal was received, and the date, time and location of the Hearing. If the Hearing is virtual the Notice will state the type of venue (Teams or Zoom) and include the email address where the scheduling link will be sent.

Step 3.a. If Complainant needs to reschedule a Hearing, written notice must be submitted to Fairville. Upon receipt of the written notice to reschedule the Hearing, the scheduling process will return to Step 2.

Step 4. The Hearing will begin within 15 minutes of the scheduled time. If either party has trouble attending the Hearing due to technology failure, the Hearing will be rescheduled at the earliest time possible for both parties.

Step 4.a. A request to reschedule the Hearing must be made no later than 24 hours prior to the scheduled Hearing time. Failure to provide timely notice to reschedule will be considered a failure to timely appear. If a request to reschedule the Hearing is timely submitted by either party, the Hearing will be rescheduled at the earliest time possible for both parties.

Step 4.b. If Complainant fails to timely appear at the Hearing, the Hearing may be rescheduled 1 time. The scheduling process will be repeated in accordance with the provisions contained in Step 2.

Step 4.c. If Complainant fails to timely appear at 2 properly scheduled Hearings, Fairville will be entitled to presume that Complainant is not pursuing the appeal.

Step 5. The names of all participants in the Hearing will be noted by the Hearing Officer, and those names will be included in the Determination Letter. All participants must provide their full legal names.

Step 5. a. Complainant will be given the opportunity to make an opening statement informing the Fairville representative of the factual basis for the request for an alternate determination of the matter encompassed by the appeal. Complainant may present any relevant written material and may invite third parties to speak to provide additional facts. Fairville shall be permitted to make and retain copies of all documents and written statements presented at the hearing.

Step 5. b. Fairville will present the factual basis for the notice being appealed. Fairville may invite third parties to provide additional facts. Fairville will provide a copy of all written documents presented at the hearing to Complainant. Fairville reserves the right to withhold documents that were submitted to FMC as "Confidential". Confidential documents may form the basis of Notices sent to Complainant.

Step 5.c. Complainant will be given the opportunity to provide comments on information presented in the hearing by Fairville. Complainant will be given the opportunity to make the closing statement at the hearing.

Step 6. The Hearing Officer will indicate the conclusion of the Hearing. If the Hearing needs to be continued to another day both parties will have an opportunity to schedule the next session of the hearing prior to ending the session on the initial day of the Hearing.

Step 6.a. The Hearing Officer may terminate the Hearing if the parties: are not respectful in the proceeding, use inappropriate language, or act in a violent or threatening manner. If the Hearing is terminated pursuant to this section the Hearing Officer may reach a determination based on the information presented prior to the termination.

Step 6.b. Upon conclusion of the Hearing, the Hearing Officer shall dismiss the parties. If the parties request to submit additional documents after the Hearing, the Hearing Officer must set a specific date by which the documents must be submitted. The conclusion date of the Hearing will be the date by which the documents were required to be submitted.

Step 7. The Hearing Officer must submit a Hearing Decision to all parties no later than three (3) days after the conclusion of the Hearing. The Hearing Decision will be circulated by the agreed method of communication.

Step 7.a. The Hearing Decision must include the date the appeal was submitted, the Hearing date, the identity of all attendees at the Hearing, the subject matter of the appeal, and a statement indicating if the appeal resulted in



overturning or upholding the original Fairville action. The Hearing Decision may, but is not required to, include an explanation of the determination.

Step 7.b. The Hearing Notice must contain a statement indicating the next step in the appeal process. If the Hearing Notice indicates that the final appeal step has been completed and it is the Final Hearing Notice, the Complainant will be advised that the matter may be pursued through legal action by filing in court or filing an action with the appropriate regulatory agency.

### **Appeal Process for Lease Termination Actions**

If the Landlord proposes to terminate a Lease, the Landlord agrees to give the Tenant a written Lease Termination Letter, or a Lease Nonrenewal Letter. The Letter must be mailed, emailed or hand delivered to the Tenant pursuant to local, state, and federal law.

The Letter must include the following:

- The date the Lease will be terminated; and
- The grounds for termination, including a copy of any Lease Violation Notice sent to the Tenant, with sufficient detail for the Tenant to prepare a defense; and
- A statement clearly advising the Tenant that he/she has 10 days within which to discuss the proposed termination of tenancy with the Landlord. This process is called an appeal. The 10-day period will begin the earlier of the date the notice was hand-delivered to the unit or two (2) days after the date the notice is mailed, emailed or submitted through the resident portal. If the Tenant appeals the termination decision the Appeal Process will begin; and
- The appropriate Violence Against Women act (“VAWA”) notification; and
- A statement advising the Tenant of his/her right to defend the action in court; and,
- The Written Grievance Procedure.

## **Housing Opportunity Through Modernization Act (HOTMA)**

The Fairville Management Company, LLC Resident Screening and Selection Policy strictly adheres to the provisions of the Housing Opportunity Through Modernization Act of 2016. If any provision of this Policy does not conform with the guidance and requirements of HOTMA, then the provisions contained in HOTMA will automatically amend this document so that it is compliant with the Act.

Updated January 1, 2025



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