

HARVEST HEIGHTS HOUSING TENANT SELECTION CRITERIA

The procedures used for selection of residents shall be implemented in compliance with the Department of Housing and Urban Development (HUD), USDA Rural Development and all other applicable federal statutes and regulations.

Applications for housing are available at Sol Naciente and will be accepted in person or by mail at the rental office located at

The rental office hours may vary throughout the week but current hours are Monday – Friday, 9am to 5pm. If there is an emergency, please call our emergency number at

The following criteria are used to determine eligibility:

1. Household income is determined within the current HUD income limits. See attached. All household income must be verifiable.
2. All household members must have a documented social security number.
3. **SOCIAL SECURITY REQUIREMENTS:**

Applicants must disclose social security numbers (SSNs) in order for the owner to make an eligibility determination. The head of household/spouse/co-head must disclose SSNs for all family members excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status. If no SSN has been assigned to a particular family member, the applicant must sign a certification stating that no SSN has been assigned.

 - **Required Documentation**

Applicants must provide documentation of SSNs. Adequate documentation means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN
 - **Provisions for Accepting Applicants without Documentation of Social Security Numbers:**

When an applicant has a SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided. Owners must accept the certification and continue to process the individual's application.

However, an applicant may not become a participant in the program unless the applicant submits the required SSN documentation to the owner. The applicant must provide SSN documentation to the owner within 90 days from the date on which the applicant certified that the documentation was not available. If the owner has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of the SSN, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation.

After 90 days, if the applicant has been unable to supply the required SSN documentation, the applicant should be determined ineligible and removed from the waiting list. An owner may extend the time period for an additional 90 days if the applicant is at least 62 years old and unable to submit the required documentation within the first 90-day period.

4. Present and previous landlords are contacted to determine ability to meet rental obligations. Endorsement from at least two (2) landlords is preferred. A minimum of one year rental history is required. If insufficient rental history is available, the application may be denied. If any of the following items are found to be in evidence with the present or previous landlords, the application will be denied (see "REJECTION/RIGHT TO APPEAL"):
 - A. Applicant left owing money to the landlord.
 - B. Eviction within the last three years.
 - C. Habitual late payment of rent or mortgage.
 - D. Allowing unauthorized persons to reside in the unit.
 - E. Applicant did not fulfill the lease term.
 - F. Applicant did not give proper notice to vacate under the lease.
 - G. Noise and/or disturbance complaints, inclusive of guests.
 - H. Illegal activity on the premises, inclusive of guests.
 - I. Damages to the apartment or common areas.
 - J. Eviction in the past three years from a HUD subsidized housing facility due to drug activity

All applicants are required to consent to a home visit. A home visit may be conducted upon the residence of each applicant residing within a reasonable distance from the property and providing that staff or other contracted personnel are sufficient in number and training to perform such home visits. If sufficient rental history is not available and a home visit is not able to be performed, the Applicant must provide a minimum of three (3) personal references with sufficient history.

5. Credit checks are done to determine the applicant's ability to make timely payments. This is particularly considered when there is no rental history. If any of the following items are found to be in evidence, the application will be denied (see "REJECTION/RIGHT TO APPEAL"):
 - A. Unpaid collection accounts.
 - B. Collection actions within the last 18 months from application date.
 - C. Judgments within the last 18 months from application date.
 - C. Bankruptcies filed within the last 3 years from application date.
 - D. Profit and Loss write-offs.

Exceptions:

- A. A first time renter with no established credit may be considered assuming they meet all other qualifying criteria.

If sufficient credit history is not available and a home visit is not able to be performed, the Applicant must provide a minimum of three (3) personal references with sufficient history.

- 6. A Criminal Records Check will be conducted on all applicants. Existing residents will also be subject to a Criminal Records Check. If any of the following items are found to be in evidence, the application/occupancy will be denied (see "REJECTION/RIGHT TO APPEAL"):
 - A. Arrest or Convictions for felonious crimes.
 - B. Arrest or Convictions for drug use and/or distribution.
 - C. Arrest or Convictions for prostitution.
 - D. Arrest or Convictions for actions involving violent physical crime.
 - E. Arrest or Convictions for crimes against minors.
 - F. Arrest or Convictions for a combination within the last 10 years of any three instances of any of the following: misdemeanors, driving while under the influence, or domestic violence.
 - G. Arrest or Convictions for more than three traffic violations, other than driving while under the influence (See "F" above), within the last two year period.
 - H. Arrest or Convictions for a Sex offender offense must be subject to a lifetime registration with the federal government.
- 7. Applicant must have been employed for at least one year and such employment must be verified for the past 12 months, unless the applicant can show sufficient sources of other income, or is entering the property through the auspices of a GNP sponsored or supported program.
- 8. No co-signers are accepted.
- 9. Rental history and credit checks for existing residents is based on the available data at the property. Checks beyond the demonstrated ability to comply with the lease terms of the property, both in residency history and payment history, will not be necessary. Criminal Background will be performed for all existing residents.
If any of the required information provided by the applicant on the Rental Application is found to be false or incorrect, this will be grounds for rejecting the applicant/household for occupancy and/or Residency.

REJECTION/RIGHT TO APPEAL

All rejected applicants have the right to appeal.

Applicants who are ineligible will be notified in writing within 3 business days of the determination of rejection of the reasons for the rejection.

The Applicant will have 14 days from the date of the rejection notice to submit a request for appeal. The request for appeal must be either in writing to the site office specified in the rejection notice, or orally to the person listed in said rejection notification. At the discretion of the applicant, the appeal may be in written form or in the form of a meeting to discuss the reasons for rejection and circumstances to be considered.

If the Applicant appeals the rejection, the Owner/Agent will set a date for the appeal meeting within 5 business days of receipt of the notification of appeal and will notify the applicant in writing of said appeal meeting date. Said meeting will be for the purpose of reviewing the written appeal of the applicant or to hear the verbal appeal of the applicant.

The appeal meeting will be held within 10 business days of notification of the applicant of said meeting. The Owner/Agent will provide two staff persons, who were not involved in the original decision to reject the application, to hear or review such an appeal.

The Owner/Agent will give the applicant a final decision in writing within five (5) days of the appeal hearing.

OCCUPANCY STANDARDS

Qualified Applicants may move in, if a housing unit of acceptable size is available.

Acceptable occupancy standards are defined as follows: Two Bedroom- Maximum of 5 persons
Three Bedroom - Maximum of 7 persons
Four Bedroom - Maximum of 9 persons

Unit sizes and occupancy standards are established with no minimums, and maximum levels only for the purpose of establishing a reasonable range. There is no intent of mandating such terms without considering reasonable accommodations outside of these household parameters, if the applicant requests such consideration.

Section 504:

Owners of assisted housing, by virtue of their receipt of Federal funds, must comply with the requirements of Section 504 of the Rehabilitation Act of 1973. Found in 24 CFR Part 8. Specifically, 504 requires that an otherwise qualified individual with disabilities, solely by reason of his/her disablement, cannot be excluded from participation in any program or activity receiving Federal financial assistance. Nor can such persons be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. The following are definitions to assist an applicant or resident in a better understanding of the program:

Accessible - When used with respect to the design, construction, or alteration of a facility or portion of a facility, other than an individual dwelling unit, means that the facility when designed, constructed or altered can be approached, entered, and used by individuals with disabilities. Accessible, when used with respect to individual dwelling units, means that the unit must be located on an *accessible route* and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with physical disabilities.

When an individual dwelling unit in an existing facility is being made accessible for use by a specific individual (current occupant, another occupant in a non-accessible unit controlled by the same housing provider, or an applicant), the unit will be deemed accessible if it meets the standards that address the particular disability of such a person.

Accessible route - For mobility impairment, a continuous unobstructed path, and connecting elements and spaces in a building or facility that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For hearing & vision impairment, the route need not comply with requirements specific to mobility.

Alteration - any change in a facility or its permanent fixtures or equipment. It includes remodeling, renovation, rehabilitation, reconstruction, changes or rearrangements and extraordinary repairs. **It does not include:** normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems.

Auxiliary aids & services - means services or devices that enable person with impaired manual or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. The owner is not required to provide individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Disabled Person - A person who is under a disability as defined in Section 223 of the Social Security Act or in Section 102(5)(b) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (24 CFR 813.102).

A person having an impairment which (a) is expected to be of long continued and indefinite duration, and (b) is of such nature that such disability could be improved by more suitable housing conditions.

Important -- This is the statutory program definition of handicap for purposes of admission and occupancy of assisted housing. This definition is different from the one provided in 24 CFR Part 8.3, the implementing regulations for Section 504 of the Rehabilitation Act of 1973. The definition found in the 504 regulations is superseded by the statutory definition listed above. As such, certain individuals in a narrow class defined by the 504 regulations **may not** be able to meet the program definition because they lack a documented impairment that qualifies them as a disabled person.

Individual with handicaps 504 Definition - means any person who has a physical or mental impairment that substantially limits one or more major life activities; **or** has a record of such impairment; **or** is regarded as having such impairment.

Major life activities - are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

A record of such impairment - means a history of OR has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

Is regarded as having such an impairment means (1) has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a recipient as constituting such a limitation; (2) has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or (3) has none of the impairments listed in this definition but is treated by a recipient as having such an impairment.

Exclusions from the definition of individual with handicaps

For purposes of programs and activities the definition does not include: any individual whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question; or whose participation, by reason of current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. The Fair Housing definition of handicap specifically excludes "...current, illegal use of or addiction to a controlled substance."

Qualified Individual with handicaps, 504 Definition -an individual with handicaps is 'qualified' for assisted housing, if the person meets current eligibility requirements such as income as well as implicit requirements inherent in the nature of the program, such as an occupant being capable of complying with all obligations of occupancy.

Person with handicaps can be denied program benefits, such as occupancy of a dwelling unit on the basis of failure to meet legitimate eligibility criteria, as outlined in this plan, that are applied to individuals both with and without handicaps.

Structural Impracticability - Changes that have little likelihood of being accomplished without removing or altering load-bearing structural Residents and/or incurring an increased cost of 50 percent or more of the value of the element of the building or facility involved. Or one that will place an undue financial burden on the property.

HARVEST HEIGHT HOUSING will adhere to the following 504 criteria:

1. Current disabled residents of the property who need unit accessible features will be given priority over a qualified disabled person on a waiting list who needs the accessible features.
2. Should an applicant be moved into a accessible unit due to the fact that no other units were available at the time of move-in, this household would be required by means of written 30 day notice from management to transfer to a non-accessible unit when one becomes available.
3. Reasonable accommodations will provided to any resident or applicant requesting them, as long as they do not fall under the definition of structural impracticability or financial duress.

UNIT TRANSFERS

Unit transfers, other than those related to accessible units, will only be authorized for Residents in good standing, except as outlined in number "1." under "Occupancy Standards". No Resident may transfer more than once within any three year period within a single property.

All transferring households must agree to a home visit prior to acceptance of their application to transfer. Any application to transfer may be denied based upon the findings of the home visit.

APPLICANT/RESIDENT STUDENT QUESTIONNAIRE

HUD has introduced new restrictions on housing assistance that may be provided to students of higher education under Section 8 of the United States Housing Act of 1937

Exceptions to this rule are

If the student is under the age of 24

If the student is a veteran

If the student is unmarried and has a dependent child

If the student has a disability, was a student as of November 30, 2005 and receiving section 8 assistance.

Please mark the appropriate box:

() I declare I am not a student.

() I declare that I am a student and qualify for section 8 assistance based on the following exemption _____.

I further understand that I must provide the required documentation to prove the noted exemption.

FAIR HOUSING STATEMENT

HARVEST HEIGHTS HOUSING Equal Housing Opportunities without regard to race, creed, color, religion, national origin, ancestry, sex, marital status, disability, affectional or sexual orientation, political affiliation, age, military status, pregnancy, family responsibility or familial status in accordance with Fair Housing and Equal Opportunity requirements. The Federal Section 504 for nondiscrimination based on handicap in Federally Assisted Programs is strictly adhered to.

Revisions to this Selection Criteria may be implemented by **HARVEST HEIGHTS HOUSING**.

All monies due must be paid at time of move-in. For residents moving in on the 25th of the month or later, the pro-rated rent plus the first full month's rent must be paid prior to move-in.

RESIDENT

OWNER OR OWNER'S AGENT

Date:

Date: