

TENANT SELECTION PLAN

LAVONIA HOUSING AUTHORITY

Approved May 1, 2017

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Introduction

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the HUD Occupancy handbook – 4350.3 Rev.1, Change 4, and the Rental Assistance Demonstration (RAD) Final Rule. The Tenant Selection Plan sets forth procedures for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements.

Right to Apply

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

Statement of Non-discrimination

It is the policy of Lavonia Housing Authority (hereinafter referred to as Management), to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing including, The Fair Housing Amendments Act of 1988, 42 U.S.C.A. §§ 3601-3620, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. § 794 et seq., The Americans with Disabilities Act of 1990, 42 U.S.C.A. §§ 12101-12213, Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, the Age Discrimination Act of 1975, 42 U.S.C.A. §§ 6101-6107, Executive Order 11,063, and all other relevant State Laws. In furtherance of this policy:

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

Applicants with Disabilities and Reasonable Accommodations

Management will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities (as defined in the above listed Acts or any subsequent legislation) who require such changes to have equal access to any aspect of the application process or to the development and its programs and services; e.g., arrange for sign language interpreters or other communication aides for interviews during the application process.

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

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

1. Project Eligibility Requirements

A. Project-Specific Requirements

Lavonia Housing Authority (LHA) is a 180-unit residential property with offices located at 13032 Jones St. Lavonia, Ga. 30553. LHA formerly received rental subsidy through a Public Housing ACC Contract. The property was converted to Section 8 PBRA under the Rental Assistance Demonstration (RAD) Program effective upon a successful closing or September 30, 2014.

The property is designated as a family property and consists of 180 unit's total.

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

B. Citizenship Requirements

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

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

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

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

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

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

Please note: Management will not delay a family's assistance if the family submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, Management will offer the family a unit. However, Management will only provide assistance to the family members

determined to be eligible and to those family members that submitted their immigration documents on time. If any family members do not provide the required immigration documentation, then the assistance for the family will be prorated.

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

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

C. Social Security Number Requirements

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

Failure to disclose and provide documentation and verification of SSNs as required will result in an applicant not being admitted or the tenancy of a current resident being terminated.

D. Sole Residence Requirement

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

E. Prohibition Against Double Subsidies

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

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

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

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

F. Eligibility of Students for Assisted Housing under Section 8

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

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

- Is enrolled as a full or part-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
- Is under the age of 24, or
- Is not a veteran, or
- Is not married, or
- Is not a person with disabilities, and was not receiving assistance as of November 30, 2005; or
- Does not have a dependent child, or
- Is not living with his or her parents who are receiving Section 8 assistance, or
- Is individually ineligible for section 8 assistance or has parents who are, and individually or jointly, ineligible for assistance; or
- Is not eligible as an independent student as defined by U.S. Department of Education, or
- Has not established a separate household from parents for at least one year prior to application, or has not been claimed as a dependent by parents pursuant to IRS regulations.

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

Low Income Housing Tax Credit Program

Management must also comply with the requirements and restrictions of the LIHTC Student Rule.

G. Consent and Verification Forms

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

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

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

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

H. Resident Screening Criteria

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

- Criminal history records - Management will obtain a criminal history on all adult household members as part of the tenant selection process. However, the fact that an applicant or tenant was arrested for a disqualifying offense shall not be treated or regarded 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 actually engaged in disqualifying criminal activity. As part of its investigation, Management may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. Management may also consider any statements made by witnesses or the applicant or tenant not included in the police report; whether criminal charges were filed; whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal; and any other evidence relevant to determining whether or not the applicant or tenant engaged in disqualifying activity. The standard shall be a preponderance of evidence indicating that the applicant participated in the disqualifying activity.

2. Income Limits

Pursuant to the Section 8 PBRA and RAD regulations, Management shall comply with the following income limit requirements:

<u>Subsidy</u>	<u>Type of Income Limit</u>
Section 8 (pre-1981)	Low-Income Limit (80%) Lavonia, GA MSA

3. Waiting List and Tenant Selection

A. Accepting Applications

1. **Application Forms** – Management will utilize a formal application to determine the applicant’s apparent eligibility to the program. All information will be verified by the applicant prior to admission to the property.
2. Application forms will be distributed and accepted in the manner(s) indicated below:

In Person Mail (as a reasonable accommodation)

LHA web site download

The application form:

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

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

Management will process applications as follows:

- a. **Review for completeness** – Prior to listing on the applicant on the waiting list, applications will be reviewed for completeness. Incomplete applications will be rejected, returned to the applicant and will not be

evaluated until all of the required information has been provided.

- b. Preliminary determination of program ineligibility** - Completed applications will be reviewed for income eligibility and compliance with any project specific eligibility requirements such as age or disability. Applications determined ineligible, pursuant to program guidelines, will be rejected in accordance with procedures outlined herein.
- c. Waiting list placement** - Once a fully completed application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the development, the applicant will be placed on the property's waiting list. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's name advances to the top of the waiting list. The applicant will be placed on the waiting list, by date and time of receipt of the application, within the correct preference category and bedroom size.

3. Notification of Decision on Application Status – Management will send a written response to each applicant of the status of their application. The response will be mailed not more than thirty days from the date of receipt. The notice will include:

- Result of the preliminary determination of eligibility,
- Notice that the applicant is responsible for reporting changes in address, phone number, and preference status,
- Where applicable, the applicant's qualification for a preference(s) for admission, and
- A statement that the applicant has the right to meet with Management to discuss the determination made with respect to the application.

B. Applying Preferences and Income Targeting Requirements

Lavonia Housing Authority elects to adopt the following Preference System for new applications received.

Ranking of Preferences: The housing authorities computer system will rank applicants based on the application received and the local preferences in which the applicant qualifies. The ranking system is as follows:

Homeless/Displaced=100 points
Working/Employed/Elderly/Disabled=75 points
Veterans=50 points
Families not claiming a preference=25 points

Homeless Preference

Applicants, otherwise eligible, who meet the below definition will have preference

over non-homeless applicants as follows.

Homeless is defined as:

1. Lacking a fixed, regular and adequate nighttime residence, or
2. Is currently living in a homeless shelter or other temporary housing provided by an agency serving the homeless that is approved by Lavonia Housing Authority. The applicant must be referred by such agency and the pre-application must be accompanied by an official certification form.
3. This priority cannot be claimed by:
 - a. An individual or family who is residing with relatives;
 - b. An individual or family who has created a homeless situation for the sole purpose of obtaining the priority; e.g., purposely setting fire to existing shelter, being evicted from rental unit for violation of lease, or voluntarily moving from an otherwise suitable unit.

Working Preference (Preference includes elderly/disabled families.)

Those eligible for the Working Preference are families whose head or spouse is currently employed, has been employed for 120 days or more, and is working an average of 15 hours per week as of the date of the application or status change.

Employed is defined as continuously working for monetary compensation with no break of 30 days or more between jobs. Employment also includes self-employment outside of the home.

In addition, the Working Preference includes applicant families whose head or spouse is otherwise eligible and who qualify as elderly, handicapped or disabled families as defined in 24 CFR 5.063, or can provide written verification from a medical professional of their disabled status.

Veterans Preference

Applicants, otherwise eligible, who meet the below definition will have preference over non-veteran applicants as follows.

Veteran is defined as a member of any branch of U.S. military, which includes active or inactive, discharged or released under conditions other than dishonorable. Proper documentation of status is required. This preference further extends to the spouse of such Veteran or deceased Veteran.

Proper documentation is defined as:

Military engagement letter.

Military discharge papers.

Death Certificate in the case of a spouse of a deceased Veteran.

Other proof deemed worthy by management.

Priorities for Accessible or Adaptable Units

As applicable, persons with mobility, visual, or hearing impairments, or households containing at least one person with such impairment, will have first priority for units with the required accessible features. NOTE: Current residents requiring accessible/adaptable units shall have priority over applicants requiring the same type unit. Where persons without disabilities are moved into physically accessible units, they shall do so only after agreeing to move to a unit with no such design features at their expense should an applicant or current resident require an accessible unit of the type currently occupied by the persons without disabilities. (See Section 5-Unit Transfer Policy.)

Income Targeting Requirements for the Section 8 Program

In order to achieve compliance with HUD's income targeting requirements, Management, within the established preferences above, will move in at least 40% of its applicants in a given year with incomes at or below the 30% of median income level (ELI). Income targeting will be monitored on a monthly basis. Management will accomplish this by utilizing Method 1 as stated in the HUD Handbook 4350.3 Rev-1, CHG-4. Management will admit only ELI families until the 40% target is met.

In chronological order, Management will select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. This may result in skipping the next applicant on the waiting list if their income level is over the ELI limit. Once the target number of move-ins has been reached, Management will admit applicants in waiting list order.

Management will monitor the waiting list on a monthly basis to ensure compliance with the income targeting requirements. Management will examine the volume of unit turnover and applicant admissions for the past year and, based on this information, estimate the likely number of admissions for the coming year.

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

C. Applicant Screening Criteria

The Tenant Selection Plan sets forth the essential requirements of tenancy and the grounds on which tenants may be rejected. Rejection of an applicant is appropriate where Management has a reasonable basis to believe that the tenant

cannot meet these essential requirements, summarized as follows:

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

D. Mandatory Denial of Admission

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

- a) Any household member who has a history of previous evictions due to lease violations or non-payment of rent within the past two years;
- b) Any household member who owes money to a federally funded housing program;
- c) Any household member who has been evicted from a federally-assisted property for drug-related criminal activity or violent criminal activity for three years from the date of eviction. In making the ineligible determination, Management may consider (1) if the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or (2) if the circumstances leading to the eviction no longer exist;
- d) Any household member who is currently engaging in illegal drug use. Currently engaging in illegal drug use is defined as any arrest for possession within the past twelve months from the date of the arrest;
- e) Any household member that has been convicted of methamphetamine production on the premises of a federally-assisted property;

- f) Any household member with a history of other criminal activity that threatens the health, safety, and right to peaceful enjoyment by other residents or the health and safety of staff or agents of the owner;
- g) Management's determination that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol could interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;
- h) Management's determination that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;
- i) Any household member who is subject to a State lifetime registration requirement under the state sex offender registration program.

E. Other Grounds for Denial of Admission

- a) The applicant, or household member, has a history of disturbance of neighbors in a prior residence or behavior, which if repeated by a tenant, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units.
- b) The applicant, or a household member, has caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by a tenant, would have a material adverse effect on the housing development or any unit in such development.
- c) The applicant or a household member has displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant, would pose a substantial threat to the health or safety of the tenant or other tenants or would adversely affect the decent, safe and sanitary condition of all or part of the housing.
- d) The applicant or household member in the past has engaged in criminal activity, or activity in violation of state laws, which if repeated by a resident, would interfere with or threaten the rights of other residents (or the health and safety of the owner, employees, contractors, subcontractors, or agents of the owner) to be secure in their persons or in their property or with the rights of other residents to the peaceful enjoyment of their units and the common areas of the housing development.
- e) The applicant has a history of non-payment of rent and such non-payment, if repeated by a tenant, would cause monetary loss.
- f) The applicant has a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant of housing, would be detrimental to the housing development or to the

health, safety, security or peaceful enjoyment of other tenants.

- g) The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application.
- h) The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application or a prior application submitted within the last three years and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- i) The applicant, or a household member, has directed abusive or threatening behavior which was unreasonable and unwarranted towards a management agent's employee during the application process or any prior application process within three years.
- j) The applicant does not intend to occupy housing, if offered, as his/her primary residence.
- k) The applicant or household member is a current illegal user of one or more controlled substances as defined in all applicable State and Federal laws. A person's illegal use or possession of a controlled substance within the preceding twelve months shall create a presumption that such person is a current illegal user of a controlled substance, but the presumption may be overcome by a convincing showing that the person has permanently ceased all illegal use of controlled substances. This disqualification of current illegal users of controlled substances shall not apply to applicants for housing provided through a treatment program for illegal users of controlled substances.
- l) The applicant or household member has been convicted of other criminal activity, including violent criminal activity that has the potential to endanger the health, safety, and welfare of other residents and staff. Examples include but are not limited to murder, rape, child abuse or molestation, aggravated assault, weapons and/or explosives violations, and arson.
- m) The applicant or household member has been convicted of drug related criminal activity including the manufacture, sale, distribution or possession with intent to manufacture, sell, or distribute a controlled substance.
- n) The applicant family cannot secure utility service to the unit.

Consideration of Mitigating Circumstances

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

household from being eligible.

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

- the severity of the potentially disqualifying conduct;
- the amount of time that has elapsed since the occurrence of such conduct;
- the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the housing development and its common areas if the conduct recurred;
- the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
- the likelihood that the applicant's behavior in the future will be substantially improved.

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

F. Screening Procedures

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

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

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

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

G. Prohibited Screening Criteria

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

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

H. Rejecting Ineligible Applicants

Key Requirements

Prohibition of discrimination in the denial of tenancy or rental assistance:

Management will not discriminate against an applicant based on race, color, religion, sex, national origin, familial status, or disability.

Prohibition of denying assistance to victims of domestic violence, dating violence or stalking: The VAWA protects victims of domestic violence, dating violence or stalking, as well as, their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant's status as a victim is not a basis for denial of rental assistance or for denial of admissions, if the applicant otherwise qualifies for assistance or admission.

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

Conditions for Rejection of Applications

The application will be rejected if:

The applicant does not meet the eligibility requirements for the property;

The applicant is unable to disclose and verify SSNs for all household members (except those who do not contend eligible immigration status or tenants who were 62 or older on January 31, 2010, whose initial determination for eligibility was begun before January 31, 2010).

The applicant does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887/9887-A).

The applicant has characteristics that are not appropriate for the specific type of unit available at the time, or has a family of a size not appropriate for the unit sizes available.

The household includes family members who did not declare citizenship or non-citizenship status, or sign a statement electing not to contend noncitizen status.

The applicant does not meet Management's required screening criteria.

Notification of Applicant Rejection

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

4. Occupancy Standards

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

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

General guidelines used to determine proper bedroom size assignment for each family are as follows. Exceptions to the occupancy standards will be reviewed on a case-by-case basis.

1. Each head of household and his/her spouse are assigned one bedroom;
2. Additional adult member(s) of the household are assigned one bedroom;
3. Two children are assigned a bedroom. Children of the opposite sex, over the age of three, may be assigned a separate bedroom;
4. Children anticipated to be added to the household will be included as follows:
 - Children expected to be born to a pregnant woman;
 - Children in process of adoption by an adult family member;
 - Children in process of custody by an adult family member;
 - Foster children residing in the unit;
 - Children who are temporarily in a foster home who will return to the family;
 - Children in a joint custody arrangement who are present in the household 50% or more of the time; and
 - Children who are away at school and who live at home during recesses.
5. Live-in aide(s) residing in the unit are assigned one bedroom;
6. Foster adults residing in the unit are assigned one bedroom;
7. A larger unit than suggested by the occupancy standards may be assigned as follows:
 - If no eligible family in need of a larger unit is available to move into the unit with 60 days, the property has the proper size unit for the family but it is not currently available, and the family agrees to writing to move at his own expense when a proper size unit becomes available;
 - If a family needs a larger unit as a reasonable accommodation for family member who is a person with a disability.

Single Person Unit Assignment Restriction

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

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

5. Unit Transfer Policy

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

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

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

When Management determines that a transfer is required, the Model Lease for Subsidized Programs states that the tenant:

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

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

6. Fair Housing and 504 Policies

It is the policy of Anthony Homes to promote equal opportunity and non-discrimination in compliance with, but not limited to, the Fair Housing Amendments Act of 1988, 42 U.S.C.A. §§ 3601-3620, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. § 794 et seq., The Americans with Disabilities Act of 1990, 42 U.S.C.A. §§ 12101-12213, Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, the Age Discrimination Act of 1975, 42 U.S.C.A. §§ 6101-6107, Executive Order 11,063, and all relevant State Laws.

In carrying out this Tenant Section Plan, Management will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, sex, sexual orientation, familial status, disability, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. Management will also affirmatively market to the public in accordance with the Affirmative Fair Marketing Plan.

Applicants with Disabilities and Reasonable Accommodations

Management will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities who require such changes to have equal access to any aspect of the application process or to the development and its programs and services. Management will, for example, arrange for sign language interpreters or other communications aides for interviews during the application process.

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

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

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

504 Modification Requests

Any 504 Modification Requests and supporting documentation must be submitted in writing, and will be reviewed by the 504 Coordinator. An answer will be given in writing within 10 working days, unless there is a problem getting all the information needed or a longer time is agreed upon.

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

All questions or grievances concerning reasonable accommodations requests or denials should be directed to the 504 Coordinator or Executive Director as follows:

Richard A. Whitworth, Executive Director
Section 504 Coordinator
Starr Whitlow Office Building
13032 Jones St. or PO Box 453
Lavonia, Ga. 30553
706-356-8224
Fax: 706-356-1000
rwhitworth@lavoniahousing.com

Procedures for Assigning Accessible Units

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

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

7. Opening and Closing the Waiting List

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

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

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

The waiting will be maintained electronically and will be available on a computer report. A printed copy of the waiting list will be generated on a monthly basis and maintained for a minimum of three years.

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

The waiting list may be closed for a specific unit size if the projected turnover rate

indicates that an applicant would be unable to obtain a unit within one year. Management will advertise the waiting list closing in the Franklin County Citizen/Newsleader, and post a notice on the property's bulletin board and at the Lavonia Housing Authority's Central Office.

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

8. When Applicant Information Changes

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

9. Updating the Waiting List

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

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

If a household's letter is returned by the US Post Office as "undeliverable," the manager will remove the household from the waiting list – so noting on the applicant's waiting list computer record. The returned letter will be retained in the applicant's file; or

If there is no response from the household in the allotted time, the applicant will be removed from the waiting list.

The applicant(s) will be notified in the update letter that if the update application is not returned in a timely manner, in order to be reinstated to the waiting list, the applicant will have to fill out and submit a new application.

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

10. Leasing Process

Offer of Available Units

When a unit becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for that apartment type. The applicant will be mailed a letter stating that the applicant has ten working days to contact Management to complete the full application process. If the applicant fails to respond within the required timeframe, the application will be cancelled and the apartment will be offered to the next applicant on the waiting list.

Upon offer of an apartment, the applicant shall have an opportunity to inspect the apartment along with management and to sign a rejection or acceptance of offer form.

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

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

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

Prior to Move-In/Tenant Interview

Prior to taking occupancy, Management will meet with all residents of the apartment and explain at a minimum the following topics:

1. Security Deposits and refunds
2. Use of the EIV System after move-in
3. Annual Recertification process
4. Interim Recertification process
5. Unit inspections
6. Transfer Policy
7. Section 8 student eligibility

8. Violence Against Women Act
9. Reporting requirement for income increases of \$200 or more per month
10. Reporting changes in household composition
11. Unit rent and other charges (Schedule of Charges to Residents)
12. HUD Model Lease and Attachments
13. House Rules
14. Pet Policy
15. Smoke Free Policy
16. Pest Control/Bed Bug Policy
17. Over the Air Reception Device (OTARD) Policy
18. Other applicable policies and topics

Leasing of Dwelling Unit

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

11. Charges for facilities and services

Application and screening fees – There is no fee for application or screening for any subsidized unit.

Damages – Residents will be charged for damage to property caused by carelessness, misuse, or neglect on the part of the tenant, household member, or visitor. The tenant is obligated to reimburse management for damages within 30 days after the tenant received a bill from management. All charges will be in accordance with the Board approved “Schedule of Charges to Residents” posted in the lobby bulletin board at the main office, 13032 Jones St. Lavonia.

Late payment of rent – Rent is due on the first day of each month with a grace period of five (5) calendar days. A late fee will not be charged until the sixth day of the month. If the rent is paid on the sixth day there will be a \$5 fee due. Late fees will accrue at the rate of \$1 for each day thereafter not to exceed 30 days.

Lock-outs & lost keys – All charges will be according to the Board approved “Schedule of Charges to Residents” posted in the lobby of the main office building.

Returned checks – The landlord will collect a fee of \$30.00 on the second or any additional time a check is not honored for payment (bounces). The landlord

may not accept personal checks if repeated checks are not honored for payment. No third party checks will be accepted.

12. Security Deposit Requirements

Prior to move-in all new residents with leases effective after the RAD conversion will be charged a one-time security deposit equal to the Total Tenant Payment or \$50.00 whichever is greater. Upon request, Management may offer the applicant a Payment Agreement for the Security Deposit. The initial payment must be the full amount of the established security deposit up to \$200 and any payments, if authorized, are to be paid in not more than three payments beginning the first day of the following month after lease execution.

The deposit will be refunded within 30 days after the resident has moved out, assuming there is no damage greater than normal wear and tear to the vacated unit. Charges for damages and unpaid rent may be deducted from the security deposit. Management will provide the tenant with a detailed listing of items deducted from the security deposit within 30 days of vacating the unit.

13. Unit Inspections

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

All units are inspected a minimum of once per year for housekeeping, damage and general repair. Residents will be given reasonable advance notice of an inspection. In addition, residents must submit to any inspection by government and/or program officials, contracted inspectors or Authority staff.

14. Annual Recertification Requirements

- A.** To ensure that assisted tenants pay rent commensurate with their ability to pay, HUD requires the following:
 - 1. Management must conduct a recertification of family income and composition at least annually by the annual recertification anniversary date. LHA's recertification effective anniversary date is November 1st.
 - 2. Tenants must supply the information requested by executing the Recertification Application and must provide all requested supporting documentation.
 - 3. Tenants must sign consent forms and asset declaration forms each year.

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

15. Interim Recertification Reporting Policy

- A.** Residents must notify Management immediately of the occurrence of the following:
1. A family member moves out of the unit;
 2. The family proposes to move a new member into the unit;
 3. An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment;

4. The family's household income cumulatively increases by \$200 or more per month.
- B.** Residents may request an interim recertification due to any changes occurring since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant. Changes a tenant may report include:
1. Decreases in earned income or benefits;
 2. Increases in allowances such as medical expenses or child care;
 3. Other changes affecting the TTP, such as a family member who attains the age of 62, or a family member becoming disabled.
- C.** When reporting changes in income and/or family composition, the resident must execute a Declaration Form and list current information for all household members. The resident must provide all requested documentation to substantiate the change.
- D.** When proposing to add a new household member, Management will apply screening criteria to all adults (including live-in aides) for drug related criminal activity, other criminal activity, State sex offender registration, and EIV Existing Tenant Search before approving the move-in.
- E.** The proposed household member must disclose and provide verification of their SSN (including live-in aides). New household members (except live-in aides) must provide information regarding all sources of income, execute the Ethnic Racial Data Form, Declaration of Citizenship and provide proof of age. The head of household may execute these documents for minor children. Adults must sign the HUD 9887/9887A Consent Form.
- F.** If the tenant complies with the interim reporting requirements, rent changes must be implemented as follows:
- Rent Increases – If the tenant's rent increases because of an interim adjustment, Management must give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day notice period.
 - Rent Decreases – If the tenant's rent decreases, the change in rent is effective on the first day of the month after the date of action that caused the interim certification.
- G.** If the tenant does not comply with the interim reporting requirements, and Management discovers the tenant failed to report change as required, the effective date of the change is as follows:

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

16. ***Violence Against Women Act***

The Violence Against Women Reauthorization Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibits CHRC from denying an applicant or terminating a tenant in any federally funded housing program on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant or tenant otherwise qualifies for admission or continued occupancy, regardless of sex, gender identity or sexual orientation.

Definitions (as defined in VAWA)

The term “**Domestic Violence**” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with who the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim.

The term “**Dating Violence**” means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors;
 - The length of the relationship;
 - The type of the relationship; and
 - The frequency of interaction between the persons involved in the relationship.

The term “**Sexual Assault**” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

The term “**Stalking**” means engaging in a course of conduct directed

at a specific person that would cause a reasonable person to:

- Fear for the person's individual safety or the safety of others;
or
- Suffer substantial emotional distress.

The term "**Immediate Family**" member means:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage.

Permissible Documentation and Submission Requirements

In response to a written request to the applicant or participant from CHRC, the applicant or tenant may submit, as documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, any one of the following forms of documentation where it is at the discretion of the tenant or applicant which one of the following forms of documentation to submit:

- The certification form described in § 5.2005(a)(1)(ii); or
- A document:
 1. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse;
 2. Signed by the applicant or tenant; and
 3. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under § 5.2003; or
 - i. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
 - ii. At the discretion of Management, a statement or other evidence provided by the applicant or tenant.

The applicant must submit the required documentation with her or his request for an informal review or must request an extension in writing at

that time. If the applicant so requests, and at Management's discretion, Management will grant an extension of 10 business days, and will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant Management determines the family is eligible for assistance, no informal review will be scheduled and Management will proceed with admission of or continued occupancy of the family.

Confidentiality Requirements

All information provided to CHRC regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

Notification of Rights Under VAWA

HUD Form 5380, Notice of Occupancy Rights Under the Violence Against Women Act and HUD Form 5382, VAWA Certification Form will be provided to applicants/residents at the time of admission, applicant rejection, and termination of tenancy.

VAWA Emergency Transfer Policy

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

To request an emergency transfer, the tenant shall notify the management office and submit a written request for a transfer to the Property Manager. Management will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Management cannot guarantee that a transfer request will be approved, or how long it will take to process a transfer request. However, Management will act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has transferred. Management may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If Management has no safe and available units for which a tenant who needs an emergency is eligible, Management will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, Management will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Applicants/residents may contact the Property Manager for a list of local organizations and shelters in this area.

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ACKNOWLEDGEMENT OF RECEIPT OF “TENANT SELECTION PLAN”.

THIS IS TO CERTIFY THAT I HAVE RECEIVED A COPY OF THE LAVONIA HOUSING AUTHORITY TENANT SELECTION PLAN AND HOUSE RULES. EACH NEW RESIDENT WILL SIGN AND RECEIVE A COPY AT MOVE-IN.

HEAD OF HOUSEHOLD

DATE

LAVONIA HOUSING AUTHORITY REPRESENTATIVE