

# Victory Tower Resident Selection Plan



# Victory Tower Resident Selection Plan

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# Victory Tower Resident Selection Plan

## **PROPERTY INFORMATION**

Property Name	Victory Tower
Address	7501 Carroll Ave.
City, State, Zip	Takoma Park, MD 20912
Phone	301-270-1858
Email	victorytower@qpmgmt.com
TTY/TDD/Audio Relay	711 National Voice Relay

## **THE PURPOSE OF THE RESIDENT SELECTION PLAN**

The resident selection plan helps to ensure that residents are selected for occupancy in accordance with HUD requirements and established management policies.

Please contact the management office if you need help understanding this document.

- Contacte por favor la oficina de gestión si usted necesita ayuda a comprender este documento. (Spanish)
- Por favor contate o escritório de gerência se deve ajudar entendimento este documento. (Portugese)
- Si vous avez besoin d'aide à la compréhension de ce document, veuillez communiquer avec le Bureau de gestion. (French)
- Souple kontakte Biwo jesyon a si w bezwen èd pou konprann dokiman sa a. (Haitian Creole)
- Xin liên lạc với văn phòng điều hành nếu bạn cần giúp đỡ sự hiểu biết tài liệu này. (Vietnamese)
- Пожалуйста свяжитесь с офисом управления, если Вам нужна помощь в понимании этого документа. (Russian)
- Bitte kontaktieren Sie das Leitungsbüro, wenn Sie helfen müssen, dieses Dokument zu verstehen. (German)
- 請聯絡管理辦公室，如果你需要幫助理解這份文件。(Chinese)
- もしこの文書を理解しているための助けを必要としていれば、経営オフィスと連絡を取ってください。(Japanese)

## **BUSINESS RELATIONSHIP**

The relationship between a landlord (owner/agent) and a resident or applicant is a business relationship. A courteous and businesslike attitude is required from both parties. The owner/agent reserves the right to conduct business with anyone who is verbally abusive, swears, is disrespectful, makes threats, uses discriminatory language, appears to be intoxicated or under the influence of alcohol or drugs, is argumentative, or in general displays an attitude, at any time, which causes the owner/agent or the property staff to believe we would not have a positive business relationship.

If an applicant or any member of the applicant's family demonstrates unprofessional behavior in the presence of the management team or other residents/applicants, the applicant, the applicant's family and other members of the applicant's entourage (if applicable) will be required to leave the property and the application will be rejected.

If the applicant or any member of the applicant's family exhibits threatening behavior, appears to be intoxicated or under the influence of alcohol or illegal drugs or attempts to intimidate the staff, the applicant, the applicant's family and other members of the applicant's entourage (if applicable) will be required to leave the property and the application will be rejected.



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If the applicant or any member of the applicant's family is not appropriately attired, when visiting the management office, the applicant will be asked to leave. Appropriate attire includes shoes, shirts and pants, shorts or skirts. Unacceptable attire includes, but is not limited to:

- Pajamas
- Bathing suits
- Clothing that allows display of foundation garments (underwear)
- Clothing with inappropriate language or pictures

The use of cell phones or other devices is not allowed when engaging with the property staff. If an applicant/resident is participating in a cell phone call, texting, reading a text or otherwise using any electronic device (not necessary to alleviate the symptoms of a disability), the property staff will discontinue any communication until the applicant is able to "disengage".

To ensure the privacy of property staff, property residents and applicants, use of cell phones or other electronic devices, except those necessary to alleviate the symptoms of a disability, by residents or applicants, is not allowed in the management office.

Animals, (other than assistance animals necessary to allow the applicant/resident to conduct business with the owner/agent) are not allowed in the management office.

Children are always welcome. When in the management office, minors must be supervised. Property staff is not responsible for child care or supervision.

Aside from standard property charges, property staff is not permitted to accept any money, gifts, services or favors connected with the application process or associated with any aspect of residency on this property. If property staff solicits any mandatory payment for any part of the application process, the applicant should notify the property staff or the owner/agent. Quantum Real Estate Management, LLC, 301-941-8040.

### **SMOKE FREE HOUSING**

Smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors except for those property-designated areas. This policy applies to all owners, property staff, applicants, residents, guests, and service persons.

"Smoking" shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, cigar, pipe, hookah, other tobacco products, marijuana including medical marijuana, herbal smoking products "Legal Weed" or products known as "bath salts" or other legal or illegal substance.

### **USE OF MARIJUANA – FEDERALLY FUNDED PROPERTY**

Regardless of the purpose of legalization under state law, the use of marijuana in any form, is illegal under the Controlled Substances Act (CSA) and therefore is an illegal controlled substance under Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Based on federal law, new admissions of medical marijuana users are prohibited.



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QHWRA requires that owner/agents establish lease standards that prohibit admission based on the illegal use of controlled substances including state legalized marijuana. State laws that legalize medical marijuana directly conflict with QHWRA and thus are subject to federal preemption.

Residents are prohibited from using marijuana (even in a smokeless manner) in their units or on or near the property.

HUD's Office of Multifamily Housing has issued a memorandum titled *Use of Marijuana in Multifamily Assisted Properties*. The memorandum details how owners must enforce the requirements found in the Controlled Substance Act and the Quality Housing and Work Responsibility Act of 1998.

If HUD rules change, the property Resident Selection Plan and the property House Rules may be edited to conform to the policies set forth by HUD.

### **SECURITY DEPOSIT REQUIREMENTS**

The owner/agent must collect a security deposit at the time of the initial lease execution. The owner/agent will comply with any HUD rules and applicable state and local laws governing the security deposit. The security deposit amount is based on the Total Tenant Payment (TTP) calculated at move in.

If the move-in certification is corrected, and the TTP is recalculated, the security deposit requirement will be recalculated as well. Otherwise, the amount of the security deposit established at move-in does not change when a resident's rent changes.

The resident is expected to pay the security deposit from his/her own resources and/or other public or private sources. An applicant will be rejected if he/she does not have sufficient funds to pay the deposit.

### **PETS**

Residents are allowed to keep pets in the unit.

Certain restrictions apply and are outlined in the property Pet Rules. Pets and assistance animals must be approved **before** they are allowed to live in the unit. A copy of the Pet Rules is available upon request.

When applicable, residents must agree to pay any required pet deposit and must agree to abide by the property's Pet Rules and/or Assistance Animal Rules.

Dogs, cats, birds, turtles, and fish in small aquariums (max 20 gallons) are welcome. A maximum of two dogs, cats or birds in any combination are permitted in each apartment with a maximum weight of 25lbs. full grown. Management must see all pets prior to their move in and has the right to deny any pet that may violate the community rules and regulations or be a danger to the Community.

Dog and Cat owners are required to present a copy of a current license and proof of current rabies inoculation at move in and annually. Management strongly recommends the Tenant purchase and maintain Renter's Insurance coverage with a minimum of \$300,000 in liability coverage. The policy should name the following as Certificate Holders: The name of the Community and Management Agent.

Dogs, specifically, "Pit bulls" or other perceived vicious breeds (including but not limited to Pit bull crossbreeds, Pit bull mix, American Staffordshire terrier, Staffordshire bull terrier) are not permitted on



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the property at any time. Visiting Pets, puppies under the age of six (6) months, and other reptiles are not permitted. Management has the right to revoke the privilege of having a pet if the pet policies are violated.

If an applicant wishes to request approval of an assistance animal – necessary to alleviate the symptoms or side-effects of a disability, the applicant (or applicant's representative) must request a reasonable accommodation. Please review the process to request a reasonable accommodation in Appendix A. The applicant should also review the Assistance Animal Policy which is available upon request.

### ***PET DEPOSIT***

The pet rules require residents who own dogs or cats (pets) or keep dogs or cats (pets) in their units to pay a refundable pet deposit. This deposit is in addition to any other financial obligation generally imposed on residents of the property.

The refundable pet deposit will not exceed \$300.00. A \$50.00 initial pet deposit is required at the time the pet is brought on to the premises. The resident will be required to pay the remaining balance in increments of \$50.00 per month until the \$300.00 pet deposit is collected. Residents are allowed to pay the entire pet deposit in increments greater than those described if he/she chooses to do so.

The owner/agent will use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet on the property. Such expenses would include, but not be limited to, the cost of repairs and replacement to the unit, fumigation of the unit, and the cost of animal care facilities.

The owner/agent will return the unused portion of a pet deposit to the resident within a reasonable time after the resident moves from the property or no longer owns or keeps a household pet in the unit.

Residents, their guests and/or service providers are required to comply with the property Pet Policies.

Assistance animals that assist persons with disabilities are exempt from the pet policy and from the refundable pet deposit.

Residents, guests and service providers will be required to comply with the Assistance Animal Rules.

### **ASSISTANCE DEFINITION**

To qualify for housing at Victory Tower, all applicants must meet the qualifications of the HUD Section 8 program, and Section 42 of the Internal Revenue Code of 1986 (LIHTC Program). A person must be capable of fulfilling the lease requirements.

### ***SUBSIDY***

Residents at this property are offered subsidized rent. This means the rent that a household pays is based upon the household income. The rent paid by residents may vary.

### ***TENANT-BASED VOUCHERS***

The owner/agent may not admit an applicant with a voucher to a unit with Section 8 assistance unless the applicant agrees to give up the voucher prior to occupancy. This will be verified with the former housing provider.





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If the owner/agent discovers that any household member failed to give up current HUD housing assistance before moving to **Victory Tower**, no rent subsidy or utility allowance will be provided by the Department of Housing and Urban Development until the day after the move out/surrender is complete.

Household members who sign the lease will be responsible for paying the market rent until qualified to receive HUD assistance on this property. Any assistance paid in error must be returned to HUD.

Applicants should consult with the local HUD office if the former landlord is accepting subsidy after move-out.

Please note that housing assistance provided through HUD's multi-family housing program is not the same as the housing assistance provided through the voucher program. If any family member moves out, the housing subsidy will not move with the family as it does with a voucher. The family will be required to re-apply to a PHA to receive another voucher.

### ***ASSISTED LIVING***

The owner/agent and property staff does not provide, nor has the authority to provide, any personal care or personal supervision services. All care and supervision services must be provided by the resident or aides supervised by the resident or the resident's representative(s). The owner/agent and property staff does not provide assistance with personal activities or daily living.

### **FAIR HOUSING POLICIES**

#### ***FAIR HOUSING***

The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status.

In addition, the state of Virginia has added Fair Housing protections based on age (55 and older).

#### ***TITLE VI OF THE CIVIL RIGHTS ACT OF 1964***

The owner/agent complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.

#### ***SECTION 504 OF THE REHABILITATION ACT OF 1973***

The owner/agent complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Although Section 504 protections often overlap with the disability discrimination prohibitions included in the Fair Housing Act, Section 504 differs in that it imposes broader affirmative obligations to make their programs, as a whole, accessible to persons with disabilities.

#### **Coordinating Efforts to Comply with Section 504 Requirements**

The owner/agent has designated a person to address questions or requests regarding the specific needs of residents and applicants with disabilities. This person is referred to as the Section 504 Coordinator.



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Name of Section 504 Coordinator:	Margaret Callaway
Address:	5101 River Road Suite 101, Bethesda, MD 20816
Phone Number:	301-941-8040
TDD/TTY Number:	711 Voice Relay

### Requests for Reasonable Accommodation or Modification

In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, the owner/agent will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden. Please see Appendix A for additional information.

### **COMPLIANCE WITH REQUIREMENTS OUTLINED IN THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain protections provided through the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).

If any applicant wishes to exercise the protections provided in the VAWA 2013, he/she should contact the owner/agent immediately.

The owner/agent will not assume that any act is a result of abuse covered under the VAWA 2013. In order to receive the protections outlined in the VAWA 2013, the applicant/applicant must specify that he/she wishes to exercise these protections.

Please see Appendix E for a copy of the owner/agent's VAWA Policy.

### **AVAILABILITY OF ASSISTANCE FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY**

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)" requires the owner/agent to develop and implement a system to provide housing assistance so persons with Limited English Proficiency (LEP) can have meaningful access to assisted housing opportunities. The owner/agent will provide for such meaningful access consistent with, and without unduly burdening the fundamental mission of the property. The owner/agent will work to ensure that people who apply for and/or qualify for housing assistance are provided meaningful access to HUD's housing assistance program.

### **THE EQUAL ACCESS RULE**

The owner/agent ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in accordance with *The Equal Access Rule*.

## **ELIGIBILITY REQUIREMENTS**

### **PROPERTY ELIGIBILITY DEFINITION**

#### Household/Resident Type



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**Applicants must be:**

- Elderly, age 62 years of age or older at time of application
  - Applicants must provide one of the following as proof of age: birth certificate, baptismal certificate, military discharge papers, valid passport, census document showing age, naturalization certificate, SSA benefits printout or driver's license. Prior to admission document must be submitted.

OR

- Mobility impaired under the age of 62.
- Developmentally disabled under the age 62.  
 A severe, chronic disability which:
  - a) Is attributed to a mental and/or physical impairment or combination of mental and physical impairments;
  - b) Is likely to continue indefinitely.
  - c) Results in substantial functional limitations in (3) or more of the following areas of major life activity; self-care, receptive and responsive language; mobility; self-direction; capacity for independent living; and economic self-sufficiency.

AND

- d) Reflects the person’s need for a combination and sequence of special, interdisciplinary, or, generic care, treatment, or other services, which are of lifelong, or extended duration and are individually planned and coordinated

**Income Limits**

Income limits vary by household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <http://www.huduser.org/datasets/il.html>. HUD requires that property managers incorporate the most recently published income limits when determining eligibility.

For this property, qualified applicant households meet the following income limit requirements:

Subsidy	Type of Income Limit
Section 8 (post-1981)	<b>Very low</b> – 50% of median income <b>Extremely low</b> – very low income household whose income equals or is less than the greater of poverty level or 30% of median income

Income Requirements & Rental Rate for Non -Assisted Tax Credit units (subject to change):				
Unit Type	Square Footage	Rental Rate	Minimum Housing Income	Maximum Housing Income 60%
EFFICIENCY 60%	404	\$940	\$22,560	1 person - \$64,980 2 people - \$74,280 3 people - \$83,580
1BR / 1BA Small 60%	451	\$1,006	\$24,144	
1BR / 1BA Large 60%	600	\$1,006	\$24,144	



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## Occupancy Standards

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that residents are treated fairly and consistently and receive adequate housing space.

Below, please find this property's occupancy standards description:

Number of Bedrooms	Min. # Household Members	Max. # Household Members
0	1	2
1	1	3

Any household placed in a unit size different from that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit when one becomes available.

## Verifying the Need for an Accessible Unit

When an applicant requests an accessible unit or a unit preference, such as a first floor unit, the owner/agent will conduct inquiries to:

1. Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability
2. Verify that the applicant needs the features of the unit as an accommodation to his or her disability
3. Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability

## ***PROGRAM ELIGIBILITY***

Based on federal regulations, the owner/agent may admit only eligible applicants. In the selection of applicants for admission, eligibility criteria have been established in accordance with HUD guidelines. The following eligibility standards will be applied in accordance with HUD requirements:

1. The household's annual income must not exceed program income limits at move-in
2. The Head-of-Household (HOH), co-Head-of-Household and the spouse (regardless of age) and all adults in each household must sign an Authorization for Release of Information (HUD Forms 9887 and 9887A) and owner/agent created verification documents prior to receiving assistance and annually thereafter
3. The unit for which the household is applying must be the household's only residence
4. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance
5. Only U.S. citizens or eligible non-citizens may receive assistance (*See additional information below and in Appendix B*)
6. Applicants who claim eligible status must disclose Social Security Numbers for all household members and provide proof of the numbers reported (*See additional information below*)
7. The household size must be appropriate for the available apartments (*See Occupancy Standards*)
8. All information reported by the household is subject to verification

## Disclosure and Verification of Social Security Numbers

All household members receiving HUD housing assistance or applying to receive HUD housing assistance are required to provide a Social Security Number and adequate documentation necessary to verify that number. This rule applies to all household members including live-in aides, foster children



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and foster adults. Adequate documentation includes a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:

- Original Social Security card
- Driver's license with SSN
- Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union.
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

### Exceptions to Disclosure of Social Security Number

The Social Security Number requirements do not apply to:

1. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
2. Individuals who do not contend eligible immigration status. When applicants and residents 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.
3. A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent terminate tenancy.

If, at the time a unit becomes available, all non-exempt household members have not provided adequate documentation necessary to verify Social Security Numbers, the next eligible applicant must be offered the available unit.

All non-exempt household members have ninety (90) days-from the date they are first notified that a unit is available-to provide documentation necessary to verify the Social Security Numbers. During this 90-day period, the household may retain its place on the waiting list, but will not be considered again until the required documentation is provided.

If, after ninety (90) days, the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the household will be determined ineligible and removed from the waiting list.

The applicant may apply again, after obtaining the appropriate documentation. The applicant will be placed on the waiting list based on the date and time the **new** application is received.

### Secondary Verification of the Social Security Number



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The Social Security Number provided will be compared to the information recorded in the Social Security Administration database through HUD's Enterprise Income Verification System (EIV) to ensure that the Social Security Number, birth date and last name match.

If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error must be returned to HUD. If the applicant/resident deliberately provides an inaccurate Social Security Number, the owner/agent and/or HUD may pursue additional penalties due to attempted fraud.

### Citizenship/Immigration Status Requirements

Applicants are required to declare U.S. citizenship or submit evidence of eligible immigration status for each household member seeking housing assistance. The owner/agent is required to obtain the following:

1. Family Summary Sheet (*lists all household members who will reside in the assisted unit*)
2. Citizenship Declaration - Each household member listed on the Family Summary Sheet must complete a declaration of citizen or non-citizen status
3. Forms and/or evidence of citizen/immigration status as required by HUD

Additional information regarding submission and verification of proof of citizenship status or eligible non-citizen status can be found in Appendix B.

If any applicant has questions or experiences difficulty providing the described information or determining the type of documentation required, the applicant should contact the management office. If any applicant is unable to provide the required documentation in the timeframe indicated in Appendix B, the applicant must contact the management office to request an extension. If any applicant fails to provide this information in the timeframes described, the owner/agent cannot provide assistance and the application will be rejected.

The owner/agent will offer the household assistance, providing subsidy to those eligible household members whose documents were received on time, when the following criteria is met:

1. At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this resident selection plan
2. Assistance/unit is available
3. The household is the next household to be selected from the waiting list

Proof of declared citizenship status must be provided for all household members. Members who claim U.S. citizenship can provide any documents approved by HUD or the Department of Homeland Security (DHS) to prove citizenship. Additional information is provided in Addendum B.

Non-citizens claiming eligible status must follow the guidance provided in Addendum B and in 24 CFR to prove eligible non-citizen status.

Applicants must be able to provide proof of citizenship or legal immigration status.



## Victory Tower Resident Selection Plan

Citizenship eligibility must be reviewed after move-in if eligibility status can change. If any household member is determined to be an ineligible non-citizen, either at application or after move-in, assistance and/or tenancy may be denied, terminated or prorated as appropriate.

### Single Residence/Subsidy Criteria

A household is eligible for assistance only if the unit will be the household's only residence. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

**Applicants MUST disclose if they are currently receiving HUD housing assistance.** Residents can only receive subsidy for one unit/residence at a time. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

If, for any reason, an applicant moves in to this property before moving out of another subsidized unit, the new resident will be required to pay market rent until the move out from the previous property is complete and the resident is eligible to receive HUD subsidy for this property. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

There is an exception to this rule. Children in joint custody arrangements can receive HUD housing assistance in two units when both parent/guardian families receive HUD housing assistance. However, only one household may use the \$480 dependent deduction to determine adjusted income. In these cases, additional verification is required. The owner/agent will request:

- Verification of the custody/guardianship/living arrangement - *Please see Appendix D for additional information*
- Verification of the use of the \$480 deduction. The owner/agent will verify use of the \$480 dependent deduction with the other owner/agent if:
  1. The child will live in the unit at least 50% of the time and
  2. The parent wishes to claim the \$480 deduction, and
  3. Both families are receiving HUD housing assistance

All adults will be required to sign the Acknowledgement in Appendix C.

### Eligibility of Students Enrolled at an Institute for Higher Education-Section 8 Guidelines

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall not be provided to any individual who:

1. 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; and
2. Is under the age of 24; and
3. Is not married; and
4. Is not a veteran of the United States Military; and
5. Does not have a dependent child; and



## Victory Tower Resident Selection Plan

6. 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; and
7. Is not living with his or her parents who are receiving Section 8 assistance; and
8. Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

***NOTE:** Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance **and** the parents (individually or jointly) must be eligible (income eligible) to receive Section 8 assistance in order for the student to receive Section 8 assistance.*

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate independence from, parents. While owners may use additional criteria for determining the student's independence from parents, owners must use, and the student must meet, at a minimum **all** of the following criteria to be eligible for Section 8 assistance. The student must:

1. Be of legal contract age under state law;
2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or**,
  - a. meet the U.S. Department of Education's definition of an independent student. (See the Glossary for definition of Independent Student);
3. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
4. 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.
5. 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

***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.*

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student:

- 1) Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  - a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
  - b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;





- c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
  - i. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
  - ii. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
  - iii. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
  - iv. A financial aid administrator; or
- 2) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

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 and other fees is included in annual income, except:

1. If the student is over the age of 23 with dependent children or
2. If the student is living with his or her parents who are receiving section 8 assistance

Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

The definition of tuition is consistent with the definition provided by the Department of Education

### Eligibility of Students Enrolled at an Institute for Higher Education-LIHTEC Guidelines

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. In order for a household of full-time students to be considered eligible, they must meet one of the following criteria:

1. Any member of the household is married and either files or is entitled to file a joint tax return.
2. The household consists of a least one single parent and his or her minor children, and the parent is not a dependent of a third party.
3. Any children may be claimed as a dependent of either parent, regardless of tenancy in unit.
4. At least one member of the household receives assistance under Title IV of the Social Security Act. (AFDC, TANF, etc. – Not SSA or SSI)

## Victory Tower Resident Selection Plan

5. At least one member is enrolled in a job training program receiving assistance under the Work Investment Act (WIA) formerly known as the Job Training Partnership Act, or similar federal, state or local laws.
6. At least one member of the household is under age 24 and has exited the Foster Care system within the previous 6 years.

### Prohibition of Assistance to Noncitizen Students

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:

1. A resident of another country to which the individual intends to return;
2. A bona fide student pursuing a course of study in the United States; and
3. A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

### PROCEDURES FOR TAKING APPLICATIONS

It is the owner/agent's policy to accept and process applications in accordance with HUD guidance. The owner/agent will make a reasonable accommodation to assist in the application process if the applicant or any member of the applicant household is disabled.

Upon request, the owner/agent will provide interested parties with a copy of the application package. The person who is indicated as the Head-of-Household (HOH) must execute and sign all documents that are included in the application package.

Before completing or executing any forms, additional copies should be made for all adult household members and in some cases for minors who will live in the unit.

All adult applicants must complete the application package as instructed.

The owner/agent requires applicants to provide a government issued photo ID - used for verifying the identity of all applicants. If the applicant is not able to visit the site, alternative means of verifying identity, such as Skype or Facetime, may be utilized.

In some cases and when appropriate, this ID may also be used to verify age and citizen/non-citizen eligibility status.

The owner/agent may require a birth certificate or other documentation that can be used to verify age, citizen/non-citizen eligibility status and relationship to other household members as required by HUD.

All applications can be submitted on site at the property management office. The owner/agent will accept applications using alternative methods including mail or internet submission. The owner/agent



will also accept the application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability.

All documents in the Application Package must be **completed in full**, signed and dated in order to be accepted. Applicants **will not** be added to the waiting list until all application forms have been properly completed and signed as appropriate.

### ***INCOMPLETE APPLICATIONS***

If the application is not complete, the owner/agent will attempt to contact the applicant to obtain missing information. The applicant will have ten (10) business days to respond and provide missing information. If the applicant fails to provide required information within the ten (10) day period, the owner/agent will return the application.

### ***PRELIMINARY DETERMINATION OF APPLICANT ELIGIBILITY***

Information needed to determine applicant eligibility shall be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD and property eligibility requirements. Upon receipt of the completed application, the owner/agent will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. The owner/agent will review the application to ensure that there are no obvious factors that would make the applicant ineligible.

If a preliminary eligibility review indicates that a household appears eligible for tenancy, but units of appropriate size are not available, the owner/agent will place the household on the waiting list for the property and notify the household when a suitable unit becomes available.

If an applicant is otherwise eligible but no appropriate unit exists in the property, the owner/agent will reject the application.

### ***FINAL DETERMINATION OF ELIGIBILITY***

When a unit becomes available, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, does not guarantee that the application will be approved. All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history, credit history and criminal history. If the screening process determines that the family meets HUD's and the owner/agent's standards for admission, the family is found eligible.

### **LIVE-IN AIDES**

Please contact the management office staff if a live-in aide will be moving in to the unit. If the family plans to include a live-in aide, the live-in aide is not required to complete the same application forms. Live-in aides must complete the Live-in Aide Questionnaire and participate in screening and other O/A verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide. The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a reasonable time if the resident is absent for an extended period of time or if the resident leaves for any reason. The live-in aide will be required to sign an acknowledgement the live-in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death.



### **WAITING LISTS**

To ensure that applicants are appropriately and fairly selected for the next available unit (*when a unit of the appropriate size or type is not available at the time of application*), it is essential for the owner/agent to maintain waiting lists. The owner/agent will place the applicant household on the waiting list after preliminary eligibility determination is complete.

Applicants will have the option of specifying a desired unit size or multiple unit sizes when completing the application. The applicant will be placed on the waiting list for all indicated unit sizes/types as long as:

- The applicant household meets the Occupancy Standards described in this plan, and
- The waiting list for the unit size is open

The applicant (Head-of-Household (HOH)) will be contacted, based on the waiting list selection criteria, for the first unit that becomes available based on the selection guidelines described in this plan.

### ***MAINTAINING WAITING LISTS***

It is the policy of the owner/agent to administer its waiting list as required by HUD handbooks and regulations. The owner/agent will update the waiting list by removing the names of applicants based on the requirements set forth in this plan.

The owner/agent will contact each applicant household annually. The Head-of-Household (HOH) will be the only person contacted unless otherwise requested.

If this letter is unable to be delivered by the United States Postal Service, the application will be rejected and the household will be removed from the waiting list.

If the Head-of-Household (HOH) fails to respond to the owner/agent inquiries regarding the desire to remain on the waiting list, the application will be rejected and the household will be removed from the waiting list.

In addition, an adult member of the applicant household must contact the property, in writing, if household information changes (i.e. number of household members, number of future household members, criminal history, income, etc.). If the household size or composition changes, the owner/agent will:

1. Update the waiting list information and
2. Decide whether the household needs the same or a different unit

If, as a result of the household composition change, it is determined that the household will be on the waiting list for a different unit than originally indicated, the household will maintain their place on the waiting list for the new unit.

If the waiting list is currently closed for the appropriate unit size, the application will be rejected and the household will be removed from the waiting list.



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If there are no units of the appropriate size on the property, the household will be rejected and will be removed from the waiting list.

### **REMOVAL OF APPLICANTS FROM THE WAITING LIST**

The owner/agent will remove an applicant's name from the waiting list when if any of the following apply:

- Applicant requests that the household name be removed
- The unit that is needed – using household size as the basis – has changed, and no appropriate size/type unit exists in the property
- The unit that is needed – using household size as the basis – has changed, and the waiting list is closed for that unit size/type
- Applicant fails to meet eligibility requirements
- Applicant fails to meet occupancy standards
- Applicant fails to meet screening requirements
- Applicant is rejected for any reason described in this plan
- Applicant cannot be contact by US Mail (letters are returned or undeliverable)
- Applicant cannot be contacted by phone (number disconnected or changed)
- Applicant fails to keep application information up to date based on the requirements described in this plan
- Applicant was clearly advised, in writing, of the requirement to tell owner/agent of his/her continued interest in housing by a particular time and failed to do so
- Applicant refused second offer of a unit (*See Right to Refusal Policy for additional information.*)

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

If an applicant is removed from the waiting list and later, the applicant household feels that they are now qualified for assistance/tenancy, the applicant household must submit a new application. The applicant will be place on the waiting list, as necessary, based on the submission date and time of the **new** application.

There are certain situations when the owner/agent may refuse to accept an application. The owner/agent will not accept applications from individuals who were previously rejected because the applicant:

- Is subject to a state lifetime sex offender registry
- Has been convicted of a crime as indicated in the criminal screening criteria (*certain time restrictions apply*)
- Has been evicted from another property managed or owned by the owner/agent
- Has been evicted from a federally assisted property for drug use in the last three years

In addition, if an applicant previously accepted a unit offered by the owner/agent and the applicant failed to take possession of the unit on the agreed upon date without notice to the owner/agent, the owner/agent reserves the right to refuse all future applications.



### **SELECTING APPLICANTS FROM THE WAITING LIST**

When a unit becomes available, the owner/agent will contact the next household on the waiting list (*based on the selection criteria described in this plan*) and the household members will be required to meet with management for an eligibility interview.

No decisions to offer the unit shall be made until all information presented by the applicant has been verified and the final eligibility determination is complete.

### **Income Targeting**

Based on the HUD contract for this property, the owner/agent is required to comply with the Income Targeting Requirement. Income Targeting requires that the owner/agent implement policies to ensure that, during the property fiscal year, 40% of all households that move in to the property or who begin receiving assistance fall within the Extremely Low Income Limits for the area where the property is located.

At this time, no special selection methods are required to meet the Income Targeting requirements.

The owner/agent is required to monitor compliance throughout the year. If, after periodic review, the owner/agent discovers that the Income Targeting Requirement will not be attained, the owner/agent will only select, in order, those applicants whose income falls within the extremely-low income levels. Once the Income Targeting Requirement is met, the owner/agent will return to the “natural” selection order.

Method 1 – Admit only extremely low-income households until the 40% target is met. In chronological order, owner/agents 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. Once this target has been reached, admit applicants in waiting list order.

### **PREFERENCES**

Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances.

Preferences affect only the order applicants are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible. Preferences are not permitted if they, in any way, interfere with affirmative marketing efforts or fair housing requirements.

### **Owner/agent-Adopted Preferences**

- Persons who work or live in the County of Fairfax (except the Town of Herndon, City of Falls Church, City of Fairfax, and the City of Alexandria).
- **Unit Transfer Preference:** Residents who have submitted a Unit Transfer Request and who are deemed eligible for the transfer are given preference on the waiting list. This means that a resident transferring from one unit to another will be offered a unit before an applicant.



### *Owner/agent-Adopted Preferences – Imminent Threat*

**VAWA Emergency Transfer (Internal Transfer):** In some cases, families that qualify for a VAWA Emergency Transfer may receive preference over other residents who have requested a unit transfer. Please see the VAWA Policy and/or contact property staff for additional information.

**VAWA Emergency Transfer (External Transfer):** In some cases, families that qualify for a VAWA Emergency Transfer may receive preference over other applicants. Please see the VAWA Policy and the VAWA Emergency Transfer Plan and/or contact property staff for additional information.

### *Verification of Preferences*

All preferences will be verified using the verification methodology described in this resident selection plan.

Special consideration applies when a VAWA Emergency Transfer Request is submitted by a victim of a VAWA crime. If this is your situation, please contact the property staff for additional information.

### *When a Request for Preference is Denied*

If it is determined that an applicant does not meet the criteria for receiving a preference, the applicant will receive written notice of this determination within ten (10) business days. The notice will contain the reasons for the determination. The applicant has the right to meet with the owner/agent representative to review or appeal the decision.

### *Change in Preference Status While on the Waiting List*

Occasionally households on the waiting list who did not qualify for a preference when they applied will experience a change in circumstances that qualifies them for a preference. In such cases, it is the responsibility of the applicant to contact the owner/agent so that their change in status may be verified and the waiting list can be updated to reflect the preference as appropriate.

To the extent the verification determines the household does now qualify for a preference, they will be selected from the waiting list in accordance with the preference and the date the application was received.

### *Exceptions to the Preference Rule*

Management will give priority to current residents:

- Residing in a unit that has been determined uninhabitable due to flood, fire or other natural disaster
- When a unit is designated for rehabilitation or repair

These situations represent extenuating circumstances and the normal selection order may be adjusted to address the needs of these residents.

### Opening and Closing Waiting List

In order to ensure that applicants on the waiting list are processed in a reasonable amount of time, the owner/agent may stop accepting applications and close waiting lists in whole or in part. Decisions about

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closing and opening the waiting list will be based on the number of applications available for a particular size and type of apartment and the ability of the owner/agent to house an applicant in an appropriate apartment within a reasonable period of time.

The owner/agent will use a twelve (12)-month waiting period to determine whether the waiting list may be closed. If the owner/agent has sufficient applications, the waiting list may be closed completely. Notices announcing that the waiting list is closed or open will be publicly announced in the following manner:

- Local newspapers
- Publications described in the Affirmative Fair Housing Marketing Plan
- Flyers distributed in applicable neighborhoods

Interested parties who insist on submitting applications when the waiting list is closed will not be considered. The application **will not be reviewed** and will be returned.

During the period when the waiting list is closed, the owner/agent **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

### **PRIVACY POLICY**

It is the policy of the owner/agent 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 owner/agent.

Neither the property owner nor its agents shall disclose any personal information contained in its records to any person or agency, other than HUD, its Contract Administrators or other federal/state entity or investor auditing entities, unless the individual about whom information is requested gives written consent to such disclosure. Such consent may be provided in an equally effective manner, as a reasonable accommodation, when there is the presence of a disability.

This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

### **VERIFICATION**

The owner/agent shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development. After the preliminary eligibility determination, no decision to approve an application shall be made until information provided on the application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed. All information relative to the following items must be verified as described in these procedures.

### ***INFORMATION TO BE VERIFIED***

Information to be verified includes, but is not limited to:

- 1) Eligibility for Admission, such as
  - a) Income
  - b) Assets And Asset Income





- c) Identification
- d) Age
- e) Household Composition
- f) Social Security Numbers
- g) Citizenship And/or Legal Status
- h) Student Status
- i) Current HUD Assistance
- 2) Allowances, such as
  - a) Age
  - b) Disability
  - c) Full Time Student Status
  - d) Child Care Expenses
  - e) Disability Assistance Expenses
  - f) Medical Expenses (For Elderly/Disabled Households Only)
- 3) Preferences
  - a) Homeless status
  - b) Veteran status
- 4) Compliance with Resident Screening Guidelines, such as
  - a) Criminal History
  - b) Credit History
  - c) Rental/Residence History
- 5) The Need for an Accessible Unit

### ***METHODS OF VERIFICATION***

Verifications will be attempted in the following order:

- 1) Upfront Income Verification (UIV)
- 2) Third-party (as appropriate)
- 3) In the absence of any of the above, notarized or witnessed statements from the household member (*the owner/agent is not required to accept family/self certification*). Each file will be documented, when appropriate, to show that staff attempted to obtain third-party verification before relying on family certification.

### ***SOURCES OF INFORMATION***

Sources of information may include, **but are not limited to:**

- Any member of the applicant household
- Present and former housing providers/landlords
- Present and former employers
- Banks
- Insurance Companies
- Any Asset Manager
- Family members
- Any person or organization providing gifts/regular contributions to the household
- Credit Screening providers
- Criminal Screening providers



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- Eviction Screening providers
- Social workers/Parole Officers
- Court records
- Drug Treatment Centers
- Health Providers
- Physicians
- Clergy
- Schools/Institutes of Higher Education
- Department of Homeland Security (DHS)
- Department of Health and Human Services (HHS)
- The Internal Revenue Service (IRS)
- The Social Security Administration (SSA)
- Medicare/Medicaid
- Representative of the United States Armed Forces
- Any federal/local benefit providers
- Pharmacies
- Utility Providers
- Local and non-local law enforcement
- Automated criminal databases
- Sexual Offenders registries when available
- The world wide web (internet)

The owner/agent will be the final judge of the credibility of any verification submitted by an applicant. If the owner/agent questions the validity of a document or the validity of information provided, it will be reviewed by management staff for a ruling regarding acceptability.

### **PERIOD FOR VERIFICATION**

Only verified information that is less than 120 days old may be used for verification. Verified information not subject to change (such as a person's date of birth) will not be re-verified.

### **CONSENT AND VERIFICATION FORMS**

Regardless of age, the Head-of-Household (HOH), the co-Head-of-Household (HOH) the spouse of the Head-of-Household (HOH) and all adult members of a household must sign HUD's consent forms so that the owner/agent can verify eligibility.

- 1) HUD-9887, *Notice and Consent for the Release of Information to HUD and to a PHA*
- 2) HUD-9887-A, *Applicant's/Resident's Consent to the Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance*

Consent and verification forms protect the rights and privacy of residents and applicants by allowing them to have control over any information collected about them.

All adult members of an applicant or resident household must also sign individual verification forms authorizing the owner/agent to verify household income and applicable eligibility factors (e.g., disability status) and to allow for screening.



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When a minor living in the unit turns 18, he/she will have thirty (30) days to meet with the management staff and sign appropriate forms. Failure to do so will result in termination of subsidy for the entire household.

### ***PROVISIONS FOR REFUSAL TO SIGN***

If any member of the applicant's household, does not sign and submit the consent forms as required, the owner/agent must reject the application and deny assistance and/or tenancy.

### **MISREPRESENTATION**

Any information, provided by the applicant that proves to be untrue may be used to disqualify the applicant because of misrepresentation or attempted fraud. The owner/agent will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until the owner/agent has independently investigated the information.

The owner/agent considers false information about the following to be grounds for rejecting an applicant:

- Identity
- Social Security Numbers/Information
- Income
- Assets/Income From Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, And/or Eligible Immigration Status
- Eviction History
- Criminal History
- Sexual Offender Status
- Eligibility For Preferences and Priorities
- Allowances
- Current/Previous Residence History
- Current Housing Assistance
- Status As A Student

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicants.

### **APPLICANT SCREENING CRITERIA**

Screening is performed in a manner that is reasonable, consistent, and complies with fair housing laws. Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully enjoy their homes.

**Anyone who wishes to live on the property must be screened prior to moving in.** This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in. *Certain exceptions apply to children/minors.* The current screening



guidelines in place at the time the new household member applies will be used to determine eligibility for admission.

### **SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

Per the Montgomery County Housing Justice Act, a “conditional offer” is an offer of tenancy conditioned on the result of further inquiry into applicant’s criminal record or another contingency that is communicated to prospective tenant at the time such conditional offer to rent is made. Before extending a conditional offer, landlord must not:

- 1) Require that applicant disclose the existence of an arrest or conviction record, or that applicant has been accused of a crime;
- 2) Conduct a criminal record check of the applicant; or
- 3) Otherwise inquire of the applicant or others regarding the applicant’s arrest or conviction record or whether applicant has been accused of a crime.

HUD has established standards that prohibit admission of:

1. Any household in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity
2. \*A household in which any member is currently engaged in illegal use of drugs or for which the owner/agent has reasonable cause to believe that a member’s illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents
3. Any household member who is subject to any state lifetime sex offender registration requirement
4. Any household member if there is reasonable cause to believe that member’s behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse

Current abuse is indicated and will be investigated if, within the last eighteen (18) months, the resident has been charged or convicted of substance abuse related crimes (including crimes related to alcohol abuse) or crimes involving controlled substances as defined by the Controlled Substance Act.

In addition to HUD requirements, the owner/agent has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document.

Per the Montgomery County Housing Justice Act, the owner/agent will not at any time base a rental decision on, require an applicant to disclose, conduct a criminal record check solely to determine, or otherwise inquire applicant or others about whether:

- 1) Applicant has been arrested for or has an arrest record for a matter that did not result in a conviction: or
- 2) Applicant has an arrest or conviction record, or has otherwise been accused of the following:
  - a. trespass under §§ 6-402 or 6-403 of the Criminal Law Article of the Maryland Code;
  - b. theft as a misdemeanor under § 7-104 of the Criminal Law Article of the Maryland Code;



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- c. a refusal or failure to leave public buildings or grounds under § 6-409 of the Criminal Article of the Maryland Code;
- d. indecent exposure under § 11-107 of the Criminal Article of the Maryland Code;
- e. public urination under § 32-17-A of this Code;
- f. an open container violation under § 10-125 of the Criminal Law Article of the Maryland Code;
- g. possession of marijuana as a misdemeanor or civil violation under Title 5 of the Criminal Article of the Maryland Code;
- h. a first conviction of disturbance of the peace or disorderly conduct under § 10-201 of the Criminal Law Article of the Maryland Code;
- i. a vehicle law violation under the Transportation Article of the Maryland Code
- j. a conviction of a misdemeanor if at least 2 years have passed since:
  - i. the date of the conviction; and
  - ii. the date that any period of incarceration for the misdemeanor ended; or
- k. a matter for which records:
  - i. are confidential under § 3-8A-27 of the Courts and Judicial Proceedings Article of the Maryland Code; or
  - ii. have been expunged under §§ 10-101 – 10-110 of the Criminal Procedure Article of the Maryland Code.

Per the Montgomery County Housing Justice Act, the owner/agent may base a rental decision upon, and inquire into, certain sex crimes (listed below) as well as conduct any such inquiries that are expressly required by applicable federal or State law or regulation. The Act specifically permits inquiries into:

- 1) a conviction record or pending criminal accusation for
  - a. a crime of a sexual nature under Title 3 of the Criminal Law Article of the Maryland Code; or
  - b. a violation of Sections 11-102, 11-103, 11-104, 11-305, or of Title 11, Subtitle 3, of the Criminal Law Article of the Maryland Code;
- 2) an applicant's presence on a sex offender registry

The owner/agent will reject applications if any household member's criminal history includes one or more of the following:

- 1) Record of any conviction or adjudication, other than acquittal, of the following felonies by any household member
  - a. Murder
  - b. Arson
  - c. Felony Assault
  - d. Kidnapping
  - e. Burglary
  - f. Treason
  - g. Crimes involving harm to children
  - h. Sexual offenses
  - i. Crimes involving explosives
  - j. Crimes involving terrorism



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- k. Crimes involving the manufacture, distribution or illegal use of illegal or controlled substances
  - l. Fraud
- 2) Record of any conviction or adjudication, other than acquittal, of all but the felonies listed above within ten (10) years of conviction or parole, whichever is later
- 3) Record of three (3) or more felony convictions or adjudications, other than acquittal
- 4) Record of any conviction or adjudication, other than acquittal, which involved the following misdemeanor offenses within two (2) years of conviction or parole; whichever is later *Note: Other Class A or Class 1 misdemeanors may be considered.*
  - a. Assault resulting in bodily injury
  - b. Misdemeanor Domestic Violence
  - c. Burglary
  - d. Resisting arrest
  - e. Indecent Exposure
  - f. Obscenity
  - g. Pimping/Prostitution
  - h. Graffiti
  - i. Possession of a controlled substance
  - j. Property theft
  - k. Unlawful possession of a weapon
  - l. Violating a restraining orders
  - m. Terroristic Threats
  - n. Reckless Damage or Destruction
- 5) Record of any conviction or adjudication, other than acquittal, which involved other Class A or Class 1 misdemeanor offenses within three (3) years of conviction or parole; whichever is later
- 6) Record of any conviction or adjudication, other than acquittal, which involved any other Class B, or Class 2 misdemeanor offense within two (2) years of conviction or parole; whichever is later
- 7) Record of any conviction or adjudication, other than acquittal, which involved any other Class C or Class 3 misdemeanor or offense within one (1) years of conviction or parole; whichever is later
- 8) Record of three or more convictions or adjudications, other than acquittal, which involved a misdemeanor offense within the last three (3) years.
- 9) Record of any act that interferes or may interfere with the peaceful and quiet enjoyment of the premises within two (2) years of conviction or parole (if applicable); whichever is later. *Note: When there is no conviction, regulations specifically provide that denial of assistance for criminal activity must be based on a "preponderance of the evidence" that the applicant engaged in such activity.*
- 10) Record of any conviction or adjudication, other than acquittal, which involved a sex crime
- 11) Record of any conviction or adjudication, other than acquittal, which involved harm to a child
- 12) Record of any conviction or adjudication, other than acquittal, which involved harm to an animal
- 13) Record of any conviction or adjudication, other than acquittal, for any act covered under the Violence Against Women Act
- 14) Sex Offender Registration: Applicant is or ever has been subject to registration under a state sex offender registration program

If the owner/agent discovers an unresolved criminal charge of an act covered under the Violence Against Women Act, charge of a felony, or a charge involving the possession, use or distribution of



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marijuana, the application will be suspended until the charge is resolved. At that time, the owner/agent's current screening criteria will be applied.

If a resident or applicant has requested VAWA protections and such protections have been justified based on owner/agent investigation, the abuser/perpetrator will not be approved to live on the property.

If the owner/agent is unable to complete required criminal or sexual offender screening, the application will be rejected.

If the owner/agent determines that a sex offender is part of the household, the owner/agent will allow the household to remove the sex offender from the application. Removal must be documented using a signed, notarized copy of the owner's form.

The household will have ten (10) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members.

In this case, the owner/agent reserves the right to monitor household composition after move-in. If the owner/agent discovers that a sex offender has moved in to the unit, assistance will be terminated and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD.

United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. All applicants will be required to provide proof of citizenship or legal immigration status.

***Management will review lifetime sex offender status, based on HUD recommendations, for all adult household members at each annual certification.***

If criminal screening indicates that the applicant has an unacceptable criminal history, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

### Consideration of Extenuating Circumstances

In deciding whether to exercise discretion to admit an individual who has engaged in prohibited criminal activity, the owner/agent will consider all of the circumstances relevant to the particular admission decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire household would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, the owner/agent will consider whether the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

### Criminal Screening Discoveries



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If the criminal background investigation indicates that the applicant does not meet the criminal screening criteria, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection. Before rejecting the household, the owner/agent will compare the information provided by the applicant with the criminal history report. If the information conflicts, the owner/agent will:

- 1) Notify the household of the proposed action based on the information;
- 2) Provide the content of the criminal record and information about how to obtain a copy of the information;
- 3) Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- 4) Allow the household the opportunity to remove the household member.

In this situation, applicants will have ten (10) business days to resolve the discrepancy. If the applicant fails to contact the owner/agent or indicates that he/she cannot provide documentation to refute the criminal discovery, the owner/agent will reject the application and remove the household from the waiting list.

If, after move-in, the owner/agent discovers that there was criminal history that would have resulted in rejection, the owner/agent will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been known at the time of the eligibility determination, the owner/agent will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

### **SCREENING FOR CREDIT HISTORY**

The owner/agent reviews each adult applicant's credit history. The owner/agent does not consider medical bills/expenses when reviewing credit history.

Credit history will be reviewed to determine if there is any debt owed to a prior landlord or HUD. Applicants owing prior landlords will be rejected unless:

- Such debt has been paid or
- Applicant has entered into a repayment agreement and can demonstrate that payments toward the principal amount(s) have been on time for the most current 6 months

The owner/agent will also review utility payment history. If the applicant has more than three late utility payments in the last year or if the applicant is unable to establish utilities in the new unit, the application will be rejected.

Other credit history will be reviewed; the following discoveries will be reason for rejection:

- One or more outstanding judgments in excess of \$1000 within the last three years
- Two or more checks returned for non-sufficient funds in the last year
- Current RealPage leasing desk score below 423
- Default on any loan/payment agreement within the last two years
- Any record of failure to pay child support owed within the last 12 months
- Overpayment of federal assistance due to misrepresentation and/or fraud





If the applicant has no credit history, the credit screening will be considered “positive”.

If the applicant has Housing Choice Vouchers or similar rental assistance, including, but not limited to, VASH, Shelter Plus Care, Bridge Subsidy and Continuum of Care, or prospective tenants are applying for units with project-based vouchers, the credit screening and minimum income and credit score requirements are waived.

### **SCREENING FOR RENTAL HISTORY**

If any member of the applicant household has been evicted from any property owned or managed by Quantum Real Estate Management, LLC for lease violations, that applicant household will be rejected.

The owner/agent will review rental history with any landlord indicated in the past three (3) years. The owner/agent will also review information provided through automated databases including eviction databases. If any member of the applicant household has been evicted from any property, for lease violations, within the last three (3) years, the application will be rejected.

If the applicant fails to identify one or more residences where he/she lived in the last three (3) years, the applicant will be rejected and the household will be removed from the waiting list.

The owner/agent will contact the prior property owner/agent (as indicated above) and inquire about the following information:

- Adherence to the Lease & Community Policies
- Compliance with certification reporting requirements
- Rental Payment Performance
- Compliance with requirements to fully and accurately disclose income information in a timely manner
- Requirement to Return Assistance Paid in Error due to under-reporting income or un-reported income
- Unit Maintenance/Damage
- Presence of Bed Bugs, Head Lice, Roaches or other parasitic infestation
- Record of Disturbing Neighbors
- Complaints

If information obtained is negative the applicant will be rejected. Negative responses include but are not limited to:

- Failure to comply with the lease
- Failure to comply with House Rules, Pet Rules or Assistance Animal Rules
- Failure to fully and accurately report income, new employment or changes in household composition in a timely manner
- Providing false information
- Attempting to receive or receiving HUD assistance in multiple units/homes
- Slow or no response to requests to recertify

## Victory Tower Resident Selection Plan

- Poor rental payment history (average more than two (2) late payments per year, record of bounced checks, any outstanding balance)
- Record of poor unit maintenance or damage to the unit beyond normal wear-and-tear
- Presence of parasitic infestation unless the applicant agrees to have all unit contents treated before move-in (*owner/agent will arrange for and pay for treatment*)
- Complaints from neighbors regarding actions that directly affect the peace and quiet comfort of others living in the community
- Record of actions that interfered with or prevented the previous landlord from effectively managing the property.
- A current outstanding balance owed by any household member to a prior landlord
- A current outstanding balance owed by any household member to HUD to return assistance paid in error
- Failure to execute or pay repayment agreements

If the applicant has no landlord history, the landlord screening will be considered “positive”.

### **SCREENING FOR THE PRESENCE OF BED BUGS OR OTHER PARASITIC INFESTATIONS**

To prevent pests from entering the property, the applicant must allow for inspection of the contents that will be moved in to the unit before an applicant will be approved and a unit will be offered. If bed bugs or other parasitic infestations are discovered, the contents must be treated and the items certified as pest-free before determination of eligibility is completed. If the applicant fails to comply with the inspection requirements the applicant will be rejected.

Inspection is offered at the expense of Victory Tower. However, it is the responsibility of the applicant to be certified as pest free prior to move-in.

*Note: If the applicants do not live in the same residence, the contents of each residence must be inspected and certified as “Pest Free”. If contents are stored in public storage, private storage or in some other location, the applicant must advise the owner/agent so that all contents are inspected and certified as “Pest Free” prior to move-in.*

### **SCREENING FOR RECEIPT OF HUD ASSISTANCE IN ANOTHER UNIT**

All applicants **MUST** disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit on this property. HUD provides the owner/agent with information about an applicant’s current status as a HUD housing assistance recipient.

The owner/agent will use the **Existing Tenant Report** provided via HUD’s Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD housing assistance.

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to:

- 1) Minor children where two assisted families share custody



2) Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit (*Split household/Swap household*) If an applicant fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information and the household will be removed from the waiting list.

This information will be reviewed periodically after move-in.

If any household member receives or attempts to receive HUD housing assistance while receiving HUD housing assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

### **REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS**

The owner/agent reserves the right to reject applicants for admission based on any of the following:

- No unit of the appropriate size exists on the property
- The household fails to meet the HUD indicated eligibility requirements for the assistance program/property
- Any non-exempt member of the household fails to provide a Social Security Number or adequate documentation to verify the Social Security Number (SSN)
- Any member of the household fails to meet the applicant screening requirements
- Any member of the household fails to sign appropriate verification documents
- Misrepresentation
- Fraud
- Any member of the household fails to respond to management inquiries for additional information during the application process
- Any member of the household fails to provide changed household information to the management company as indicated
- The owner/agent is unable to contact the applicant via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the household has a record of eviction, for lease violations, from any property managed by Quantum Real Estate Management, LLC
- Any member of the household has a record of eviction, for lease violations, from any property within the last three years
- There is record of outstanding or overdue payments to a previous landlord
- There is record of outstanding or overdue payments to HUD
- There is record of outstanding or overdue payments to utility providers
- Any member of the household refused to allow treatment of unit contents, at the cost of the owner/agent, when there is history of the presence of bed bugs, fleas, or other parasites
- The household is unable to establish utilities in the new unit
- The household is unable to pay the security deposit required
- The household is unable to take possession of the unit within 30 days
- The household is unable to pay the first month's rent (TTP)
- The household refuses two or more unit offers

### **REJECTION NOTICES**

The owner/agent will promptly notify the household (Head-of-Household (HOH) (HOH)), in writing, of the denial of admission or assistance. A rejection letter will be sent to the Head-of-Household (HOH) (HOH) via First Class Mail. The rejection letter will include the reason(s) for the rejection.

### **APPEALING THE REJECTION**

Any applicant may make a request to appeal the denial in writing **fourteen (14) calendar days from the date of the rejection**. The owner/agent will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the property management office. If there is no appeal request **within fourteen (14) days**, the rejection will be considered final. Reasons to appeal include:

- You believe the decision has been made in error
- You believe there are extenuating circumstances that should be considered
- You or a member of your household is a victim of abuse covered by the Violence Against Women Act and you feel your status as a victim contributes to the decision to deny
- You or a member of your household is a person with a disability, and you believe a reasonable accommodation would allow us to continue processing the application
- Your household was rejected because the application includes someone who is a registered sex offender and you wish to remove that household member

Any staff person engaged in the initial review will not be involved in the appeal. Applicants may bring a representative to assist in the appeal meeting. Applicants and/or their representatives have the right to request a reasonable accommodation to:

- Assist in facilitating your request for appeal
- To assist in your participation during the appeal meeting

The owner/agent will provide written notification of a final decision within five (5) business days of the meeting.

### **OFFERING AN APARTMENT**

When a unit becomes available and eligibility is determined, available units will be offered using one or more of the following methods:

- In writing
- Over the phone
- By email

If the owner/agent is unable to contact the household (Head-of-Household (HOH) within five (5) business days from the date of the letter, the offer will be cancelled and the apartment will be offered to the next applicant based on the selection criteria described in this plan.



Failure to respond to the owner/agent will be considered a refusal of the unit offer. (See Right to Refusal policies.)

### **OFFERING ACCESSIBLE UNITS**

Units that have been made accessible in accordance with the Universal Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines will be offered to applicant households with disabled members first. In some cases, the owner/agent may implement marketing effort to ensure that disabled households occupy accessible units.

Units with communication accessible features will be offered to households with a verified need for communication accessible units first

Units with mobility accessible features will be offered to households with a verified need for mobility accessible units first

After move-in, if the members of the household who required the special features of the accessible unit no longer reside in the unit, and where the lease permits, the owner will require the remaining members of the household to move to a unit without accessibility features when such a unit of the appropriate size becomes available.

If there is no household on the waiting list that has requested an accessible unit, the unit will then be offered to the next household based on the selection order. Before the applicant can accept that accessible unit, all adult members of the applicant household must sign an agreement that includes a requirement to move, at the household's expense, to the first available non-accessible unit that meets the household's occupancy requirements as described in this plan. The resident household will not be required to move if:

- 1) No unit that meets the household's occupancy requirements is available
- 2) There is no applicant household on the waiting list requesting an accessible unit

In either of the cases above, the household will have a maximum of thirty (30) calendar days to complete the move. If the applicant fails to move in thirty (30) calendar days, assistance will be terminated. This rule, in no way, affects the single residence criteria. The household can only accept assistance in one unit on any given day.

### **OFFERING UNITS TO DISABLED APPLICANTS REQUESTING ACCESSIBILITY FEATURES**

The owner/agent will not skip over a household that has reached the top of the waiting list and has indicated a need for certain unit features because of a disability.

The household will be given the opportunity to benefit from the program and decide, in compliance with the Fair Housing Act and Section 504, whether a unit meets the needs of the disabled household member. The household may accept the unit and request some modification to the unit as a reasonable accommodation. See Appendix A for information about requesting a reasonable modification.



### **RIGHT TO REFUSAL**

The Right to Refusal Policy applies to applicants and existing residents who have submitted a Unit Transfer Request. Residents requesting unit transfer and applicants will be offered available units based on the information included in this resident selection plan.

Each household will be offered the opportunity to accept an offered apartment two (2) times. If a resident/applicant does not wish to accept an offered apartment, they have the right to refuse the offer. Residents/applicants must notify the owner/agent of their intent to refuse the unit offer by using one or more of the following methods:

- In writing (delivered by fax, mail or other means)
- By email
- Over the phone

***Note: If the refusal is made over the phone, contact must be made with a member of the management staff. Leaving a message is not adequate.***

The first time an applicant or resident refuses a unit, the unit will be offered to the next qualified household based on the selection order described above. The applicant or resident will retain the same place on the waiting list.

The second time an applicant or resident refuses an offered unit, the household will be removed from the waiting list.

Right to refusal policies will be modified in four cases:

1. If a disabled applicant or resident is at the top of the waiting list, they will be offered units as they become available regardless of whether they include accessible features. A disabled household has the right to refuse an unlimited number of non-accessible units or units that do not meet specific accessibility requirements. Note: *Certain restrictions apply to non-elderly disabled households when HUD's program eligibility requires the need for an accessible unit.*
2. If an applicant or resident household with no disabled members is at the top of the waiting list, and there are no disabled households on the waiting list, that household may be offered an accessible unit. An applicant household with no disabled household members has the right to refuse an unlimited number of accessible units or units that do not meet their needs.
3. Any applicant may reject an available unit on a property set aside for the elderly and/or disabled if this unit is close to another unit with an animal. This action will not negatively affect the household's application for occupancy or position on the waiting list to be eligible for the next available unit. The owner/agent is not obligated at the time the applicant rejects a unit to provide an alternate unit.
4. If an applicant or resident has requested a smoking unit or a non-smoking unit, and the unit offered does not match the request, the applicant or resident may refuse that unit with no penalty.

### **TIMEFRAME FOR TAKING POSSESSION OF A UNIT**

The applicant must agree to take possession of a unit in no more than thirty (30) calendar days unless the owner/agent provides written exception to this policy.



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If the applicant household does not complete appropriate paperwork and does not take possession of the unit within thirty (30) days from accepting the offer, the applicant will be subsequently rejected and removed from the waiting list. (Extenuating circumstances related to verified medical situations will be considered.) The owner/agent reserves the right to refuse subsequent applications. The unit will be offered to the next eligible applicant/resident based on the selection order described in this plan.

### **UNIT TRANSFER POLICIES**

The owner/agent will accept requests for transfer based on the following:

1. There is a need for a unit transfer because of a change in household size and/or composition
2. There is a need for a unit transfer based on the verified need for an accessible unit
3. There is a verified medical need for a different unit.
4. There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living
5. The resident has requested and qualifies for a VAWA Emergency Transfer
6. The resident has requested and qualifies for a transfer based on imminent threat not associated with a VAWA crime

Existing residents must complete a Unit Transfer Request. The Unit Transfer Request must be completed and signed by the head of household and all adult household members who wish to move. The owner/agent will accept the Unit Transfer Request in an equally effective format, as a reasonable accommodation, if there is the presence of a disability.

Special consideration is given when the unit transfer is requested because there is:

- There is a verified need for a reasonable accommodation or a verified medical need for a different unit
- There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living to accommodate a disabled resident/applicant on the waiting list.
- The resident has requested and qualifies for a VAWA emergency transfer
- The resident has requested and qualifies for a transfer based on imminent threat not associated with a VAWA crime
- There is a change in household size that makes the current unit too large or too small for the family based on the owner/agents occupancy standards

Except in those cases described above, unit transfers will be granted only if:

- The household has not given notice to move
- The resident is not being evicted
- The resident is current for all outstanding charges
- The resident has not entered in to a repayment agreement for failing to fully and accurately report income or household composition
- The resident has no record of more than one minor lease violation in the last 12 month
- The resident has no record of any major lease violations
- The resident complies with lease provisions regarding decent safe and sanitary conditions of the current unit



A unit transfer request for a household whose size/composition has not changed since move-in (or most recent transfer) will not be considered for at least one year unless the request is to address a verified medical need/reasonable accommodation or the request is a VAWA Emergency Transfer request.

A household living in an apartment too large for its needs will not be required to move if there are no applicants waiting for the bedroom size to be vacated by the transfer.

An appropriate sized unit will be available before the resident household is required to move. At that time, the household will have thirty (30) days to complete the transfer.

### ***SECURITY DEPOSITS & UNIT TRANSFERS***

When a resident transfers to a new unit with all other household members, the owner/agent will charge a new security deposit and transfer the security deposit for the old unit less any outstanding amounts for rent, fees or damages. The resident will receive a bill for any additional fees or damages. This bill must be paid within 30 days.

### **HOUSEHOLD SPLIT**

In some cases, a household may split. A Split Household is defined as one assisted household becoming two or more assisted households.

This happens when one or more household members move out of the unit in to a new unit. Some of the original household members remain in the original unit.

When this happens, those members establishing a “new” household will be treated as applicants with a preference. New application documents must be completed and submitted to the owner/agent.

The “new” household must be eligible and must meet all screening requirements. The resident selection plan in effect at the time of the final eligibility determination will be used.

### ***SECURITY DEPOSITS & HOUSEHOLD SPLITS***

If the household “splits” and one or more residents remain in the original unit, the original security deposit will remain with the original unit and a new security deposit will be collected for the new unit.

### **CHANGES IN HOUSEHOLD COMPOSITION**

#### ***ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY***

The owner/agent must approve any new adult household member **before** he/she moves in to the unit. Eligibility criteria, screening criteria and compliance with occupancy standards will be reviewed before the new household member is approved or denied.

The request to add a new household member will not be considered if the resident has provided notice to vacate the unit. This helps prevent applicants from “jumping” ahead on the waiting list.

Any new adult household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the resident selection plan in place at the time of the eligibility determination.





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Previous household members may not be added back to the unit's 50059 until a period of 12 months has passed from the date that the member was removed from the household.

The rent/assistance payment will be re-calculated to reflect any income or allowances for the new household member. If the rent increases, the increase will take effect the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the addition of the new household member.

This policy applies to live-in aides as well. Screening criteria will also be applied to live-in aides, **except for the criterion regarding credit performance or the ability to pay rent on time** because live-in aides are not responsible for rental payments. However, live in aides must meet other screening criteria established by the owner/agent. Income and/or allowances received by live-in aides will not be considered.

Information about new household members who are minors must be provided to the owner/agent as quickly as possible but within no more than thirty (30) calendar days. This includes, as applicable, required eligibility information including Social Security Numbers, proof of citizenship or non-citizen eligibility and other pertinent information.

If the new household member is under the age of six, special consideration regarding Social Security Number disclosure and verification of Social Security Numbers is given. The household will be given ninety (90) calendar days to provide the Social Security Number and adequate documentation to verify the Social Security Number provided. In some cases, an additional ninety (90) days may be provided.

If the household fails to provide the required Social Security Number information within the allotted timeframe, the household's tenancy will be terminated (eviction) in accordance with HUD requirements.

Each dependent child that lives in the unit may be eligible for a \$480 deduction that decreases the monthly rent payment by roughly \$12.00 per month. The rent payment will be re-calculated to reflect any income or allowances for the new household member.

If the rent increases, the increase will take effect the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the addition of the new household member.

Failure to notify the owner/agent about changes in household composition as described above may result in retroactive rent changes and/or termination of subsidy/tenancy for the entire household. Please contact the owner/agent or property staff if you have questions about this policy.

### ***REMOVING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY***

Residents must notify the owner/agent if any household member listed on the lease or on HUD Form 50059 leaves the unit. This notification must occur as quickly as possible but within no more than thirty (30) calendar days.



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Upon notice, the rent payment will be re-calculated to remove any income or allowances for the previous household member. If the rent increases, the increase will take effect the first of the month following delivery of a 30-day notice of change to rent. If the rent decreases, the decrease will take effect the first of the month following the removal of the household member.

Failure to provide notice to the owner/agent, within thirty (30) days, could result in rent increases retroactive to the first of the month after the household member left. Subsidy paid in error will be returned, as required, to the Department of Housing & Urban Development.

If the resident fails to notify the owner/agent of a change in household composition within thirty (30) calendar days, and that change would result in a rent decrease, the owner/agent will make the decrease effective the first of the month following the notice. No retroactive rent credits will be returned to the resident.

Failure to notify the owner/agent about changes in household composition may result in termination of subsidy and/or tenancy for the entire household.

Note that household members may not be added back to the unit's 50059 until a period of 12 months has passed from the date that the member was removed from the household.

Please contact the owner/agent if you have questions about this policy.

### ***EXTENDED ABSENCE FROM THE APARTMENT***

The length of time tenant may be absent from the apartment is no longer than 60 continuous days, or no longer than 180 continuous days for medical reasons. An extended absence beyond that period will result in the resident giving up their right to occupancy of the apartment. Extenuating circumstances will be taken into consideration.

### **APARTMENT INSPECTIONS**

All apartments must undergo periodic inspection conducted by the on-site management team, HUD or HUD's representatives/agents. These inspections include not only interior but also exterior inspections. Residents have the right to be present, and are, in fact encouraged, to be present during unit inspection.

**The move-in inspection** is an opportunity to familiarize the new resident with the property and the unit, as well as to document its current condition. By performing move-in inspections, the owner/agent and residents are assured that the unit is in livable condition and is free of damages. A move-in inspection gives the owner/agent an opportunity to familiarize residents with the operation of appliances and equipment in the unit.

**The move-out inspection** is conducted when a household vacates a unit. The owner/agent will list the damages on the Unit Inspection Form and compare it with the Unit Inspection Form completed at move-in to determine if there is any damage or excessive wear-and-tear.

In addition, the owner/agent will perform **unit inspections on at least an annual basis** to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced.



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This is also an opportunity to determine any damage to the unit and, if so, make the necessary repairs. At this time, residents may be charged for damages to the unit so long as those damages are not the result of normal wear-and-tear.

**HUD, or its authorized contractor(s), has the right to inspect the units** and the entire property to ensure that the property is being well maintained. These inspections assure HUD that owners and their agents are fulfilling their obligations under the regulatory agreements and/or subsidy contracts and that residents are provided with decent, safe, and sanitary housing.

### **CHANGES TO THE RESIDENT SELECTION PLAN**

Applicants will be notified in writing when the resident selection plan undergoes significant change or when preferences are added or removed. At that time, applicants will be:

- 1) Given an opportunity to review the new plan
- 2) Notified of changes to preferences
- 3) Asked if they wish to remain on the waiting list

If the applicant household does not respond, that household will be deemed ineligible and removed from the waiting list.

The current resident selection plan, in place at the time of final eligibility determination, will be used to make a final decision to approve or reject the application.



### **APPENDIX A – REQUEST FOR REASONABLE ACCOMMODATION OR MODIFICATION**

The owner/agent is committed to complying with the Fair Housing Act and Section 504 of the Rehabilitation Act by ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities in connection with the operation of housing services or programs solely on the basis of such disabilities.

If an individual with a disability requests an accommodation or modification, the owner/agent will fulfill these requests, unless doing so would result in a fundamental alteration in the nature of the program or create an undue financial and administrative burden. In such a case, if possible, the owner/agent will offer an alternative solution that would not result in a financial or administrative burden.

- (1) The owner/agent informs all applicants/residents that, at any time, the applicant/resident or a person acting on behalf of the applicant/resident may make a request for reasonable accommodation or modification for an individual with a disability.
- (2) At the time of application, all applicants are provided with a copy of the Reasonable Accommodation - Modification Policy. This is provided in writing as part of the Application Package or, upon the applicant's request, the Policy will be provided in an equally effective format.
- (3) All applicants/residents are provided with a Reasonable Accommodation/Modification Request Form when requesting a reasonable accommodation or modification. The request will be accepted in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. A resident or applicant may submit the request in writing, orally, or use another equally effective means of communication to request an accommodation or modification.
- (4) Residents and applicants may contact the management office located within their property for information about requests.
- (5) The owner/agent will provide an initial reply to requests as quickly as possible, but no more than ten (10) business days from the receipt of the request unless the owner/agent explains the delay. Response may include but is not limited to:
  - i. Request Approval
  - ii. Request Denial
  - iii. Request for Additional Information or Verification of Need
- (6) The owner/agent will consent to or deny the request as quickly as possible. Unless the owner/agent explains the delay, the applicant/resident will be notified of the decision to consent or deny within no more than thirty (30) calendar days after receiving all necessary information and documentation from the resident and/or appropriate verification sources. All decisions to grant or deny reasonable accommodations will be communicated in writing or, if required/requested, in an alternative format. Exceptions to the thirty (30) day period for notification of the owner/agent's decision on the request will be provided to the resident setting forth the reasons for the delay.
- (7) If the request for reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within ten (10) business days of the date of the written notification of denial. The appeal meeting will be conducted by a person who was not originally involved in the decision to deny.

## **APPENDIX B – CITIZEN/NON-CITIZEN ELIGIBILITY**

Applicants are required to declare U.S. Citizenship or submit evidence of eligible immigration status for each of household member seeking housing assistance. The owner/agent is required to obtain the following documents:

- 1) Family Summary Sheet (lists all household members who will reside in the assisted unit)
- 2) Citizenship Declaration (Each household member listed on the Household Summary Sheet must complete)
- 3) Forms and/or evidence of citizen/immigration status

If you have any questions or difficulty in providing the described information or determining the type of documentation required, please contact the management office. If you are unable to provide the required documentation in the timeframe indicated, you must contact the management office and request an extension. If you fail to provide this information, the owner/agent cannot provide assistance.

The owner agent will offer the household assistance, providing subsidy to those household members whose documents were received on time when the following criteria is met:

- 1) Assistance/unit is available
- 2) The household has come to the top of the waiting list
- 3) At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this resident selection plan

If any household member is determined to be an ineligible non-citizen, either at application or after move-in, assistance may be prorated or terminated.

## **REQUIRED DOCUMENTATION**

The owner/agent must obtain the following documentation for each household member regardless of age:

- From U.S. citizens, a signed declaration of citizenship. The owner/agent requires verification of the declaration. The following documents will be accepted as proof of citizenship
  - United States (U.S.) Passport
  - U.S. birth certificate
  - Other documentation as provided by HUD or DHS
- From non-citizens claiming eligible status who is 62 or older:
  - A signed declaration of eligible immigration status and
  - Proof of age
- From non-citizens claiming eligible status who is not 62 or older:
  - A signed declaration of eligible immigration status **and**
  - A signed consent form **and**
  - One of the DHS-approved documents
    - Form I-551, *Permanent Resident Card*.
    - Form I-94, *Arrival-Departure Record* annotated with one of the following:
      - “Admitted as a Refugee Pursuant to Section 207”;

## Victory Tower Resident Selection Plan

- “Section 208” or “Asylum”;
  - “Section 243(h)” or “Deportation stayed by Attorney General”; or
  - “Paroled Pursuant to Section 212(d)(5) of the INA.”
- Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
    - A final court decision granting asylum (but only if no appeal is taken);
    - A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (application filed was before October 1, 1990);
    - A court decision granting withholding of deportation; or
    - A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
  - A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant’s entitlement to the document has been verified.
  - Other acceptable evidence.

If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.

### ***TIMEFRAMES FOR SUBMITTING EVIDENCE OF CITIZENSHIP/IMMIGRATION STATUS TO THE OWNER/AGENT***

Applicants must submit required documentation of citizenship/immigration status no later than the date the owner/agent initiates verification of other eligibility factors (pre application or application). Owner/agents determine the applicant’s citizenship or immigration status during the initial eligibility determination prior to move-in.

If the applicant cannot supply the documentation within the owner/agent’s specified timeframe, the owner/agent **may** grant the applicant an extension of not more than thirty (30) days, **but only if** the 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/agent may establish a shorter extension period based on the circumstances of the individual case.)

The owner/agent will inform the applicant in writing (or, if required/requested, in an alternative format) if an extension request is granted or denied. If the request is granted, the owner/agent will include the new deadline for submitting the documentation. If the request is denied, the owner/agent will state the reasons for the denial in the response. When granting or rejecting extensions, the owner/agent/agent will treat applicants consistently.

### ***REVIEWING AND VERIFICATION OF A HOUSEHOLD’S CITIZENSHIP/IMMIGRATION STATUS***

Owner/agents will conduct primary verification through the (Systematic Alien Verification for Entitlements) SAVE ASVI database - the Department of Homeland Security (DHS) automated system. After accessing the ASIV database, the owner/agent enters the required data fields.



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The system will display one of the following messages for immigration status confirmation on the screen.

- Lawful Permanent Resident
- Temporary Resident
- Conditional Resident
- Asylee
- Refugee
- Cuban\Haitian Entrant
- Conditional Entrant

**Secondary verification.** If the message “institute secondary verification” is displayed on the screen, the manual verification process must be used.

Within ten (10) days of receiving an “Institute Secondary Verification” response, the owner/agent will prepare DHS Form G-845S, *Document Verification Request*. The owner/agent will send DHS Form G-845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the property’s jurisdiction.

The DHS will return to the owner/agent a copy of DHS Form G-845S indicating the results of the automated and manual search.

### ***NOTIFICATION TO APPLICANTS***

Owner/agents will notify households in writing that they are:

- Eligible for assistance
- Eligible for partial assistance, as a mixed household

The owner/agent/agent will notify applicants and/or residents in writing if they are found to be ineligible based upon citizenship/immigration status.

### ***MIXED HOUSEHOLDS***

A mixed household—a household with one or more ineligible members and one or more eligible household members—may receive:

- Prorated assistance
- Continued assistance

### ***APPEALING DETERMINATIONS OF INELIGIBILITY***

The owner/agent will notify the household in writing as soon as possible if the secondary verification process returns a negative result.

The applicant or resident has thirty (30) days from receipt of the notice to choose which option to follow.



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The applicant or resident may appeal the owner/agent's decision directly to the DHS. The applicant or resident must send a copy of the appeal directly to the owner/agent. The DHS should respond to the appeal within thirty (30) days.

If the DHS decision results in a positive determination of eligibility, the owner/agent can provide the appropriate housing assistance. If the DHS decision results in a negative determination of eligibility, the household has **thirty (30) days** to request a hearing with the owner/agent.

### ***PROHIBITION AGAINST DELAY OF ASSISTANCE***

Owner/agents may not delay the household's assistance if the applicant or resident submitted immigration information in a timely manner but the DHS verification or appeals process has not been completed.

If a unit is available, the household has come to the top of the waiting list, and at least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible, the owner/agent will offer the household a unit and provide full assistance to those household members whose documents were received on time. The owner/agent will continue to provide full assistance to such households until information establishing the immigration status of any remaining non-citizen household members has been received and verified.





### **APPENDIX C: DUAL SUBSIDY NOTICE**

I understand that my application to move to **Victory Tower** with the rest of my household members has met preliminary eligibility requirements.

I have indicated, on the application, that:

1.  I am not currently receiving HUD assistance in another unit
2.  I am currently receiving HUD assistance in another unit.

According to the current HUD lease, if I am living in a community and receiving HUD project-based assistance, I must provide a 30-day notice to the agent managing the property where assistance is currently provided.

*If the owner/agent discovers that any household member failed to move out of a HUD assisted residence before moving to **Victory Tower**, no rent subsidy or utility allowance will be provided by the Department of Housing and Urban Development until the day after the move out is complete. Household members who signed the lease will be responsible for paying the market rent until qualified to receive HUD assistance on this property. Any assistance paid in error must be returned to HUD.*

3.  I am the recipient of a housing voucher.

I understand that HUD prohibits residents from benefiting from Housing Voucher assistance in a unit assisted through HUD's Section 8 program.

*I understand that HUD prohibits residents from benefiting from Housing Voucher assistance in a unit assisted through HUD's Section 8 program. When the application is submitted the household will be added to the waiting list. A unit will be offered in accordance with the resident selection plan. If the family later moves out of the project, the project subsidy will not move with the family as it does with a voucher. If you wish to participate in the voucher program after move-out, you will need to reapply to the PHA to receive another voucher.*

*All household members must be removed from or forfeit the voucher before receiving HUD assistance for a unit on this property. If the owner/agent discovers that any household member failed to give up current HUD assistance before moving to **Victory Tower** no rent subsidy or utility allowance will be provided by the Department of Housing and Urban Development until the day after the move out is complete.*

*Household members who signed the lease will be responsible for paying the market rent until qualified to receive HUD assistance on this property. Any assistance paid in error must be returned to HUD.*

This information will be verified using the Existing Tenant Report in EIV. If EIV indicates a conflict and verification information indicates that the information provided is not true, and the EIV information is verified, then the owner/agent will reject the application based on misrepresentation of information.



### **APPENDIX D – VERIFICATION OF HOUSEHOLD COMPOSITION**

In compliance with HUD's Rental Housing Integrity Improvement Project (RHIP), the owner/agent will make every effort to ensure that the correct assistance is provided to those who seek housing assistance.

If an applicant household indicates that one or more members should be removed from the application, the owner/agent will accept such notification from the Head-of-Household (HOH) (HOH) if it is provided on a notarized form provided by the owner agent. The following rules apply.

If the household is being rejected because a member is registered as a sex offender in any state lifetime sex offender registry, the owner/agent will take extra steps to ensure that the sex offender is not housed in any unit on the property. The household will have to provide documentation to prove that the sex offender will live at another location. Acceptable documentation includes, but is not limited to:

- Confirmation from a landlord with copy of an executed lease
- Confirmation from local police
- Confirmation from anyone who maintains sex offender registries including but not limited to:
  - a) Dru Djodin Sex Offender Registry
  - b) Megan's List
  - c) State or Federal Sex Offender Registries
- New driver's license with new address

Information will be confirmed for up to one year after move-in.

If it is discovered that the household allowed any registered sex offender to live in the unit, the applicant must understand that he/she is not qualified to receive subsidy or live on the property. All subsidy paid-in-error must be returned to HUD. Because this is a material lease violation, all household members must vacate the unit within 30 days.

One of the key requirements, at application and during residency, is to disclose who will be living in the unit at any given time. It is important to understand the difference between a resident and a guest.

**Resident:** A resident is any person who is listed on the application, on any Family Summary submitted and on the lease who will reside in the unit.

**Guest:** A guest is a person who visits any resident and may stay overnight no more than thirty (30) consecutive nights in a one-year period and may stay overnight no more than ninety (90) non-consecutive nights in any one-year period without express written consent of the owner/agent.

If the owner/agent suspects that a guest should actually be classified as a resident, the owner/agent will request a meeting with the Head-of-Household (HOH).



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In accordance with HUD requirements, the resident will have ten (10) days to meet with the owner/agent. Failure to respond to the request to meet will result in termination of assistance beginning the first of the month following the 10-day notice.

If the owner/agent suspects that a guest is actually living in the unit, the owner/agent will ask for verification of alternative residence. Samples of such verification include one or more of the following:

- Verification with the United States Postal Service that no mail, for the guest, is delivered to the unit address
- \*A current driver's license for the "guest" with an alternative address
- \*A current lease indicating an alternative residence
- \*A current utility bill in the person's name showing an alternative address
- \*A current insurance policy or other such invoice/bill showing an alternative address

*\*Current means issued/created within the last thirty (90) days.*

In addition, the resident(s), indicated on the lease, must sign a notarized statement confirming that the guest does not violate the guest policy as indicated above and does not reside in the unit.

**Live-in Aides:** A live-in aide must meet HUD's definition of a live-in aide:

- 1) Is essential to the care and well-being of the resident
- 2) Is not dependent on the resident for support
- 3) Is only living in the unit to provide essential support

If a resident or applicant requests a live-in aide, the owner/agent is required to verify the need for a live-in aide using third-party verification.

Live-in Aides are required to complete the Live-in Aide Questionnaire. The information on the Live-in Aide questionnaire will be verified and the prospective live-in aide will be screened in accordance with the resident selection plan in place at the time of review. The live-in aide will not be screened for the "ability to pay rent" since the live-in aide is not responsible for rent payment.

The live-in aide must be approved and must sign the House Rules and the HUD-approved Live-in Aide Addendum before move-in. The owner/agent must sign a revised 50059 before the live-in aide is allowed to move-in.

If a live-in aide moves in prior to screening and prior to signing required forms, the owner/agent will issue a notice of lease violation and may pursue other action including, but not limited to eviction of the live-in aide, termination of assistance and/or termination of tenancy.

**Children/Minors:** At move-in, all non-exempt household members, including children, must have a Social Security Number and adequate documentation to verify the Social Security Number.

When children are later added to the household, the following will be required.

For children who are born, adopted or in foster care or in another legal custodial relationship with an existing household member, the owner/agent requires the following:



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- Social Security Number and proof that the number is valid
  - For children under the age of 6 years old - must be provided within ninety (90) days or owner/agent is required to terminate tenancy.
  - An additional ninety (90) may be provided if extenuating circumstances exist
- Proof of age/legal custodial arrangement
  - Birth certificate indicating that a household member is a parent; or
  - Adoption paperwork indicating that a household member is a parent as appropriate; or
  - Verification from the foster agency indicating the unit as the primary residence of the foster child as appropriate; or
  - Other documents proving legal custody arrangement as appropriate

For children who are not part of a legal custody arrangement who will be living in the unit, the owner/agent requires:

- Social Security Number and proof that the number is valid
  - For children under the age of 6 years old - must be provided within ninety (90) days or owner/agent is required to termination of tenancy. An additional ninety (90) may be provided if extenuating circumstances exist
- Two forms of proof that the child resides with a member of the household
  - Verification from a government organization indicating that the unit will be the primary residence for the minor (examples include but are not limited to school records, children services agencies, foster programs, etc.)
  - Verification from a medical professional in the know indicating that the unit will be the primary residence for the minor
  - Verification from a social service organization indicating that the unit will be the primary residence of the minor (examples include but are not limited to homeless shelters, shelters for victims of domestic violence, etc.)
  - A signed, notarized statement from an adult household member claiming guardianship of the minor child

The owner/agent does not and will not establish policies intended to exclude children. If none of the household members can provide documentation for minors, as described above, the owner/agent will meet with the resident to discuss reasonable alternatives. The owner/agent will be the final judge of what is considered adequate documentation proving household composition/residency.



## **APPENDIX E – VAWA POLICY**

### **Protections Provided under the VAWA**

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. The owner/agent understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes. Affiliated persons include:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, resident/applicant, or lawful occupant living in the household of that individual.

VAWA ensures that victims are not denied housing and housing assistance solely because the person is a victim of a VAWA crime. However, being a victim of a VAWA crime is not reason to change the eligibility or applicant screening requirements set forth in the Tenant Selection Plan unless such requirements interfere with protections provided under the VAWA.

For example: An owner/agent may waive the requirement to review landlord history for an applicant if the victim has provided necessary documentation to certify their status as a victim and if contacting a previous landlord would put the applicant's location at risk of exposure to the accused perpetrator.

### **Confidentiality**

The *Notice of Occupancy Rights under the Violence Against Women Act* provides notice to the resident/applicant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to The owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

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

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

### **Requests & Certification**

When the owner/agent responds to a request to exercise protections provided under the VAWA The owner/agent will request that an individual complete, sign, and submit the VAWA certification form, within fourteen (14) business days of the request. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.



If the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit written proof of this outreach in lieu of the certification form. The owner/agent will accept the following:

- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) From whom the victim has sought assistance in addressing domestic violence, dating violence and/or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence and/or stalking has signed or attested to the documentation.

The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

### **Lease Bifurcation**

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent the authority to bifurcate a lease i.e., remove, evict, or terminate housing assistance to any accused perpetrator, while allowing the victim, who lawfully occupies the home, to maintain tenancy.

### **Legal Action**

Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, The owner/agent may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the property.

### **Lease Addendum**

The HUD approves lease addendum will be implemented and provided in accordance with HUD guidance.

### **Emergency Transfer**

The owner/agent will consider an Emergency Transfer Request when a person seeking to exercise VAWA protections feels that he/she is:

- In in imminent danger
- Was sexually assaulted on the property within 90 days of the request

Please see the property VAWA Policy or VAWA Emergency Transfer Plan for additional information.

