



## TENANT SELECTION PLAN Spencer Manor



### ***Project Eligibility Requirements***

Spencer Manor Apartments is a HUD Section 8 as described in 24 CFR part 5, subpart D (definitions for Section 8), Section 42 Low Income Housing Tax Credit subsidized project; the most restrictive rules established by either program will be implemented to maintain compliance. Project eligibility establishes whether applicants are eligible to reside in the specific project to which they have applied. Program eligibility does not constitute acceptance, and further screening is required to determine the applicants' ability to maintain successful tenancy.

Applicants for the waiting list must disclose their Social Security number and present a picture ID for all adult household members. Documentation of the Social Security number (either the card issued by the Social Security administration or other acceptable evidence of the SSN) must be provided. These documents are copied and kept in the applicant's file.

### ***Citizenship Requirements***

To be eligible for assistance, residents must be U.S. citizens, Nationals or eligible non-citizens. The owner must obtain the following documentation for all family members regardless of age:

From U.S. citizens, a signed declaration of citizenship or immigrations status and presentation of a U.S. birth certificate or U.S. passport.

From non-citizens 62 years and older, a signed declaration of eligible non-citizen status and proof of age.

From non-citizens under the age of 62 claiming eligible status provide all the following:

- A. A signed citizenship declaration and provide documentation.
- B. A signed consent form.
- C. One of DHS-approved documents.

Non-citizens that are ineligible must sign a declaration of non-eligible status.

Mixed Families may receive pro-rated assistance, continued assistance or temporary deferral of termination of assistance.

Applicants who hold a non-citizen student visa and their non-citizen family members are ineligible.

Non-citizen students with a citizen spouse or child are considered a mixed family.

### ***Social Security Number Requirements***

1. All applicants and residents (all household members) must disclose and provide **verification** of the complete and accurate Social Security Number (SSN) assigned to them **unless an individual** meets an exception.
2. Exceptions to disclose SSNs are:
  - Individuals who do not contend eligible immigration status.
    - The O/A may **not deny assistance to mixed families due to nondisclosure of a SSN by an individual who does not contend to have eligible immigration status.**

Or

- Individuals, age 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.
- The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.

Or

- Applicant family member who is under the age of 6 and was added to the household 6 months or less from move-in date.
- Individuals must provide SSN 90 days from effective date of M/I, and an additional 90-day period if failure to provide is due to circumstance beyond the control of the household.
- Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. This documentation must be retained in the resident file.
- An owner/agent cannot accept certification from the applicant stating they qualify for the exemption.

- The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.
3. The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs.
  4. During the ninety (90) day period the applicant(s) may **retain** its place on the waiting list.
  5. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list.
  6. The O/A shall verify and document each disclosed SSN by obtaining a document listed below from each member of the applicant's or resident's household that has the full SSN on it:
    - Original document issued by federal or state government agency which contains the name, SSN, and other identifying information of the individual
    - Earning statement on payroll stubs
    - Form 1099
    - Retirement benefit letter
    - Life insurance policy
    - Court records

### ***Income Limits***

52 units at Spencer Manor Apartments are eligible for Section 8 Housing Assistance Payments. This means that an applicant/resident must have a total annual income (wages, Social Security, pension, interest on assets, etc.) that does not exceed HUD-defined limits. Spencer Manor Apartments admits persons whose income level places them in the extremely low or very low-income categories, as defined by HUD. Income limits are fully described in material sent to persons who apply for the waiting list. HUD updates the income levels on an annual basis.

### ***Waiting List – Accepting Applications and Waitlist Selection***

#### ***Taking Applications***

Most applicants make their first contact with Spencer Manor Apartments by phone or email. At that time basic questions are answered, and an application is sent.

The application for admission requests the following information: (1) family member information, (2) current sources and amounts of income, (3) list and value of assets owned, (4) detail of annual medical expenses, (5) landlord references. HUD Form 9887 and 9887-A, as well as a Criminal Background Check release form.

When an application is received the form is dated, time is noted, and the application is signed by the manager. Using the information presented on the form, an initial calculation is made to determine eligibility. If it appears that the applicant falls within the income guidelines, the level (extremely low, very low, or low) is noted on the application form. If they do not qualify for one of these levels, a letter is sent to them indicating that, based on the information they have provided, they do not appear to be eligible to be placed on the waiting list.

A criminal background check is done, and a credit data inquiry is requested. Lack of credit is not sufficient grounds for rejection but in lieu of good rental history, applicant must provide acceptable alternative documentation to be considered for occupancy. Good rental history can be considered in lieu of lack of credit.

A file is prepared for each waiting list applicant, and the person is added to the master waiting list that is managed and updated monthly.

#### ***Preferences***

When persons inquire and when applicants are placed on the waiting list, they are advised of the following preferences:

- First preference is given to those displaced because of government action or a presidentially declared disaster.
- Next preference is given to extremely low-income applicants who meet the criteria of elderly or disabled and will be selected from the waiting list in order of date and time received to occupy 40% of the total number of units in the project.

- Preference is given to Persons with Disabilities who need features of an accessible unit (physical or communication). This could also include existing residents needing features over an applicant on the waiting list or walk in applicant.
- VAWA Emergency Transfer.
- Current tenants requiring a different size unit due to over/under occupying a unit are given priority over new applicants.

The applicant's that are "skipped over" to meet the above priorities will be placed on the waiting list in order of date and time received.

### ***Income-Targeting***

In order to meet the requirement that 40% of new move-ins are in the extremely low-income category, Spencer Manor Apartments gives preferences to these applicants over all others on the waiting list, regardless of the date/time of application. The income classification of move-ins is monitored on an on-going basis. Applicants will be selected based on waiting list order. Each quarter, the percentage of extremely low-income admissions for the year to date will be examined. An alternative tenant selection method will be implemented if extremely low-income admissions are:

Less than 30% after the first quarter of the fiscal year.

Less than 35% after the second quarter of the fiscal year.

Less than 40% after the third quarter of the fiscal year.

### ***Managing and Updating the Waiting List***

Each month the waiting list is updated, adding new applicants and removing those who have moved into the facility or who have withdrawn from the list is provided on the form for comments so that on-going communication with applicants is documented.

### ***Reinstating Applicants to the Waiting List***

If an applicant is removed from the waiting list and subsequently the owner determines that an error was made in removing the applicant, the applicant must be reinstated at the original place on the waiting list.

### ***Applicant Screening Criteria***

When a unit is available, the process of moving an applicant from the waiting list to move in begins. This process involves the following steps:

1. Landlord Reference: Applicants are required each to provide to the manager a minimum of two years satisfactory references from the applicant's rental history, confirming that the applicant's account at such previous apartment is current and verifying that the applicant has no record of disturbance of neighbors, destruction of property, very poor housekeeping, bedbug infestation, illegal drug use or drug addiction, violence, or other problems relative to the applicant's ability or willingness to comply with the terms of the lease for such person's apartment. Applicants will not be denied due to lack of landlord rental history.
2. Sex Offender Registry: The State and National Sex Offender registry will be checked for all applicants over the age of 18.
3. Criminal History: A criminal background check will be conducted on all applicants over the age of 18 upon initial and annual recertifications.
4. Intake to summarize all income, assets, and medical or childcare expenses on the initial certification form and verify age to determine household allowances.
5. Signing of verification forms for all financial and medical establishments; Signing of Income and Assets paperwork; and all other verification and related paperwork such as HUD 9887 and 9887-A, disposal of assets certification. Collection of recent pay stubs for adults with employment income.
6. Forms are sent to financial, employment and medical establishments.

### **Applicants may be denied occupancy for any of the following reasons:**

1. Income level in excess of HUD or LIHTC Income Limit Requirements.
2. Poor Credit History which includes:
  - Money owed to previous property owners. Including, but not limited, to judgments for damages, unpaid rent, and utilities.
  - There may be no judgments against an applicant by a property owner or manager.
  - Un-paid utilities at any of the utility companies, including city provided utilities, the property

utilizes, unless applicant can provide written proof from utility company demonstrating balance has been paid in full or that there is a payment plan in place and utilities can be placed in their name.

- Bankruptcy or foreclosure within the past 3 years.
  - More than 6 accounts (per adult household member) in any of the following (with the exception to medical and/or student loans):
    - Accounts in collections with a balance due.
    - Current accounts with a past due balance.
    - Accounts with no balance if they have had more than 3 late payments in the last 12 months.
3. Unsatisfactory Landlord Reference: Information learned from current or previous landlords, including but not limited to:
- Violation of the Lease or Community Rules,
  - Evictions in the past 3 years. Applicants will be denied if they were evicted or asked to vacate in lieu of an eviction within the last 3 years, or if they have had 3 or more evictions in the last 20 years.
  - Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior: Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility either on or off the property in which you reside; which damages the equipment or premises in which the household has lived; which is disturbing or dangerous to neighbors or disrupt sound family and community life (with the exception of protections under the Violence Against Women's Act of 2005{VAWA}).
  - Grossly Unsanitary or Hazardous Housekeeping – Any health or safety hazard created by acts of negligence and causing or permitting any damage to or misuse of the premises and equipment. If the applicant was responsible for such hazards, damages, or misuse, including but not limited to causing or permitting pest infestations, depositing garbage improperly, failing to use and maintain utilities, facilities, services, appliances, and equipment in a responsible and proper manner.
  - Illegal Drug use, abuse, possession, distribution, or trafficking.
4. Criminal History:
- Felony: Applicants with a felony within the last 7 years or 3 felonies in the last 20 years will be ineligible for tenancy.
  - Violent Behavior: Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors in the last 5 years, or 3 in the last 10 years. Examples include, but are not limited to assault, battery, going with intent, 1<sup>st</sup> degree harassment, or child endangerment.
  - Multiple Convictions: 3 or more convictions (including misdemeanors) within 5 years that would impact the safety of other residents. Examples include, but are not limited to, theft, destruction of property, or disorderly conduct.
  - Sexual Crimes: Include convictions for the offenses of rape, solicitation, stalking, pandering, indecent exposure, or other sex crimes.
  - Sex Offender Registry: All applicants will be deemed ineligible if listed on the sex offender registry.
  - Murder, Voluntary Manslaughter, or Arson: All convictions will deem the applicant ineligible for residency.
  - Drug Convictions: Applicants with non-felony drug possession convictions within the last 3 years and non-felony drug distribution or manufacturing convictions in the last 5 years will be ineligible for tenancy. Any household containing a member who was evicted in the last 3 years from federally assisted housing for drug related criminal activity. And any member who is currently engaged in illegal use of drugs or individuals whose behavior shows a pattern of alcohol abuse that interferes with the health, safety, or right to peaceful enjoyment of the premises or by other residents.

**Applicants or current residents may be denied/terminated for occupancy for the following reasons:**

1. Failure to cooperate with Recertification Procedures: Failure to provide adequate documentation and/or sign required documents.
2. Termination of Rental Assistance due to Fraud.
3. Manager may terminate the lease with a current resident who does not comply with all provisions within the lease and all the corresponding attached addendums to the lease. Findings upon the annual criminal check that can lead to the termination of the lease agreement may include any of the above findings.
4. Harassment/Bullying – Any use of foul language or disruptive behavior during the application process could result in a denial of the application.

### ***EIV Existing Tenant Search***

At the time an application is being processed an Existing Tenant Search will be conducted through EIV to make sure that the applicant is not already receiving another subsidy.

### ***Procedures for Rejecting Ineligible Applicants***

Applicants who are rejected are notified in writing within 5 days. The written notification states the reason(s) for the rejection and indicates that the applicant has the right to respond in writing or request a meeting within 14 days to dispute the rejection.

If an applicant asks for a meeting to dispute the rejection, that meeting is held with a member of the owner's staff. Within ten business days of this meeting, the owner will advise the applicant in writing of the final decision on eligibility.

### ***Occupancy Standards***

At move-in, no more than 2 persons per bedroom room plus 1 is the occupancy standard at Spencer Manor Apartments.

### ***Unit Transfers***

Verification requirements to be used when a student does not meet general eligibility criteria but wishes to be eligible based on his or her status as an independent student are as follows (Owners/agents will verify a student's independence from his or her parents by doing all the following):

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

Requirements:

- The initial lease term has ended.
- If medical, a doctor's note is required
- All paperwork must be complete and appropriate paperwork signed prior to transfer.
- Transfer does not adversely affect the building and/or the unit status. The applicant will have to meet income requirements of the property/unit.
- Resident must show affordability for the new unit.
- The Resident must be in good standing. Rent must be paid on time, the resident must have a zero balance, and the occupancy must be in full compliance with Lease and Community Rules, and no outstanding lease violations.
- The resident will be responsible for paying the additional security deposit to meet the requirement of the new unit.
- When offered a unit, if the applicant declines 2 offers, they will be removed from the internal wait list.

### ***Student Eligibility***

**Section 8** - Owners must determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification, and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.

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

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

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. Independence from parents will be determined by the following:

- Be of legal contract age under state law.
- Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education definition of “independent student”.
- Reviewing the student’s prior year income tax returns to verify that the student is independent or verifying the student meets the U.S. Department of Education’s definition of “independent student”.
- Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is proving no support.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education (in excess of amounts received for tuition and any other required fees and charges) is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in paragraph 8-6 A.

A “vulnerable youth” is an individual who has been verified during the school in which the application is submitted as either an unaccompanied youth who is a homeless child or a youth unaccompanied, at risk of homelessness, and self-supporting.

When an individual is determined a “vulnerable youth”, such determination is all that is necessary to determine a person is an “independent student” for purpose of using only the student’s income for determining eligibility for section 8 assistance.

- The requirement to provide a tax return only applies to providing student’s tax return and not that of the student’s parents.
- A written certification of any financial assistance is not required by the students’ parents.
- Financial assistance provided by persons not living in unit, is not included as income when the student meets the Dept. of Education’s definition of “vulnerable youth”.

**LIHTC** - If a single applicant or entire household is comprised of full-time students then applicant(s) will be considered ineligible for tenancy in accordance with IRS section 42 code unless they meet one of the following exceptions:

- At least one student is receiving assistance under Title IV of the Social Security Act (TANF)
- At least one student was previously under the care and placement responsibility of the state agency responsible for administering foster care.
- At least one student participates in a program receiving assistance under the Job Training Partnership Act, Workforce Investment Act, or under other similar, federal, state or local laws.
- At least one student is a single parent with child(ren) and this parent is not a dependent of another individual and the child(ren) is/are not dependent(s) of someone other than a parent.

- The students are married and entitled to file a joint tax return.

### ***Verification of Student Eligibility***

Owners must verify parents' income each time they determine the eligibility of the student to receive Section 8 assistance unless the student can demonstrate his or her independence from parents.

Verification requirements to be used when a student does not meet general eligibility criteria but wishes to be eligible based on his or her status as an independent student are as follows (Owners/agents will verify a student's independence from his or her parents by doing all the following):

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

Residents must annually certify to their student status to maintain compliance with the LIHTC program.

### ***Marketing (Opening/Closing Waiting List)***

The waiting list remains open with the understanding that those who are listed are fully informed of its length and the policies/procedures for selecting individuals and updating the list. Information about Spencer Manor Apartments is publicized in the following manner:

- Flyers are given to the social service agencies in the Spencer and Clay County area.
- Property Website. [www.chihousing.com](http://www.chihousing.com)

The Owner will also publish in the same manner when the waitlist is closed and state the reason why we are no longer able to accept applications.

### ***Fees and Security Deposits***

There are no application fees charged to apply for housing at Spencer Manor Apartments. Security Deposits are collected at the time of move in. The security deposit amount will be equal to one month's total tenant payment. If pets are allowed, pet deposits will be collected when the pet is moved into the unit. There is no pet deposit for Service and Emotional Support Animals.

### ***Unit Inspections***

A Unit Inspection will be performed at move in and annually during the tenancy by the property manager.

### ***Recertification of Income & EIV***

Owners are required to at a minimum annually verify family composition and income in order to recalculate the tenant's Total Tenant Payment, Tenant Rent, and the assistance payment provided by HUD with the exception of those tenants paying market rate rent unless the tenant requests the recertification to determine their eligibility to receive program assistance. If the tenant is paying market rate rent only the family composition and student status is annually verified for LIHTC purposes.

A criminal background check may be done on everyone 18 or older residing in the household at each annual recertification. Any activity found in violation of the lease and or its attachments will result in termination of the lease.

Interim Recertifications are required in the event of the following: Family member moves out of the unit, the family requests an addition to their household, any change in income in which the family's income changes by \$200 or more per month. Tenants may request an interim due to the following: Decrease in income, increases in allowances and other changes affecting the calculation of a family's annual or adjusted income.

At recertification, verification of information through HUD's EIV System is required as detailed in HUD Notice H10-08. This information is used to meet HUD's requirement to independently verify the tenant's employment and/or income when recertifying for continued rental assistance. Signing of form HUD-9887 & HUD-9887-A is required.

### ***VAWA Protections***

Owner policies will support or assist victims of domestic violence, dating violence or stalking and protect victims, as well as members of their family, from being denied housing or losing their HUD assisted housing as a consequence of domestic violence, dating violence or stalking (Chapter 4-4C(9)).

Owners must provide VAWA Notice and VAWA Certification to Section 8 residents(s) and applicants explaining their rights and obligations under VAWA protections.

The Notice of Occupancy Rights under the Violence Against Women (form HUD-5380) and Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation, (form HUD-5382) will be provided no later than each of the following times (HUD Notice H 2017-05):

- For Applicant-
  - At the time the household is provided assistance or admission (i.e., at move-in initial certification) and
  - At the time the applicant is denied assistance or admission.
- For Existing Households
  - Through December 15, 2017, at each household's annual certification (AR), and
  - With any notification of eviction or termination of assistance, (but not with subsequent eviction or termination notices sent for the same infraction).

### ***Section 504 and Fair Housing Act***

Spencer Manor Apartments complies with Section 504 of the Rehabilitation Act of 1973 and does not discriminate on the basis of disability in any program or activity. Compliance with the Fair Housing Act is evidenced by placement of required signage, logos, and statements on the premises and in all publications and documents.

Spencer Manor Apartments complies with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination on the basis of race, color, creed, religion, sex, gender identity, handicapped status, familial status, national origin, age, or sexual orientation in its programs and activities.

Spencer Manor Apartments does not discriminate based on race, color, national origin, marital status, religion or creed, sex, sexual orientation, gender identity, age, disability – mental or physical, membership in class, such as unmarried mothers or recipients of public assistance, or familial status.

Spencer Manor Apartments does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. Individuals with disabilities have the right to request reasonable accommodations.

Spencer Manor Apartments does not retaliate, coerce, intimidate, threaten or interfere with any person's exercise or enjoyment of any Fair Housing right or take action on account of a person's actions to aid or encourage any other person in the exercise or enjoyment of any Fair Housing right.

The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).

Chelsie VanderWeide  
Director of Compliance  
Community Housing Initiatives  
P.O. Box 473 \* Spencer, IA 51301

### ***Grievances***

Disputes regarding policies, rejections, etc. need to be addressed with 14 days in writing also to the address listed above. (Apartments will not be held vacant during the dispute period)

The Director of Compliance will contact the applicant after reviewing the information within 5 days of the receipt of the written dispute.

1. If the rejection is deemed invalid the applicant will be so notified and offered the unit (if still available, or the next available unit if not), as long as they are otherwise qualified.
2. If the rejection is deemed valid, the applicant will be notified of such.

Applicants are advised that they can re-apply at any time.

### ***Policy Changes***

Any changes made to the tenant selection policy will be posted on the premises for current residents to view. The tenant selection policy is also posted on the property's website for any individual to view.

In the event there is a change to the Community Rules, all Residents will be notified of said changes at least 30 days in advance of the change.