



**Clarendon Street Apartments
(Villa Garcia)
TENANT SELECTION PLAN**



**TDD # (415) 345-4470 or
California Relay Service
(711)**

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I. **POLICY ON NON-DISCRIMINATION**

Management Agent's Policy. With respect to the treatment of applicants, the John Stewart Company, ("the Management Agent") will not discriminate against any individual or family because of race, color, creed, national or ethnic origin or ancestry, religion, sex, sexual preference, gender identity, age, disability, military status, source of income, marital status or familial status, acquired immune deficiency syndrome (AIDS) or AIDS-related conditions (ARC), or any other arbitrary basis. No criteria will be applied or information considered pertaining to attributes of behavior that may be imputed by some to a particular group or category. All criteria shall be applied equitably and all information considered on an applicant shall be related solely to the attributes and behavior of individual members of the household as they may affect residency.

II. **PROGRAM DESCRIPTION AND POPULATION SERVED**

- A. Property Name, Program Description and Population Served. Clarendon Street Apartments ("the Property") is a U.S. Department of Housing and Urban Development ("HUD") Section 8 Housing Assistance (HAP) property with Section 8 assistance operated under the National Housing Act of 1934, serving a family population.
- B. Program Guidelines and Income Limits. In 42 (forty-two) of the units, the Property is subject to HUD guidelines as published in HUD Handbook 4350.3 REV-1, CH-3 and income limits which are published annually by HUD and available to the public from the property office. An applicant household's combined gross annual income cannot exceed 50% of the published Area Median Income (AMI), as determined and published annually by HUD, thereby qualifying it by definition as a "very-low income" household. The "economic mix" is described in the subsection on "Income Targeting Requirements" under Section V., below.
- C. The Property is subject to the Low Income Housing Tax Credit Program. Income limits are established by the California Tax Credit Allocation Committee and the City of San Jose. This is done to ensure that rental housing assistance is provided only to low-income families. Existing tax credit tenants that qualify will be given priority when filling a vacant Section 8 unit. Priority will be based on original move-in date and income. If no existing tax credit tenants qualify for Section 8 assistance, the waitlist will be used to qualify the next wait list applicant for Section 8 assistance.

III. **POLICY ON PRIVACY**

- A. Federal Privacy Act. It is the policy of the Management Agent to guard the privacy of applicants as conferred by the Federal Privacy Act of 1974, and to ensure the protection of such applicants' records maintained by the Management Agent.
- B. Non-Disclosure, Consent and Information Collection. Therefore, neither the Management Agent nor its agents or employees, shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure. This Privacy policy in no way limits our ability to collect such information as it may be needed to determine eligibility, compute rent or determine an applicant's suitability for tenancy.

IV. **WAITING LIST PROCEDURES FOR PROCESSING**

- A. Marketing Plan. A waiting list will be established for the Property. The opening of the waiting list will be announced in a manner in accordance with the Affirmative Fair Housing Marketing Plan (AFHMP) approved by HUD, and will include multilingual print advertising and fliers (marketing materials) targeted to agencies and groups in order to reach those least likely to apply.
- B. Marketing Materials. The marketing materials will include the deadline to apply, indicating the closing date for the waiting list. The waiting list will be updated on an annual basis.



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- C. Application. Each application will be date and time stamped when received and then processed. Applications will be ranked for consideration (and units will be offered) according to the following descending order of priorities:
 - 1. Date of completion of verification/certification process.
 - 2. Date of availability for move-in.
- D. Applicants and the Waiting List. All applicants will be placed on the Waiting List.
- E. Closed Waiting List. However, if the existing Waiting List contains so many names that the average wait for a unit is a year or more, the Property may decline to accept applications. In this case, the Waiting List is "closed."
- F. Types of Waiting Lists Maintained. For each size/type of unit there will be a Waiting List for each of the following, as applicable:
 - 1. In-House: Section 8 Requested - Current residents of the Property not currently receiving Section 8 subsidy.
 - 2. In-House: Transfer Required - Current residents of the Property occupying inappropriate unit size/type.
 - 3. Outside: Section 8 - Applicants wishing to move into the Property and receive Section 8 subsidy at time of move-in.
 - 4. Outside Tax Credit - Applicants wishing to move into the Property into a Tax Credit only unit by bedroom size.

V. WAITING LIST PRIORITY FOR PROCESSING AND SELECTION PROCEDURES

- A. Preferences. (Reference HUD Handbook # 4350.3 REV-1, CHG-4, (Revised) 11/13)
- B. Priority of Processing. When a unit becomes available, selection will be made based upon the following priority of processing in the following order of preference:
 - 1. Statutory or Regulatory Preferences. As applicable to the property
 - 2. Internal Transfer, "Emergency". As defined below;
 - 3. Internal Transfer, "Medical Necessity". As defined below;
 - 4. Internal Transfer, "Overcrowding" or "Under-housed". As applicable to the available unit and as defined below;
 - 5. In-House Transfer List. As defined below.
- C. Income Targeting Requirements. (Per 24 CFR 5.653, 24 CFR 5.601, 24 CFR 5.603) To meet Income Targeting Requirements the Property will rent 40% of all vacancies to households whose annual income is at or below 30% of the Area Median Income, as determined and published annually by HUD, thereby qualifying it by definition as an "extremely-low income" household. In order to ensure that income targeting requirements are fulfilled every other vacancy rented will be to a household with income at or below 30% of Area Median Income. One waiting list will be maintained for the Property but households earning above 30% of AMI will be "skipped" over in order to rent every other unit to an income "target able" household. An Annual Income Targeting Log will be maintained to track compliance.
- D. Reasons for Transfers. Transfers (From one unit to another type of unit within the property) may take precedence over new move-ins and may be required by management for the following reasons:
 - 1. Emergency. For emergency temporary relocation. (If a unit becomes uninhabitable due to a catastrophe the resident family will be given any open unit for temporary living quarters until



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their own unit is repaired. An "open unit" is a unit for which the keys are in the possession of the management company.);

2. Medical Necessity. For verifiable medical necessity or to accommodate a person with a disability (i.e., wheelchair accessible unit or additional space for medical equipment). See also Section II.A.5, below;
3. Overcrowding. To alleviate overcrowding;
4. Under-housed. To avoid occupancy by too few people.
5. Deeper Subsidy. As applicable - current residents of the Property not currently receiving Section 8 subsidy.

E. In-House Transfer Procedure. Residents will be allowed or required to transfer and have priority to transfer to a vacant unit when it becomes available for the following reasons: Family size; changes in family composition; a deeper subsidy (Tax Credit to Section 8); Reasonable Accommodation certified by a medical professional; need for an accessible unit.

1. Resident Request. Resident places a telephone call to the site office or makes a personal visit to request a transfer to another unit;
2. Completed Form. The resident is given a copy of the attached "Request for Transfer" form to be completed and returned to the Management Agent at the site office;
3. In-House Transfer List. Once the resident completes the "Request for Transfer" and submits the form to the Management Agent, the resident's name is then placed on the In-House Transfer List along with the date and time the form was received.
4. Offer of a Unit When it Becomes Available. When a unit becomes available according to the bedroom size(s) requested, the next name on the In-House Transfer List by date and time of request will be offered the unit. Families will be housed in accordance with the "Housing Criteria" stated below.
5. Obligations for Moving Costs. Depending on 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 the owner must pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

VI. UNIT SIZE AND OCCUPANCY STANDARDS (Reference HUD Handbook # 4350.3 REV-1, CHG-4, (Revised) 11/13, 24 CFR 5.601, 24 CFR 5.603)

A. Housing Criteria. An appropriately sized unit must be available within the Property. Families will be housed in accordance with the following criteria:

UNIT SIZE	MINIMUM	MAXIMUM
0-Bedroom	1	2
1-Bedroom	1	3
2-Bedroom	2	5
3-Bedroom	3	7
4-Bedroom	4	9

B. "Two Person Rule". No more than two persons would be required to occupy a bedroom.

C. Accommodations for Children. Accommodations for children of opposite sex will be made if requested.

VII. DETERMINING THE ELIGIBILITY OF STUDENTS FOR ASSISTANCE (Reference HUD Handbook # 4350.3 REV-1, CHG-4, (Revised) 11/13, Chapter 3, Section 3-13)

A. Eligibility of Students for Section 8 Assistance. (Per HUD Handbook, 3-13.A)



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1. Determining Eligibility. The Property will determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8), 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.
2. Ineligible Students. Section 8 assistance shall not be provided to any individual who:
 - (a) 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;
 - (b) Is under the age of 24;
 - (c) Is not married;
 - (d) Is not a veteran of the United States Military;
 - (e) Does not have a dependent child;
 - (f) 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;
 - (g) Is not living with his or her parents who are receiving Section 8 assistance; and
 - (h) Is not otherwise individually eligible **and** has parents who individually or jointly are not eligible on the basis of income to receive assistance under Section 8 of the Housing Act of 1937.
3. Independence. 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. The student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. The student must:
 - (a) Be of legal contract age under state law;
 - (b) Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or, meet the U.S. Department of Education's definition of an independent student;
 - (c) Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - (d) Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided. The financial assistance provided by persons not living in the unit is part of annual income that must be verified to determine eligibility and at annual recertification to determine rent.
4. Financial Assistance. 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 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.
5. Termination of Assistance. If an ineligible student is a member of 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 of HUD Handbook 4350.3.
NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

B. Eligibility of Students for Other Assistance Programs. (Per HUD Handbook, 3-13.B)



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VIII. FAIR HOUSING

- A. Compliance with Fair Housing Law.** The Property will comply with all Federal, State, or local fair housing and civil rights laws and with all equal opportunity requirements set forth in HUD's administrative procedures. The Federal citations and their title (or topic) are listed below:
1. 24 CFR, part 1 Title VI of the Civil Rights Act of 1964;
 2. 24 CFR, part 8 Section 504 of the Rehabilitation Act of 1973;
 3. 24 CFR, part 100 et seq Fair Housing Act;
 4. 24 CFR, part 146 Age Discrimination Act of 1975;
 5. 24 CFR 200.600 Affirmative Fair Marketing Regulations;
 6. 24 CFR 880.612a, 881.601, 883.701, 884.223a, 886.329a (Allows preference for occupancy by elderly families in certain Section 8 developments);
 7. 42 U.S.C. 13641 Title VI, Subtitle D of Housing and Community Development Act of 1992 (Sets forth criteria under which certain HUD-subsidized multifamily properties can choose to serve elderly only, or set-aside a portion of the property for elderly only);
 8. Uniform Federal Accessibility Standards (UFAS), effective July 11, 1988; individual copies are available from the Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW, Suite 1000, Washington, D.C. 20004-1111, Telephone: 202-272-0080, TTY: 202-272-0082, email address: info@access-board.gov. Orders of 25 or more copies will be referred to the publisher.
- B. Compliance with the Marketing Plan.** The Property will comply with the Affirmative Fair Housing Marketing Plan (AFHMP).
- C. Compliance with the Federal Privacy Act.** It is the policy of the Property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by the Property.
- D. Section 504 and Reasonable Accommodations.** The Property will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504 of The Rehabilitation Act of 1973, the Property will make reasonable accommodation for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services. The Section 504 coordinator in this region is Mari Tustin (831) 438-5725.
- E. Consideration of Extenuating Circumstances.** The Property may consider extenuating circumstances in evaluating information obtained during the screening process to assist in determining the acceptability of an applicant for tenancy. If the applicant is a person with disabilities, the Property will consider extenuating circumstances where this would be required as a matter of reasonable accommodation.

IX. ELIGIBILITY FOR ASSISTANCE AND OCCUPANCY

- A. Eligibility and Statutory Requirements.** In accordance with HUD requirements and per 24 CFR 5.601 and 24 CFR 5.603:
1. Verifying Income. All income will be verified in writing from the income source on appropriate project income verification forms.
 2. Verifying Assets. All assets, including bank accounts, will be verified.
 3. Income Eligibility. The applicant must have an eligibility income equal to or less than the HUD-established income limit.
- B. Live-In Aides and Screening Criteria.** All applicants, any household members added at a later time and live-in-aides will be subject to the same screening criteria (excluding, for live-in-aides, those



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criteria described under “D. Consideration of Income and Expenses,” below). In accordance with HUD regulations & owner requirements:

- C. Credit and Criminal Screening. Credit and criminal reports will be obtained for each applicant 18 years of age and over. Applicants will be denied based on failure to meet the credit and criminal criteria as outlined in Sections VI and VIII below and in the Grounds for Denial.
- D. Consideration of Income and Expenses. Net income and gross expenses will be used to determine an individual's actual ability to pay his/her monthly rent while meeting his/her other monthly obligations. **Persons receiving Section 8 will not be subject to this test.**
1. The net income is determined by three months of current check stubs which are to be calculated for a twelve-month period.
 2. All items on expenses will be determined after discussion with the applicant on a line by line basis using actual, not arbitrary, figures.
- E. Contacting Applicant Landlords. Both the current and previous landlords will be contacted for a reference concerning payment records as well as the history of complying with lease requirements and housekeeping habits.
- F. Visits to Current Residence. Visits to the applicant's current residence may be made to assess housekeeping habits.
- G. Citizenship Requirements. **AS APPLICABLE - SEE IX.G.1, BELOW.** (Per 24 CFR part 5, subpart E – Restrictions on Assistance to Noncitizens; Reference HUD Handbook # 4350.3 REV-1, CHG-4, (Revised) 11/13, Chapter 3, Section 3-12)
1. HUD requires verification of citizenship and/or legal U.S. status as a non-citizen. HUD restricts assistance to non-citizens with ineligible immigration status and requires applicants to complete citizenship declaration forms and submit evidence of citizenship or eligible immigration status at the time of initial interview. The restriction on assistance to non-citizens applies to **all** properties subject to the requirements of HUD Handbook # 4350.3 REV-1, CHG-4, (Revised) 11/13, **except** the following type of properties: Section 221(d)(3) BMIR, Section 202 PAC, Section 202 PRAC, Section 811 PRAC and Section 202 projects with units not receiving assistance under the Rent Supplement or Section 8 programs. Citizenship information will be verified, as appropriate and required, through the SAVE web-based program, the Department of Homeland Security (DHS) automated system.
 2. Applicants will have thirty (30) days to provide verification of legal status. If applicant fails to submit evidence of citizenship and eligible immigration status within thirty (30) days and/or the family does not pursue and provide evidence of a DHS appeal or informal hearing rights, applicant will be removed from the waiting list and, if applicable, denied assistance. Within this thirty (30) day period, the owner may grant applicant an extension of not more than thirty (30) additional days at the owner's discretion, but only if applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. Although the extension period may not exceed thirty (30) days, the owner may establish a shorter extension period based on the circumstances of the individual case. The owner must inform applicant in writing if an extension request is granted or denied. If the request is granted, the owner must include the new deadline for submitting the documentation. If the request is denied, the owner must state the reasons for the denial in the written response.
 3. If an applicant has submitted its immigration documentation in a timely manner but the DHS verification or appeals processed has not been completed and the applicant has provided evidence of any appeal to the owner, the owner will not delay, deny, reduce or terminate assistance on the basis of immigration status until any appeal to the DHS is resolved. If the applicant's household pursues a DHS appeal and informal hearing, but the final decision is against the applicant's household member, the owner is required by HUD to deny assistance, except in the type of properties described in the first paragraph of this Section IX.B.5, above.



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4. If applicant's household consists of certain members who are unable to comply with citizen verification requirements in the time-frame required above, applicant will be considered for occupancy but subsidy shall be prorated in accordance with HUD regulations until the immigration status of the remaining household member(s) has been verified.
5. If applicant's household consists of certain members who are citizens and others that are not citizens, applicant will be considered for occupancy but subsidy shall be prorated in accordance with HUD regulations and will not include household members who are non-citizens with ineligible or un-verifiable immigration status.

H. Social Security Number Requirements. (Per 24 CFR Parts 5, 92 and 908; Per FR-5351-F-02; Reference HUD Handbook # 4350.3 REV-1, CHG-4, (Revised) 11/13, Chapter 3, Sections 3-5 and 3-9 as applicable and not superseded by 24 CFR Parts 5, 92 and 908.)

1. Applicants and Tenants must Disclose SSN. Applicants and tenants ("participants") must disclose Social Security Numbers (SSNs) in order for the owner to make an eligibility determination. **Exceptions** to these requirements and responsibilities are detailed below.
2. Exceptions to Social Security Number Disclosure Requirements - Disclosure and verification of a SSN is required for all applicants and tenants, **except:**
 - (a) All tenants/participants, regardless of age, who have previously disclosed a **valid** SSN and have not been issued a new SSN; **or**
 - (b) Those individuals who do not contend eligible immigration status; **or**
 - (c) Tenants who are age 62 or older as of January 31, 2010 and whose initial eligibility began prior to January 31, 2010 ("qualifying seniors"). Qualifying seniors are exempt from the SSN disclosure mandate for all future examinations, even if the senior moves to a new HUD-assisted property.
3. Required Documentation – The head of household/spouse/co-head of all non-exempt households **must** disclose SSNs for **all family members, including members under the age of six (6)**. All said applicants/tenants must provide adequate documentation of SSNs. "Adequate documentation" means:
 - (a) A valid SSN card issued by the Social Security Administration (SSA); **or**
 - (b) An original document issued by a federal or state government agency, which contains the name, SSN, and other identifying information of the individual; **or**
 - (c) Other evidence HUD may prescribe in administrative instructions.
4. Mixed Families - For projects where the restriction on assistance to noncitizens applies and where individuals are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In these instances, the owner will have the tenant's Citizenship Declaration on file whereby the individual did not contend eligible immigration status to support the individual not being subject to the requirements to disclose and provide verification of a SSN.
5. Signed Declaration Required for Persons without an Assigned SSN. For Section 221(d)(3) BMIR, Section 202 PAC, Section 202 PRAC and Section 811 PRAC properties, the restriction of assistance to noncitizens does not apply. Individuals living at one of these properties who do not contend eligible immigration status must sign a certification, containing the penalty of perjury clause, certifying to that effect. The certification will support the individual not being subject to the requirements to disclose or provide verification of a SSN. The certification must be retained in the tenant file.
6. Provisions for Applicants for Program Assistance.



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- (a) Each applicant must submit the required documentation described in Section IX.H.1, above, to the Property when the assistance applicant's eligibility under the program involved is being determined.
 - (b) Except as provided in IX.H.3(d), below, if the Property determines that the assistance applicant is otherwise eligible to participate in a program, the assistance applicant may retain its place on the waiting list for the program but cannot become a participant until it can provide
 - (1) The complete and accurate SSN assigned to each member of the household; **and**
 - (2) The documentation referred to in this Section, above, as required to verify the SSN of each such member.
 - (c) Offering an Available Unit to the Next Eligible Applicant. If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.
 - (d) 90-Day Disclosure Period for Applicants. 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. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.
 - (e) Applicants to SRO Program for Homeless Individuals. For applicants to the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program for Homeless Individuals under 24 CFR part 882, subpart H, the required documentation described in this Section, above, must be provided to the Property within 90 calendar days from the date of admission into the program. The Property shall grant an extension of one (1) additional 90-day period if the processing entity, in its discretion, determines that the applicant's failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the applicant. If, upon expiration of the provided time period, the individual fails to produce a SSN, the Property must deny the eligibility of an assistance applicant in accordance with the program.
7. Provisions for Tenants (Participants) in Program Assistance.
- (a) Adding a Member Who is 6 Years or Age or Older. When a participant requests to add a new household member, who is at least six (6) years of age or under the age of six (6) and has an assigned SSN, to the family, the participant must disclose the assigned SSN and provide the Property with the documentation referenced in this Section, above, at the time of such request, or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the Property may not add the new household member until the family provides such documentation.
 - (b) Adding A Member Who is Under 6 Years of Age. When a participant requests to add a new household member, **who is under the age of six** and does not have an assigned SSN, the participant must disclose the assigned SSN and provide the PHA with the documentation referenced in Section IX.H.1, above, within 90 calendar days of the child being added to the household.
 - (c) Provisions for Granting an Additional 90 Days to Provide Documentation. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the Property is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, **if (1)** the Property determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been



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foreseen and were outside the control of the family **and (2)** there is a reasonable likelihood that the participant will be able to disclose a SSN by the deadline. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc. The child is to be included as part of the assisted household and entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements.

(d) Termination of Tenancy or Assistance. Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements will result in termination of the assistance or tenancy, or both, of the participant and the participant's household.

8. Requirements for Submitting a New SSN. Applicants/Tenants are required to submit adequate documentation of a new SSNs at either:

- (a) The time of receipt of the new SSN;
- (b) At the next interim or regularly scheduled reexamination or recertification of family composition or income, or other reexamination or recertification.

9. Household Summary Report. The site must retain in the tenant file the Household Summary Report from the EIV system which will report the status of the identity verification process provides verification of the SSN.

X. **CREDIT - (See also Sections IX.B and IX.C, above.)**

Applicants may be rejected for the following reasons:

- 1. Total unmet credit problems (including governmental tax liens in excess of \$2,500).
- 2. A bankruptcy (within the last three years).
- 3. A total of five (5) unmet credit obligations of any value.

An exception for extraordinary medical and/or student loan expenses may be permitted.

XI. **RENTAL HISTORY (See also Sections IX.B and IX.C, above.)**

Applicants may be rejected for the following reasons:

- 1. A judgment against an applicant obtained by the current or previous landlord.
- 2. An unmet obligation owed to a previous landlord.
- 3. The applicant must have made timely payments of the last year's rental payments.
- 4. Negative landlord reference.

XII. **CRIMINAL BACKGROUND CHECK & PERSONAL HISTORY - (See also Sections IX.B and IX.C, above.)**

A. Records Check. A check will be made of criminal conviction records for all adult Applicants of the household. Reports will be obtained from local and/or state records and may also include local Police records. If the Applicant has resided in a state other than California and has a past felony conviction, a report will be required from that state or federal organization. Generally, public records of this sort are only available for the past seven (7) years. However, if information becomes known during the screening process regarding criminal activity that happened before the past seven year period which could impact the Applicant household's eligibility to live at the property, the Management Agent reserves the right to consider this information as well. Serious felony offenses and or continued and ongoing criminal activity will be grounds for rejection if such offenses involve physical violence to persons or property, domestic violence, sexual abuse, manufacturing or sale of narcotics, illegal weapons possession, any form of assault, breaking and entering, burglary or drug related criminal offenses. The nature, severity and recency of such felony offenses and/or ongoing criminal activity will be considered when reviewing the Applicant and only those potentially impacting the health, safety, security or right to peaceful enjoyment of the property of and by other residents, visitors, employees will be considered. Arrests alone will not be considered grounds for rejection, but the



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conduct underlying arrests may constitute such grounds if criminal activity is indicated by related arrest reports, witness statements and/or other relevant documentation.

B. Additional Reasons for Rejection. Additionally, applicants may be rejected due to:

1. Previous Eviction from Assisted Housing for Drug-Related Criminal Activity. Any household containing a member(s) that has been evicted from federally assisted housing for drug-related criminal activity, unless that person has successfully completed an approved, supervised drug rehabilitation program or the circumstances leading to the eviction no longer exist (household member has moved out).
2. Illegal Use of Drugs. A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of use of a drug may interfere with the health, safety, security or right to peaceful enjoyment of the property of and by other residents, visitors, employees.
3. State Lifetime Sex Offender Registration Requirement. Any household member who is subject to a state sex offender lifetime registration requirement. In order to implement this federal screening requirement, management will request the head of household to list all states in which all family members have resided. The applicant/tenant file will contain written proof that this screening has been completed. Registered sex offenders will not be admitted.

If the processes described above reveal an applicant's household includes an individual subject to State lifetime sex offender registration, the Property will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the Property will deny admission to the family. Prior to denying admission, the applicant will be notified of the right to dispute the accuracy and relevance of the criminal background check information.

4. Dru Sjodin National Sex Offender Database: There is a new website that owners and management agents can use to search for registered sex offenders. Go to <http://www.nsopr.gov>.
5. Megan's Law Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Department of Justice at www.meganslaw.ca.gov. Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides.
6. Reasonable Cause for Health and Safety Concern. Any household member, if there is reasonable cause to believe that a member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, security, or peaceful enjoyment of other residents, visitors, employees and/or property.

C. Consideration of Mitigating Factors. Consideration may be granted to Applicants with past nonviolent criminal records occurring ten or more years in the past with no further criminal record. Applicants will be provided the criminal background record and provided an opportunity to respond and to provide evidence of mitigating factors.

XIII. GENERAL PROGRAM REQUIREMENTS

HUD specifies that applicants be made aware of program requirements, including (but not limited to) the following:

- A. Interviews. All applicants will be interviewed by the site administrator or other representative of management. At the time of the interview, all members of the family must be in attendance. If this is not possible, a second interview to accommodate missing members will be scheduled. Documents or identification to determine family members' relationships may be requested.
- B. Agreement to Pay the Rent. The applicant must agree to pay the rent required by the formula used in the subsidy program under which the applicant will be admitted.



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- C. Companion and Service Animals Policy. No animals will be allowed except animals required for physical or emotional assistance by a person who is disabled (e.g., a Seeing Eye dog or a dog for the deaf). Such an animal is not considered a pet, but will be subject to reasonable regulations.

In accordance with federal law and HUD regulations, residents of federally-funded housing for the elderly, disabled or families shall not be prohibited from owning and keeping common household pets. All properties have a NO PET policy except those required to accept pets by HUD.

The following are allowed:

1. Companion Animals - The Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act protect the right of people with disabilities to keep emotional support animals, even when a landlord's policy explicitly prohibits pets. Because emotional support and service animals are not "pets," but rather are considered to be more like assistive aids such as wheelchairs, The Property will make an exception to its "no pet" policy so that a tenant with a disability can fully use and enjoy his or her dwelling. So long as the tenant has a letter or prescription from an appropriate professional, such as a therapist or physician, and meets the definition of a person with a disability, he or she is entitled to a reasonable accommodation that would allow an emotional support animal in the apartment.
2. Service Animals - Service Animals are animals required for physical or emotional assistance by a person who is disabled (e.g., a seeing-eye dog or a dog for the deaf) is not considered a pet, but will be subject to reasonable regulations.

It is a reasonable accommodation for housing providers to allow tenants with disabilities to live with a service animal in order to meet their disability-related needs. A service animal usually is defined as "any animal that is individually trained to do work or perform tasks for the benefit of a person with a disability." Fair housing laws consider "companion" animals to be a type of service animal.

- (a) Dogs are the most common service animals, but other species are used (for example, cats or birds). Service animals may be any breed, size or weight.
 - (b) There is no legal requirement for service animals to be visibly identified (no special collar or harness needed) or to have documentation (no license, certification or identification papers needed).
 - (c) Service animals are not considered to be pets. A person with a disability uses a service animal as an auxiliary aid -- similar to the use of a cane, crutches or wheelchair. For this reason, fair housing laws require that housing providers permit the use of a service animal by an individual with a disability despite "no pet" rules.
 - (d) Pet deposits or fees cannot be charged for service animals.
 - (e) All households with pets are subject to the Companion and Service Animals Policy.
- D. Obligation to Fulfill the Terms of the Lease. All applicants must fulfill the terms of the lease (with or without 3rd party assistance), particularly concerning:
1. Timely payment of rent and other charges;
 2. Maintaining premises in safe and sanitary condition;
 3. Not interfering with management or quiet enjoyment of the property by others.
- E. Housing Cooperatives. Applicants for membership in housing cooperatives must be interviewed by the appropriate committee of the Board of Directors for final approval after having met all other criteria.

XIV. REJECTED APPLICATIONS



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- A. General Guidelines and Criteria.** Applicants will be rejected for any of the following:
1. Failure to present all members of the family at the full family interview (or some other time acceptable to management) prior to completion of Initial Certification;
 2. Blatant disrespect, disruptive or anti-social behavior toward management, the property or other residents exhibited by an applicant or family member any time prior to move-in (or a demonstrable history of such behavior);
 3. A negative landlord or other reference, encompassing failure to comply with the lease, poor payment history, poor housekeeping habits, eviction for cause; or criminal activity outlined above;
 4. A negative credit or criminal report (see attached “Grounds For Denial” and Sections IX and XII above);
 5. Falsification of any information on the application;
 6. Eligibility income exceeding the maximum allowed for the specific program;
 7. Family composition not appropriate for available bedroom size (see Section VI above);
 8. Failure to update application for the waiting list within specified time when notified.
 9. Other good cause: including, but not limited to, failure to meet any of the selection criteria in this document.
- B. Offer of an Apartment.** If an applicant declines an available apartment when notified, he/she will be offered a second unit when available. If an applicant declines an apartment a second time, his/her application will be removed from the waiting list. After receiving the notification of unit availability, applicants have five days to respond to management regarding the available apartment. If there is no response, the offer will have been declined by the applicant. If there are verifiable mitigating medical reasons that prevent you from moving at the time of offer, you will receive another unit offer.
- C. Written Notice.** If an applicant is rejected, management will promptly notify the applicant in writing explaining in the notice:
1. The specifically stated reason(s) for the rejection; and that
 2. The applicant has a right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection;
 3. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process;
 4. Any meeting with the applicant to discuss the applicant’s rejection must be conducted by a member of the owner’s staff who was not involved in the initial decision to deny admission or assistance;
 5. Prior to making a final decision to reject an applicant, the Property will consider mitigating circumstances and evaluate reasonable accommodations and/or structural modifications which might make rejection unnecessary;
 6. Within five (5) business days of the owner response or meeting, the owner must advise the applicant in writing of the final decision on eligibility;
 7. If an applicant feels they have been discriminated against based on a disability they may contact the local 504 Coordinator, Mari Tustin (831) 438-5725.

XV. VIOLENCE AGAINST WOMEN ACT

- A. Background.** The Violence Against Women Act (VAWA) protects applicants and residents who are victims of domestic violence, dating violence, stalking or sexual assault from being denied housing, evicted or terminated from housing assistance when the Adverse Factors leading to such denial,



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eviction or termination are the direct result of the domestic violence, dating violence, stalking, or sexual assault they have suffered.

B. Notices of Occupancy Rights and Responsibilities Under VAWA:

1. Notice of Occupancy Rights. The O/A will provide the Notice of Occupancy Rights under VAWA to Section 8 tenants, which outlines their rights and obligations under VAWA, at the following points in time:
 - When an individual is denied residency.
 - When an individual is admitted to a dwelling unit.
 - With any notification of eviction (not including Notices to Pay or Quit) or termination of assistance.

C. Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (form HUD-5382).

1. Form HUD-5382. An applicant who certifies they are eligible for VAWA status by completing form HUD-5382, Certification of Domestic Violence, may be admitted if they can demonstrate that the Adverse Factors that might otherwise prevent their admission are a direct result of the circumstances that led to their VAWA status. Adverse Factors include poor rental history, poor credit history, negative criminal background and nonpayment of rent. It is the applicant's responsibility to adequately document that their Adverse Factors are the direct result of their VAWA circumstances. Typical documentation includes, but is not limited to, police records, medical records, and communications with creditors or landlords. The documentation must be relevant to the time frame(s) in question.

2. Alternate Documentation. Alternately, in lieu of the certification form or in addition to it, JSCo will accept:
 - a. A federal, state, tribal, territorial, or local police record or court record, or
 - b. Documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking or, the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional's belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence, sexual assault, or stalking has signed or attested to the documentation.

D. Confidentiality of Information. The identity of the applicant and all information provided to owners relating to the incident(s) of domestic violence, dating violence, sexual assault, or stalking must be retained in confidence in a separate file secured in a secured location by the O/A and must not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is:

1. Requested or consented to by the individual in writing
2. Required for use in an eviction proceeding; or
3. Otherwise required by applicable law.

E. All Adults Must Sign the Addendum. All family members, 18 and over, must sign the VAWA lease addendum.

The HUD-approved certification form provides notice to the applicant of the confidentiality of the form and the limits thereof.

XV. HUD ENTERPRISE INCOME VERIFICATION SYSTEM ("EIV")

- A. Background.** HUD makes monthly Social Security (SS) and Supplemental Security Income (SSI) benefits data from the Social Security Administration (SSA) and monthly employer new hires (W-4), quarterly wage for federal and non-federal employees, and quarterly unemployment data available in the Enterprise Income Verification (EIV) System.



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- B. Mandatory Use.** HUD requires all Owner/Agents before or during a household interim or annual recertification of income to verify tenant income via EIV. O/A's are required to review new admissions via EIV within 90 days after the move-in information is transmitted to TRACS to confirm/validate the income reported by the household.
- C. Compliance.** Information obtained through EIV will be accessed and maintained in accordance with regulatory guidelines, federal law and the "EIV Policies and Procedures" for the Property. See also, Section III, "Policy on Privacy," above.
- D. EIV and You Brochure.** HUD has published a pamphlet titled "EIV & You" which describes the EIV System. This document can be accessed at <http://www.hud.gov/offices/hsg/mfh/rhiip/eivbrochure.pdf>.
1. Annual Recertification. The Property will provide each tenant household with HUD's "EIV & You" brochure at the time of annual recertification along with a copy of the HUD Fact Sheet "How Your Rent is Determined".
 2. Applicant Processing. The Property will provide applicant households who have been selected from the waiting list for screening and final application processing with a copy of the EIV & You brochure.
- E. Using the "Existing Tenant Search".**
1. Use as a Tenant Screening Criteria. The Property will use the Existing Tenant Search in EIV as part of their screening criteria for new tenants. The Property does not need a form HUD-9887, Notice and Consent for the Release of Information, signed by the applicant or applicant family members on file in order to use the Existing Tenant Search in EIV.
 2. Use during Application Processing. The Property will use this report at the time they are processing an application to determine if the applicant or any applicant household members are currently residing at another Multifamily Housing or Public and Indian Housing (PIH) location. EIV gives the Property the option to query both the TRACS and Public and Indian Housing's (PIH's) Information Center (PIC) databases.
 3. Discussing the Results with the Applicant. If the applicant or a member of the applicant's household is residing at another location, the Property will discuss this with the applicant, giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location. This may be a case where the applicant wants to move from his/her existing location or where two assisted families share custody of a minor child.
 4. Following-Up with PHAs or O/As. Depending on the outcome of the discussion with the applicant, the Property may need to follow-up with the respective PHA or O/A to confirm the individual's program participation status before admission. The report gives the Property the ability to coordinate move-out and move-in dates with the PHA or the Property of the property at the other location.
- F. Zero Income Households.** The Property will be using the EIV System at least once every three (3) months to verify the income of any member or members of a household in which one (1) or more members has claimed zero (\$ 0.00) or "nominal income" (defined as less than \$100.00 per month).
- G. New Hires Report and Monthly Reporting.** The Property will be using the "New Hires Report" at least once every month. This and any additional reports will be accessed monthly in accordance with and as described by the "EIV Policies and Procedures" for the Property and as per XVI.C, above.
- H. Notice and Consent.** Before accessing the employment or income data contained in the EIV system for a tenant, a current form HUD-9887, Notice and Consent for the Release of Information, will be signed and dated by the tenant(s) and placed on file. This form will be signed and dated by the head of household, spouse, co-head, regardless of age, and by **each family member** who is at least 18 years of age, prior to each annual recertification.
- I. Procedure for Household Members Who Turn 18 between Annual Certifications.**



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1. Signature of HUD-9887. Form HUD-9887 must be signed and dated by a family member when he/she turns 18 years of age.
 2. No Use of EIV Income Reports until Form is Signed. If a family member turns 18 years of age and has not signed the form HUD-9887, the O/A must not use the EIV Income Reports for that tenant until the form is signed.
 3. Notification Requirements. O/A will send notification to the head of household on the 1st business day of the month prior to the birth date of the family member who will be turning 18 years of age.
 4. Required Timeframe for Compliance. The family member who turns 18 years of age between annual recertification is required to report within 30 days following their 18th birthday to sign the form HUD-9887.
- J. Termination of Assistance and/or Tenancy.** If the tenant fails to sign the consent form(s), the household is in non-compliance with their lease and assistance to, and the tenancy of, the household may be terminated (24 CFR 5.232).