

TENANT SELECTION PLAN

University Drive Manor

1201–2nd Avenue North • #91

Fargo, ND 58102

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• Subsidized Housing Specially Designed for the Elderly and Qualified Disabled •

University Drive Manor does not discriminate against any person because of Race, Color, National Origin, Religion, Sex or Handicap (Disability).

TTY relay number for North Dakota: 1-800-366-6888

PROJECT and PROGRAM ELIGIBILITY REQUIREMENTS

- ❖ **The property is limited to specific family types, such as those who are elderly or disabled.**
- ❖ Assistance in subsidized housing is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status as determined by HUD. All family members, regardless of age, must declare their citizenship or immigration status. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student. Non-citizen applicants will be required to submit evidence of eligible immigration status at the time of application and will be verified through the U.S. Immigration & Customs Enforcement, Systematic Alien Verification for Entitlements (SAVE) Program.
- ❖ The applicant and all members of the applicant's household, including live-in aides, must disclose the complete and accurate Social Security Number assigned to each household member, and the documentation necessary to verify each SSN before the household may be housed. However, they do not need to disclose their SSN in order to be placed on the waiting list. SSNs will be verified through the Enterprise Income Verification (EIV) System within 90 days of move-in.
- ❖ The Social Security Number requirements do not apply to:
 - Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
 - 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.
 - 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. This extension also applies to in-place households wishing to add a new family member under the age of 6 to the unit.
- ❖ All family members who are 18 years of age or older are required to sign consent and verification forms. All information reported by the family is subject to verification.



- ❖ The unit must be the family's sole residence. The owner must not provide assistance to applicants who will maintain a residence in addition to the HUD assisted unit. Under no circumstance may any tenant benefit from more than one subsidy. When processing the application the property will conduct an Existing Tenant Search through the Enterprise Income Verification (EIV) System to verify the applicants and/or other household members are not currently residing in subsidized housing.
- ❖ Applicants must agree to pay the rent required by the program under which they will receive assistance.
- ❖ Applicants' gross income must not exceed the HUD established income limits for the property. Income eligible applicants must also need the assistance; the amount the family would be required to pay using the applicable HUD rent formula must be less than the Gross Rent for the unit.
- ❖ 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 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 living with his/her parents who are receiving Section 8 assistance;
 2. Is individually eligible to receive section 8 assistance or has parents who are income eligible to receive Section 8 assistance;
 3. Is a veteran of the US Military;
 4. Is married;
 5. Has a dependent other than a spouse (e.g. dependent child);
 6. Is at least 24 years of age;
 7. Is a person with disabilities, as such term is defined in section 3(b)(3)(F) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
 8. 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 section 722(g)(1)(J)(ii) of 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

9. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

● If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet the HUD's student eligibility criteria. For a student to be eligible independent of his/her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his/her independence from, parents. The student must meet **all** of the following criteria to be eligible for Section 8 assistance. The student must:

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

INCOME ELIGIBILITY REQUIREMENTS

- ❖ HUD establishes and publishes income limits annually based on family size for each county in the United States based on the median income of the geographic area. The family's annual income must not exceed program income limits. Income limits for this property are listed below:

Low-income limit	80% of median income
Very low-income limit	50% of median income
Extremely low-income limit	the higher of 30% of the area median income or the federal poverty level

- ❖ Owners must make at least 40 percent of the assisted units that become available each year (project's fiscal year) available for leasing to families whose income do not exceed 30 percent of the area median income (extremely low-income) at the time of admission. If the owner actively

marketed at least 40 percent of the annually available units to extremely low-income families but was unable to fill all of the units with families meeting the requirement, the owner is permitted to rent to other eligible families after a reasonable marketing period has expired.

OCCUPANCY STANDARDS

UNIT SIZE	MINIMUM OCCUPANTS	MAXIMUM OCCUPANTS
0 Bedroom	N/A	N/A
1 Bedroom	1	2
2 Bedroom	N/A	N/A
3 Bedroom	N/A	N/A

- ❖ A single person cannot occupy a unit with two or more bedrooms unless one of the following applies:
 - ✓ A person with a disability who needs the larger unit as a reasonable accommodation.
 - ✓ A displaced person when no appropriately sized unit is available.
 - ✓ An elderly person who has a verifiable need for a larger unit.
 - ✓ A remaining family member of a resident family when no appropriately sized unit is available.
- ❖ A smaller unit size may be assigned upon request; only if occupancy of the smaller unit will not cause serious overcrowding and will not conflict with local codes.
- ❖ A larger unit size may be assigned upon request if one of the following conditions exists:
 - ✓ No eligible family in need of the larger unit is available to move into the unit within 60 days, the property has the proper size unit for the family but it is not currently available, and the family agrees in writing to move at its own expense when a proper size unit becomes available.
 - ✓ The family needs a larger unit as a reasonable accommodation for a family member who is a person with a disability.
- ❖ If a family, based on the number of members, would qualify for more than one unit size, the owner must allow the family to choose which unit size they prefer.

VAWA PROTECTIONS

1. The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy of a victim who is protected from acts under the domestic or family violence laws of the jurisdiction.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon

extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

APPLICANT SCREENING CRITERIA

- ❖ All applicants age 18 or older will be screened for suitability prior to residency. Screening criteria will be applied consistently to all applicants, consideration of extenuating circumstances will be considered in the screening process.
 - ✓ **Credit History.** Priority will be given to current credit activity over older activity. All rent and utilities must be paid in full. Poor credit history is grounds for rejection; however a lack of credit history is not.
 - ✓ **Rental History.** Past record of destruction, consistent late or unpaid rental obligations, police activity or poor housekeeping habits resulting in health or safety hazards is grounds for rejection. Lack of rental history is not grounds for rejection.
 - ✓ **Criminal History.** Applicants will be rejected if any of the following apply:

**Note: The same criteria regarding criminal history applies to live-in aides also.*

- Any household member has been evicted from Federally-assisted housing for drug-related criminal activity, for three (3) years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household) the Owner may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use.
- Any member of the household is subject to a lifetime registration requirement or is currently registered under a state sex offender registration program. During the admissions screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.
- The Owner determines that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug or alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Screening standards must be based on behavior, not the condition of alcoholism.)
- Any member of the applicant's household has been convicted of the manufacture of methamphetamine on the premises of federally subsidized housing.
- Violent criminal activity which indicates a pattern of violence that may threaten the safety of residents or staff. Violent criminal activity *includes* sex crimes and crimes against children.
- Any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or any employee who is involved in the housing operations.
- Unlawfully obtaining government assistance.



NOTIFICATION OF APPLICANT REJECTION

If an applicant is denied admission to the property they will receive a written notice stating the reason (s) for the rejection. The applicant has the right to respond in writing or request a meeting to dispute the rejection within 14 days of the notice. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. If admission is denied because criminal background screening indicates the applicant provided false information; the entity making the determination must provide the subject of the record and the applicant a copy of the information the action is based upon. The subject of the record and the applicant have the opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

APPLICATION and WAITING LIST PROCEDURE

- ❖ Applications completed in full and properly signed will be accepted according to unit size and type in chronological order. Families that include persons with disabilities will be given preference for units with special accessibility features. If a unit that fits the applicant's needs is not available, their name will be placed on the waiting list (maintained in the same order) after preliminary eligibility determination. If an extremely low-income applicant is needed to achieve targeting requirements, and the next applicant has income above the extremely low-income limit, that applicant must be placed on the waiting list until the property is ready to house an applicant with income above the extremely low-income limit.
- ❖ Applicants will be removed from the waiting list for the following reasons:
 1. The applicant no longer meets the eligibility requirements.
 2. The applicant fails to respond to a written notice for an eligibility interview.
 3. The applicant is offered and rejects two (2) units in the property.
 4. The applicant fails to provide SSNs for all household members.
 5. Mail sent to the applicant's address is returned as undeliverable.
 6. Family characteristics change and no appropriate size unit exists in the property.
- ❖ The waiting list will be updated every six (6) months. Applicants and current tenants are required to contact the property within six months if they wish to remain on the waiting list. Failure to do so will result in removal from the waiting list.
- ❖ The waiting list will be closed for one or more unit sizes when the average wait is one year or more. Potential applicants will be advised if the waiting list is closed and additional applications will not be accepted. Notice of this action will be published in the local newspaper.
- ❖ When the waiting list is re-opened and applications will be accepted again, notice will be published in the local newspaper.

UNIT TRANSFER PROCEDURE

- ❖ Current tenants requiring a unit transfer for the following reasons will be given preference over applicants and those on the waiting list.
 - ✓ A required unit transfer due to family size or changes in family composition. When an owner determines that a transfer is required the tenant may remain in their current unit and pay the HUD-approved market rent or must move within 30 days after notification that a unit of the required size is available within the property.
 - ✓ A unit transfer for a medical reason certified by a doctor or the need for an accessible unit.
 - ✓ A deeper rent subsidy, if it applies to the property.
- ❖ Current tenants requesting a unit transfer for any other reason will be added to the waiting list of applicants provided there is no record of consistent late or unpaid rental obligations, no record of



police activity and inspection of the tenant's current unit must indicate there is no damage to the property or poor housekeeping habits resulting in health or safety hazards.

LIMITED ENGLISH PROFICIENCY (LEP)

For persons who do not speak English as their primary language and those who have a limited ability to speak, read, write, or understand English; we will make reasonable efforts to provide language assistance. We will arrange to provide forms relating to tenancy in a language that is understood by the individual. We will make every effort to obtain oral interpretation and written translation services if deemed necessary.

NON-DISCRIMINATION

The property adheres to the Fair Housing Act and Federal Civil Rights Laws. We will not discriminate against applicants or tenants based on race, color, national origin, sex, age, disability, religion or familial status. In compliance with Section 504 regulations, we will take reasonable, nondiscriminatory steps to maximize the use of accessible units by eligible individuals whose disability requires the accessibility features of a particular unit. We will consider extenuating circumstances in the screening process for applicants with disabilities, where required as a matter of reasonable accommodation.

Housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.

Anyone needing assistance completing the application process, please contact us at:

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