

## Union at Purple Heart Trail

### Resident Selection Plan

**EFFECTIVE: July 23, 2024**

Union at Purple Heart Trail is a Low-Income Housing Tax Credit (LIHTC) community located in Wichita, Kansas. This Resident Selection Plan is designed to attract applicants for occupancy from all potentially eligible groups of people in the housing area regardless of race, color, religion, sex, national origin, disability, familial status, sexual orientation or gender identity or any other arbitrary basis. The goal of this Resident Selection Plan is to establish a guideline for the selection of residents in accordance with HUD 4350.3, Section 42 LIHTC regulations.

➤ **Income Limits**

HUD Multifamily Tax Subsidy Project (MTSP) Income Limits issued by HUD annually is the source for the IRS Section 42, Housing Tax Credit Program income and rent limits. All qualified households will be restricted to not initially exceed 60% AMI income and rent restrictions to qualify for tenancy.

➤ **Preference for Persons with Disabilities in Accessible Units**

Preferences will be provided for households with disabilities in need of an accessible unit. If a household is housed in an accessible unit and no member of that household requires the accessible features of the unit, they will be required to sign a lease addendum at the time of move-in. The lease addendum will indicate that if a new applicant or current resident has been verified to have a need for the accessible feature(s) of that unit, the household in the accessible unit will be required to move to a comparable non-accessible unit within thirty (30) days upon the written request of Management, with moving expenses to be paid by the Owner

➤ **Availability of Plan**

The Resident Selection Plan is available in a common area of the rental office. It may be reviewed at the property leasing office during normal office hours. All applicants will be provided a copy of this plan and will be required to sign an acknowledgment form stating they have read and understand the plan.

➤ **Modification of Plan**

Management will review this Resident Selection Plan at least once annually or when there is a change in regulations to ensure that it reflects current operating practices, program priorities and program requirements. If Management and/or the property's governing agency feel the plan needs to be modified in anyway, a notice of such modification will be provided to existing residents. The current Resident Selection Plan in place at the property will always be dated.

### **I. Fair Housing and Equal Opportunity Requirements**

It is the policy of Management to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted. Management shall not automatically deny admission to a group or category of otherwise eligible applicants. Each applicant in a group or category will be treated on an individual basis in the normal processing routine.

The following factors will not be considered when deciding to admit or reject an application:

- Race, Color, National Origin, Religion, Sex, Familial Status, Sexual Orientation, Gender, Gender Identity, Disability, Creed, Age, Marital Status or Familial Status.

In addition, Management will not:

- Deny to any applicant the opportunity to apply for housing nor deny any eligible applicant the opportunity to lease housing suitable to their needs
- Provide housing which is different from that provided others
- Subject a person to segregation or disparate treatment
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program

## **II. Violence against Women Reauthorization Act of 2013**

Provides protections to Applicants/Residents from being denied admission to, denied assistance under, termination from participation or evicted from housing on the basis that such person(s) are or have been the victims of domestic violence, dating violence, sexual assault and/or stalking *or* deny assistance, tenancy, or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking.

- This Community will not assume that any act is a result of abuse covered under VAWA. To receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, they should request additional information from management and follow the steps and guidelines outlined in managements Violence Against Women Act Policy.
- If a request under VAWA has been made the applicant will complete the VAWA certification form or supply approved documentation outlined in managements VAWA Policy within 14 calendar days from the date of the request.
- Office Staff will review and respond to requests to exercise protections provided under the VAWA within ten (10) business days of receiving all required documentation. Responses may include but is not limited to: *Approval, denial, or request for additional information*
- If the certification provided by the Applicant/Resident contains conflicting information, we may request additional documentation as described in our VAWA policy. The Applicant/Resident must supply requested documentation within (10) business days after request. If the victim is unable to provide required documentation within the required timeframe, the Office Staff will deny the request.
- If a request that is subject to VAWA is denied, the requestor has the right to appeal the decision within fourteen (14) days of the date of the written notification of denial. The appeal meeting will be conducted by a person who was not originally involved in the decision to deny.

***NOTE:*** *Per the Reauthorization Act of 2013, Management is not limited from terminating tenancy for any violations under the Tenants current lease agreement that is not premised on the act of violence.*

## **III. Marketing**

Management enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to Race, Color, National Origin, Religion, Sex, Familial Status, Sexual Orientation, Gender, Gender Identity, Disability, Creed, Age, Marital Status or Familial Status or any other arbitrary basis.

- **Affirmative Fair Housing Marketing Plan (AFHMP)**  
Management complies with the requirements of the approved AFHMP established, which is designed to promote equal housing choice for all prospective residents. Management will market at least quarterly but as needed to fill vacancies. The purpose of the plan is to ensure that eligible households of similar income levels will have a similar range of housing opportunities. The plan outlines marketing strategies Management will use. Special efforts will be made to attract persons who are least likely to apply due to such factors as the racial or ethnic composition of the neighborhood. Marketing will also seek to reach persons with disabilities and potential applicants outside the immediate neighborhood if marketing only

within the neighborhood would create a disparate impact against certain classes, such as the case of an entire neighborhood that includes no minorities.

Management will review the AFHMP every five years and update it as needed to ensure compliance with LIHTC regulations. If the demographics of the area have changed, Management will determine whether advertising efforts should be targeted to different groups. The AFHMP will be revised whenever a substantial change takes place, or the local Consolidated Plan is updated. For further information please reference the Affirmative Fair Housing Marketing Plan Policy & Procedure.

➤ **Monitoring and Documenting Marketing Activities**

Management will monitor marketing efforts and document the results in writing. The documentation will be made available, upon request for all marketing activities to show consistency with affirmative fair housing marketing requirements and the approved plan for Management. This documentation will include copies of media and marketing materials, records of marketing activities conducted, and documentation of any special marketing activities conducted in accordance with Management approved AFHMP and placed in property marketing binder.

➤ **Targeted Population**

When available units cannot be filled from applicants on a Waiting List, Management will target advertising to groups other than the typical population of the neighborhood and will reach out to applicants who are least likely to apply because they are not the predominant racial or ethnic group in the neighborhood.

➤ **Form of Advertisement**

All advertising for this property includes the HUD-approved Equal Housing Opportunity logo, the Equal Housing Opportunity slogan, or an equal housing statement. All advertising using human models will depict members of all eligible protected classes including individuals from both majority and minority groups.

➤ **Source of Advertising** Management will use the following public forums for its general advertising:

- ✓ Social Media
- ✓ Local Housing Authority
- ✓ Community Website

➤ **Fair Housing Poster**

Management has posted the required Equal Housing Opportunity poster at the Leasing Office that is readily apparent to all persons seeking housing.

#### **IV. Privacy Policy**

It is the policy of Management to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by Management. Unless required by Federal or State Law, neither Management nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure. Management will also not make files, forms, or documents available to any investigating officer unless a court order for such action is provided. This privacy policy in no way limits Management from collecting information needed to determine the eligibility and income to determine an applicant(s) suitability for tenancy.

#### **V. Project Eligibility Requirements**

Project Eligibility establishes whether applicants are eligible to reside in the specific property to which they are applying. Management will review all the following criteria to establish household project eligibility. The screening

criteria will be applied uniformly, and in a manner consistent with all applicable law, including the state and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines and the Departments Rules. Certain key questions relating to the applicant's eligibility and resident history will be asked, including Social Security numbers or other sort of identification, the names, addresses and telephone numbers of current and former landlords. Failure to provide this information will result in cessation of application processing. Property staff will assist applicants, as needed in understanding the application process and completing forms. Applicants will be instructed on what aspects of their background will be checked. An applicant has the right to voluntarily withdraw from the application process at any time. Live in Aids will be subject to the same general screening criteria as household members, except that Live-in Aids will not be screened for their ability to pay rent.

➤ **Occupancy Standards**

- Occupancy Standards is the maximum number of occupants that can reside in a unit. Management has adopted a maximum number of persons per bedroom standard. This standard serves to avoid overcrowding and ensure consistency. The applicant can apply for any bedroom size available and must income qualify for the unit. If the unit is not available at the time of application, the applicant will be put on the Waiting List for the appropriate unit size.

Number of Bedrooms	Maximum Number of Persons
1	3
2	5
3	7

Management will rely on the applicant's disclosure of all member's expected to reside in the unit for the next 12 months when determining household size and the appropriate unit size. Household members also include but are not limited to the following:

- ✓ Minors temporarily absent due to placement in a foster home
  - ✓ Minors in joint custody arrangements who are present in the household 50% or more of the time
  - ✓ Any Individual who is away at school but who live with the family during school recesses
  - ✓ Unborn children of pregnant women
  - ✓ Children who are in the process of being adopted
  - ✓ Temporarily absent family members who are still considered family members
  - ✓ Family members in a hospital or rehabilitation facility for periods of limited or fixed duration
  - ✓ Persons permanently confined to a hospital or nursing home as requested by applicant
  - ✓ Minor(s) whose custody is being obtained by an adult household member
  - ✓ Any Individual temporarily in a correctional facility / detention center who will return to the household
  - ✓ Household member of Military Personnel deployed to active duty
- **Rental Debt:** Management will screen applicants for their credit activity for the past 2 years.
- ✓ Management will require for any/all rental debts within the past 2 years that proof of payments made, payment arrangement or paid in full status be provided.
  - ✓ Management will require that any/all rental debt owed to the Community for which the applicant is applying be paid in full prior to approval of application.
- **Bankruptcy:** Bankruptcy's must be discharged, or documentation is required from an attorney stating that no debt can be added to the bankruptcy.
- **Credit History:** Applicants must show a history of performance in meeting financial obligations.
- **Screening of Live-In Aids:** Live-In Aids must meet all screening criteria except for the ability to pay rent.

- They must be screened for drug and other criminal activity
- This includes live-in aids at initial occupancy and the screening of persons or live-in aids to be added to the Household.

➤ **Screening Criteria & other Criminal Activity**

Management will deny admission to any member of the household that is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal Law, Management is establishing this standard to prohibit admission to this federally assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. During the admission screening process, Management will perform the necessary criminal history background checks. A decision will automatically be generated by Rent Grow based on the criteria set forth by management. A copy of the criminal criteria is available upon request.

Management shall not consider an arrest for a disqualifying offense as proof that the applicant or tenant engaged in disqualifying criminal activity. The arrest may, however, trigger an investigation to determine whether the applicant or tenant engaged in disqualifying criminal activity.

➤ **Minimum Financial Standards**

Management has adopted the following minimum income requirement:

- ✓ The gross income for HH with a section 8 voucher can have the minimum rent to income ratio requirement waived if they meet all requirements noted within this Resident Selection Plan
- ✓ The gross income for households not receiving rental assistance is 2.5 times the monthly rent amount

## **VI. Program Eligibility Requirements**

➤ **Student Eligibility**

Owners of LIHTC communities are required to determine a student's eligibility at move-in and annual recertification. Management will qualify student households under Section 42 Student Rules.

Units comprised of full-time students do not qualify as a LIHTC unit unless one of the following exceptions apply continually for the period of time that everyone is a full-time student:

- ✓ At least one household member is married and entitled to file a joint tax return. Members of the household do not need to be married to each other. A copy of a marriage certificate/license is appropriate for verification to demonstrate the household meets this exception, or a copy of the federal income tax return that illustrates the couple filed jointly. Common law marriages are also acceptable if evidence is available to support the claim. The household does not need to file a joint income tax return, only be eligible to do so.
- ✓ At least one household member is a single parent with a minor child in the unit, the adult is not a tax dependent of any third party, and the children are not claimed as a tax dependent by anyone other than one of their parents (even if the other parent is not in the unit)
- ✓ The household includes a member who receives welfare assistance in the form of Temporary Assistance to Needy Families (TANF).
- ✓ The household includes a member who formerly received foster care assistance (that means they were a foster child or adult)
- ✓ The household contains a member who gets assistance from the Job Training Partnership Act (JTPA) or similar programs (NOTE: The "Workforce Investment Act" has replaced JTPA)

## **VII. Application Intake and Processing**

Application(s) can be submitted to Management via mail, email, and electronically or can be picked up during office hours at Management leasing office only when the waiting list is open. If Management accepts an application via mail, email or electronically, consideration of the application will be deferred pending receipt of the application fee.

Management will make exceptions to these procedures to consider circumstances beyond the applicant's control, such as medical emergencies or extreme weather conditions. A one-time application fee of \$17.00 will be required for each applicant over the age of 18. This fee is for the processing of a credit & criminal background check and is non-refundable. Failure to respond to letters or phone messages may result in withdrawal of an application from further processing.

### ➤ **Application Packet**

Every applicant over the age of 18 is required to complete an application. The information requested in the application packet includes:

- ✓ Household size and composition, (including names of all persons who will be residing in the unit, dates of birth, and relationship to head of household)
- ✓ Household characteristics such as disability status (only where necessary to establish eligibility), need for an accessible unit.
- ✓ General household contact information such as address, phone number, etc.
- ✓ Sources and estimates of the household's anticipated annual income and assets
- ✓ Race and Ethnic forms
- ✓ Certification of Student Status Eligibility
- ✓ Identification of preferences for which the household qualifies
- ✓ Screening information, which may include prior landlord, credit, and drug/criminal history.
- ✓ Certification from the applicant stating the accuracy and completeness of information provided.
- ✓ Authorization by the applicant that allows Management to verify all information provided on the rental application.
- ✓ Certification that if there is a change in the applicant's income, they will notify the management office

Every applicant who completes an application for tenancy must also complete a Tenant Release and Consent. The consent allows owners to request and receive information from third-party sources about the applicant. An application cannot be processed without this form.

Staff will be prepared to assist any applicants who may need assistance completing the application packet.

### ➤ **Household Documentation**

Management has adopted the following requirement:

- ✓ Every Applicant over the age of 18 must supply photo identification, such as Driver's License, Identification Card or Passport.
- ✓ All members of the household must supply social security cards and birth certificates.

If an applicant is a non-citizen and does not have any of the abovementioned documents, either of the below documents will be acceptable:

- Permanent Resident Card or "Green Card"
- Immigrant Visa
- School Issued Photo Identification
- Proof of Identity and Age documents (Forms I-94, I-862, I-385, I-220A)
- Office on trafficking in Person Certification or Refugee Resettlement Certification Letters

The purpose of obtaining these documents is to verify household members and verify information listed on application to facilitate screening checks. These documents are not used to verify citizenship status. The Fair Housing Act does not prohibit discrimination based solely on a person's citizenship status. Therefore, asking applicants to provide documentation of their citizenship or immigration status during the screening process would not violate the Fair Housing Act.

➤ **Certifications and Verifications**

In accordance with the HUD 4350.3 and Section 42 of the IRS Code, Management will require certifications and/or verifications be completed or obtained for the following items:

- **Annual Income:** Is defined as the gross income (with no adjustments or deductions) the household anticipates receiving in the 12-month period following the effective date of the household anticipated move in. Income Includes, but is not limited to, earned income of adult members, unearned income from all household members, student financial assistance (Section 8 households include amounts in excess of tuition and fees unless student is over the age of 23, with a dependent child or student living with their parents who receives Section 8 assistance. Non-Section 8 households financial assistance under the HEA (Higher Education Act) as well as assistance that is not covered under HEA, formula will be used in order to determine what is excluded and included as income) and income from assets. All sources of income must be verified. The following methods are the preferred methods when verifying household income:
  - ✓ Written verification sent & received directly from a 3<sup>rd</sup> party source
  - ✓ Documentation provided by household such as benefit letters, tax returns, or pay stubs. Documentation provided by household must be received within 5 business days from date of application.
  - ✓ Approved management certifications used to further document information not obtainable by methods listed above
- **Assets:** All households necessary and non-necessary property, assets disposed of within the last two years and other assets must be disclosed including the cash value, interest rate and name of financial institution. When applicable, Management will require a verification be obtained for disclosed assets
- **Student Status / Eligibility:** If the household is comprised of all FT students, management will require the household to provide supporting documentation of a student exception to prove student eligibility.

➤ **Calculating Annual Income**

Projections of Annual Income will include estimates for each disclosed income and will be based on the information obtained and/or provided during the verification process. Management will consider the current income rate(s), frequency, any potential rate increase, bonuses, commissions, tips, and possibility of overtime. Income will be calculated by two methods, the current circumstances based on information and the year-to-date income. The income of irregular workers will be estimated based on the best information available, considering earning ability and work history. The total household income will be based on the highest calculated income.

➤ **Compliance Second Review**

Once the preceding processes have been completed, Management will submit the completed application, certifications & verifications to managements Compliance Department for a second review. The file transmissions are through a secure data base that only management personnel have access to. The second review process is critical to ensuring eligibility of an applicant and/or household prior to tenancy. Once the second review has been completed, the Compliance Department will either notify Management of an

approval, request additional documentation/clarification that may be necessary to meet program requirements or deny the application.

### **VIII. Approval and Move In**

Once Management has received notification of approval, Management will immediately contact the applicant to schedule a move in date and leasing signing within 2 business days of approval. At that time, the applicant will need to schedule all applicable utilities to be switched into the applicant's name.

- On the day of lease execution, the applicant should be prepared for the following:
  - ✓ To provide account numbers and Agency name for all tenant responsible utilities
  - ✓ To pay the required security deposit by cashier's check or money order
  - ✓ To pay full or pro-rated rent by cashier's check or money order

#### **Security Deposit**

A security deposit will be required for every household and is due at the time of lease execution. Please note that the forfeiture of a security deposit will apply if/when: The tenant fails to move in or take possession of the unit after signing the lease contract, the tenant fails to provide notice of intent to vacate within the required time frame, failure to fulfill the lease terms as identified within the lease contract.

- **Unit Inspection:** Before executing the Lease, Management representative and the resident(s) will jointly inspect the unit. The move-in inspection form will be used to indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary and in good repair. If cleaning or repair is required, Management will specify on the form the date by which the work will be completed, which will be no later than 30 days after the effective date of the lease. After the move-in inspection, the resident has 7 days to return the completed move in condition checklist for it to be valid.
- **Lease Documents:** All adult household members will be required to execute the finalized Tenant Income Certification, 12-month lease, Affordable Housing Addendum, House Rules, and any other required addenda specific to our community. After execution, the household will receive a copy of all signed documents.
- **Assistance Animals:** Management will allow assistance animals, which are defined as animal that work, aid, perform tasks for the benefit of a person with disability, or provide emotional support to alleviate identified symptoms or effects of a person's disability. To be eligible for an assistance animal, applicant must complete a reasonable accommodation request and management will submit a verification to applicants' physician. Reasonable Accommodation Requests will be reviewed by upper management and a decision will be provided to the applicant within 30 days of receipt. These animals, often referred to as assistance, service, support or therapy animals perform many disability-related services, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures or providing emotional support to persons with disabilities who have a disability-related need for such support. No pet deposit or pet fee is required for assistance animals. Specific animal, breed, number, weight restrictions, and pet deposits will not apply to households who have a qualified service/assistance animal(s). If an accommodation for assistance animals causes a financial and/or administrative burden to Management or becomes a danger to the safety of the other residents or staff, it will be asked that the assistance animal be removed by the Resident.

### **IX. Rejection of Ineligible Applicants**

- Applicants who do not pass the eligibility requirements listed within this Resident Selection Criteria will immediately be sent a letter of rejection (*within 7 days*). The written rejection notice will state the reason for rejection and will inform the applicant of his/her right to respond to dispute the rejection. If rejection

is a result of a 3<sup>rd</sup> party report, Management will disclose contact information for the applicable 3<sup>rd</sup> party source. A copy of the criteria for which the applicant was screened and denied will be kept with the applicant file and such file will be maintained for the program applicable time frame. When applicant is deemed as rejected, they must wait ninety (90) days from date of rejection to reapply.

- Violence against Women Reauthorization Act of 2013 offers protections against denial of housing based on domestic violence, dating violence, sexual assault or stalking. This Community will not assume that any act is a result of abuse covered under VAWA. To receive the protections outlined in the VAWA, the applicant must specify that he/she wishes to exercise these protections. If any applicant wishes to exercise the protections provided in the VAWA, they should request additional information from management and follow the steps and guidelines outlined in managements Violence Against Women Act Policy.

## **X. Unit Transfer Policies**

Management will accept requests for transfer based on the following:

- There is a need for a unit transfer because of a change in household size or composition due to marriage, birth or legal permanent custody of minor.
- There is a need for a unit transfer based on the verified need for an accessible unit
- There is a verified need for a reasonable accommodation or a verified medical need for a different unit
- There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living
- The resident has requested and qualifies for a VAWA Emergency Transfer
- The resident has requested and qualifies for a transfer based on imminent threat not associated with a VAWA crime.

Current residents must complete a Unit Transfer Request form. All application and verification procedures must be completed for the transfer including the execution of new income and asset verifications to determine continued eligibility, a new Tenant Income Certification and a new lease agreement and addendums. Once approved by management and an appropriate sized unit becomes available, the household will have thirty (30) days to complete the transfer. Preferences will be given to households requesting reasonable accommodations.

## **XI. Wait List**

Management has the right to close the wait list on one or more unit sizes of apartments, when management determines the wait list is over a year long. When closing or opening waiting lists, notification will be posted at the property as well as on the Affordable Housing Network website. Applicants will be placed on a waiting list by request if there are no units available. When units become available, management will notify applicants on the wait list when a unit becomes available, and the applicant has five (5) business days to contact management to begin the application process. If an applicant does not respond to management or rejects a unit twice, the applicant will be removed from the waiting list. Applicant must keep management advised in writing of any changes in address or household information.

## **XII. Resident Acknowledgement**

I have read and been offered or received a copy of the Resident Selection Criteria for Union at Purple Heart Trail. I further acknowledge, by signing below, that all information provided has been explained and is understood.

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

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Tenant Signature

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Tenant Signature

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Date

\_\_\_\_\_  
*Management Agent*

\_\_\_\_\_  
*Date*

*If you require assistance, please request our assistance and we will ensure that you are provided with meaningful access based on your individual needs.*