

ELM COURT TENANT SELECTION POLICY

OVERALL SELECTION PLAN

Elm Court came into being to serve the many older residents of the Princeton community who are burdened by excessive housing costs, inferior housing conditions and/or may no longer be able to maintain a home and thus desire affordable rental housing. It is desired that the residents of Elm Court be representative of both sexes, all races, a range of ages and represent a social and economic mix. This policy aims to achieve an overall population that is at least 90% low income as defined by HUD exclusive of the mobility impaired handicapped for which nine units at Elm Court have been designed. No applicant will be rejected on the basis of race, color, sex, familial status, religion, handicap, disability, or national origin. The selection criteria will be affirmatively applied to sustain the overall selection plan.

GENERAL INFORMATION

Elm Court is federally funded apartment house that has established “Smoke-Free” Living Zones and Units for people 62 or older. Non-elderly applicants are eligible for housing only if they “require the accessible features of the unit” as defined by HUD and requires verification.

Residents, guests and aides are prohibited from smoking in their apartments or in common areas or within 50 feet of the building. A Smoker’s Shed has been provided for those who choose to smoke. However, the rule of “**No Smoking**” will be strictly enforced and violations will include verbal and written notice leading to eviction. This tobacco-free policy applies to all residents, guests, vendors, visitors and service personnel at Elm Court. Although Elm Court intends to strictly enforce this non-smoking policy, it cannot and does not warrant or promise that any apartment or common areas of the buildings will be smoke-free, and makes no warranty or guarantee as to the health of any resident or other person. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are hereby put on notice that Elm Court does not assume any higher duty of care to enforce this policy than any other landlord under the terms of the resident’s lease.

INCOME LIMITS

Income limits are established and adjusted annually. The household’s annual income may not exceed the applicable income limit for this property or for the household size. Income eligibility must be determined prior to approving applicants for tenancy.

Income Targeting Procedures

At least forty percent (40%) of all available units (within each project fiscal year) will be offered to families whose total gross income does not exceed 30% of the area median income (extremely low income limit) as established by HUD.

ELIGIBILITY

To be eligible to become a resident of Elm Court, all applicants must meet the following criteria:

1. **Age.** In order for an application to be accepted, the applicant must be 62 years of age or older.

2. **Income.** To be eligible to occupy a unit, the total household income from all sources – Social Security, pension, employment, unemployment disability, alimony, stocks, bonds, interest, trusts, etc. – must not exceed 80% of the area median income as defined by HUD. There is no minimum income. 40% of units available in the fiscal year must be leased to extremely low income households as described by HUD. If review of waiting list indicates that this requirement cannot be met by following the standard waiting list order, Elm Court will admit a combination of low income and very low income, while targeting extremely low income households to achieve the 40% requirement.
3. **Family Size.** Units will be occupied by one or two persons depending on the size of the unit.
4. **Social Security.** Applicants must disclose social security numbers for all family members and provide proof of the numbers reported. In unusual cases where this is not possible Elm Court follows procedures as outlined in HUD Occupancy Handbook 4350.3.

Social Security number requirements:

In order to determine eligibility and offer a unit, HUD requires every household member, including live-in aides, foster children and fostered adults to have a Social Security Number (SSN). In addition, the applicant family must provide a valid Social Security card issued by the Social Security Administration for each household member.

If the household member cannot produce his/her valid Social Security card, at least one of the following alternative documents must be provided as documentation:

- An original document issued by a federal or state government agency which shows the person's name and SSN along with other identifying information (i.e. SSA benefit award letter)
- Driver's license that shows the Social Security Number
- Earnings statement on payroll stubs
- Bank statement or Form 1099
- Retirement benefit letter
- Life insurance policy or court records
- Other evidence that HUD designates as acceptable

Exceptions to disclosure of Social Security Numbers:

- Individuals 62 years of age and older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010;
- Individuals who do not contest eligible immigration status;
- Existing residents as of January 31, 2010, who have previously disclosed their SSN and HUD has determined their SSN to be valid.
- Documents that are not originals, or that have been altered, mutilated, or illegible, or that appear to be forged, will be rejected. In this case, management will explain the reason why the document is not acceptable, and will request the submission of acceptable documentation within a reasonable time frame, prior to a unit being offered.

Although applicants are not required to provide Social Security Number documentation when the application is submitted, documentation for all non-exempt household members must be provided before a household can be housed. If there is missing SSN documentation for any non-exempt household member when the household reaches the top of the waiting list and a

unit is available, then the household will be skipped, in order to admit the next eligible household.

The skipped applicant household may keep its position on the waiting list for 90 days from the date they are first offered a unit, to allow them time to provide acceptable SSN documentation. After 90 days, if any household member has not provided SSN documentation, the household will be determined as ineligible and will be removed from the waiting list.

Adding household members after move-in:

- For a new member, regardless of age, who has a social security number, SSN documentation must be provided no later than the processing of the certification that adds the new person to the household.
- If the new member is a child under 6 without a social security number, the household has 90 days to provide SSN documentation. An additional 90 days will be granted only if failure to provide documentation is due to circumstances beyond the tenant's control.
- During this time, the child will appear on tenant certifications with all appropriate benefits and deductions and a TRACS ID will be assigned by HUD.
- When the SSN documentation is provided, an interim certification will be processed to change the TRACS ID to the verified SSN.
- If acceptable SSN documentation is not provided by the deadline date, eviction proceedings will begin to terminate tenancy of the household, since the household will be in non-compliance with its lease.
- After making a copy of the Social Security card the original will be returned to the applicant. After the electronic transmission of the Move-In certification, the SSN will be verified via the EIV computer matching program with the Social Security Administration, and a copy of that verification will be retained in the tenant file.
- All adults, as well as any adjudicated minors who are the Head, Spouse or Co-Head in each applicant family must sign an Authorization for Release of Information (HUD 9887/9887A) prior to receiving assistance, and annually thereafter.

5. Authorization for Release of Information. All adults in each applicant family must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter.

6. Family residence. The unit for which the family is applying must be the family's only residence.

7. Rent. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.

8. Citizenship/immigration status. Only U.S. citizens or eligible noncitizens may receive assistance under Section 202/8 programs. Applicants must sign a Tenant Declaration Format indicating their citizenship status

9. Verification. All information reported by the family is subject to verification.

Assistance to Non-Citizens

By law, only citizens of the United States and eligible non-citizens may benefit from Federal Rental Assistance. Compliance with these rules ensures that only eligible applicants receive subsidy. These requirements apply to applicants who are applying as well as those on the

waiting list. Each family member must have U.S. citizenship, naturalization, and/or verified eligible immigration status, if under 62 years of age, to qualify for subsidy.

All persons claiming to be eligible non-citizens, who are under age 62, will have their citizenship eligibility status verified through the computerized SAVE System provided by the Department of Homeland Security (DHS). If secondary verification is necessary and is not provided within the SAVE System, immigration status will be verified using the paper process. A completed Document Verification Request, Form G-845S, and photocopies of the immigration documentation provided by the applicant will be mailed to the local immigration office to receive verification of the validity of the documents.

EIV (Enterprise Income Verification) POLICY:

EIV is used at Elm Court by the Property Manager to verify income from Social Security Administration and unemployment compensation. The EIV System will also be used to identify employment history of existing residents. The Manager has been specifically trained and is an authorized Coordinator of this system which authenticates applicant and resident incomes through Social Security Administration.

Elm Court will ask at Eligibility Interview if the applicant(s) are currently receiving subsidy and inform them that we will use the Existing Tenant Search portion of the EIV System to verify if they are currently receiving HUD assistance. We will advise the applicant(s) that nothing prohibits a HUD housing recipient from applying to Elm Court. However, the applicant(s) must move out of the current assisted property and/or forfeit any voucher before HUD assistance on this property will begin.

Additional reports such as Multiple Subsidy, Failed Verification, Deceased Tenant, Income Discrepancy, No Income, Existing Tenant Search and New Hire will also be used. The data provided via EIV system will be protected to ensure it is only used for official purposes and not disclosed in any way that would violate the privacy of the individuals represented in the data. Data will be used consistently for all applicants. Information is gathered using EIV during the initial application process as well as during re-certifications and possibly during an interim recertification if necessary. Any printouts obtained using EIV are retained for term of tenancy plus three years.

THE APPLICATION, WAITING LIST AND INTERVIEW PROCESS:

Every applicant wishing to live at Elm Court must file a preliminary application to be placed on the waiting list. No applicant will be denied a preliminary application unless the waiting list has been closed due to an estimated wait of 3 years or more.

Applicants will be placed on the Waiting List in chronological order. Applicants placed on the Waiting List will be notified in writing when a unit becomes available. All Applicants are required to report, in writing, to the management office any change of address, telephone numbers or other information that may affect eligibility. If an Applicant cannot be reached by the Management due to unreported changes, the Applicant will be removed from the Waiting List.

Elm Court will accommodate persons with disabilities who, as a result of their disabilities, cannot utilize the application process in place for Elm Court. Elm Court will provide alternative

methods of taking applications from such persons, to include allowing Applicant to have another person assist with the application process.

If the waiting list is closed, all potential applicants will be advised of this fact and no additional applications will be accepted. Waiting List closure will also be announced in area newspapers along with the above-stated reasons. When the Waiting List is reopened, this notification along with application procedures that are consistent with our Affirmative Fair Housing Marketing Plan will also be announced in area newspapers.

All applications are filed and names, dates and times of applications are recorded. Management will acknowledge the receipt of the application.

The waiting list will be updated at least once a year. Applicants will be required to submit updated information and a request to remain on the list. If there is no response, the applicant's name will be removed from the list.

Opening and Closing the Waiting List:

In order to maintain a balanced application pool, Elm Court may restrict or suspend application-taking and close the waiting list. The property will also update the waiting list by removing the names of those who are no longer interested in, or no longer qualify for, housing.

Decisions about closing the waiting list will be determined based on the number of applications available for a particular unit size and the ability of the property to house an applicant in an appropriate apartment within a three-year period.

Closing and reopening of the waiting list, as well as any restrictions on accepting applications, will be publicly announced in publication(s) likely to be read by potential applicants. Advertisements will include information about where and when to apply, and will conform to the advertising and outreach practices described in Elm Court's Affirmative Fair Housing Marketing Plan.

Removal of Applications from the Waiting List:

The property will not remove an applicant's name from the Waiting List unless:

1. The applicant requests that his/her name be removed.
2. The applicant was clearly told, in writing, of the requirement to advise the property of his/her continued interest in housing by a particular time, and failed to do so, even after being provided with reasonable accommodations in the event of handicap or disability.
3. The property attempted to contact the applicant in writing, but the letter was returned by the U.S. Postal Service as undeliverable.
4. The property has notified the applicant, in writing, of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.
5. The applicant refused two offers of units for other than a medically-related reason.
6. The applicant accepted an offer of a unit but failed to move in on time, without notice.
7. The applicant household needs a different size unit due to a household composition change, and the property has no units of that size.
8. The applicant household failed to provide SSN documentation for any non-exempt household member after the expiration of the provided grace period.

An Eligibility Interview will be required of each prospective resident in order to verify all income information and determine if the applicant is legally capable of entering a lease agreement. Elm Court complies with applicant rejection requirements set forth in the HUD Handbook 4350.3. At the interview, the applicant will submit information and give permission which allows the property manager to check references, including but not limited to credit references, former landlords, employment verification, and a criminal history background check.

Management reserves the right to reject applicants for admission if it is determined that the applicant or any member of the household falls within any one or more of the following categories:

- Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit,
- Previous history of eviction, non-payment of rent or habitual late payment of rent, and negative landlord, credit or personal references,
- Evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping unauthorized pets, or other acts in violation of rules and regulations.
- Documented instances of behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts family and community life.
- Previous documented evidence of acts of violence, harassment, or disturbing the peaceful quiet enjoyment of the premises of others; or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.
- Creating any health or safety hazard through acts of neglect, and/or causing or permitting any damage to, or misuse of premises and equipment; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to reasonably and properly use all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or damage to the premises,
- Previous history of violation of the terms of the lease agreement such as failure to maintain unit in sanitary condition,
- Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.
- Current illegal use of drugs or conviction of the use, manufacture or distribution of illegal drugs,
- Incapacity to enter in a legal contract, which may include prior diagnosis of Alzheimer's.
- Applicant households whose members include an ineligible student who is enrolled in an institution of higher education as noted in Section 3.I (Program Eligibility Requirements/Student Eligibility).

Management **must** reject:

1. Any household member that has been evicted from federally-assisted housing for drug-related criminal activity, for three years from the date of eviction.
2. 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, Management may, but is not required to, admit the household.
3. Any household member who is currently engaging in illegal drug use.
4. If Management determines that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises for other residents. (Examples of evidence of illegal activities may include a conviction record, former landlord references, etc.).
5. Any member of the household who is subject to a lifetime registration requirement under a state sex offender registration program. During the admissions screening process, Management 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.
6. If Management determines that there is reasonable cause to believe that a household member's abuse or pattern of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Upon completion of the application, any applicant who is denied a unit will be notified in writing and given the reason for that denial.

An Applicant who has been denied a unit will be promptly notified in writing of the reasons for rejection. This notice will advise the Applicant that he/she may, within fourteen (14) calendar days of receipt of the notice, request, in writing, a meeting to dispute the rejection. Applicant may appeal the decision to the Elm Court Management Committee, the committee, acting as Tenant Selection Committee, will review the appeal and all information submitted by management and the applicant and render a decision. Should the Applicant request such a meeting, he/she will be advised, in writing, the results of the meeting within five (5) days.

ASSIGNMENT OF UNITS:

Policies not covered by Federal law which govern the availability and the assignment of units at Elm Court have been created to best serve those living at Elm Court and those wishing to live there. Therefore, the following guidelines apply:

1. All units designed for the mobility impaired will only be offered to individuals on the waiting list with this type of disability unless there are no such individuals on the list, in which case, the units can be offered to a non-disabled individual.
2. Applicants who are offered and reject two units in the property will be removed from the waiting list. After six months such Applicants may reapply and will be placed on current Waiting List based on date of receipt of application.
3. Available one-bedroom apartments are offered in the following order:
 - a. To residents registered to move for medical reasons based on date of receipt of their request;
 - b. To next Applicant on Waiting List.

UNIT TRANSFER:

Residents wishing to move from one unit to another (**unit transfer**) will be considered only if they meet one of the following conditions:

1. Declining health/mobility requiring a move either closer to the front of the building or from the second to first floor, or both. A written doctor's recommendation must accompany the request.
2. Desire to move from an efficiency apartment to a one-bedroom apartment.

For internal moves of this sort, health/mobility impairment moves will be considered before "efficiency to one-bedroom" moves. All requests for Unit Transfer must be made in person to the Manager. A dated Request Form will be filled out at that time. All requests will be considered based on date of receipt of request.

REASONABLE ACCOMMODATION:

It is in the intention of Elm Court to make "reasonable accommodations" both in the application process and residency in accordance with HUD Handbook 4350.3 and especially with regards to Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and other relevant civil rights laws and statutes. This also includes taking reasonable steps to ensure meaningful access to information and services we provide for person with LEP (Limited English Proficiency).

Applicants who Require Reasonable Accommodations, Including Live-In Aides:

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job.

For reasonable accommodations to apply there are several requirements. First, the applicant must have a verifiable disability (mental or physical impairment that substantially limits one or more major life activities) as defined by HUD as applicable to the property's program type. Next, the disability must have a direct correlation to the accommodation being requested by the applicant. The applicant must request a reasonable accommodation and provide verification of his/her disability and his/her need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in a financial or administrative burden to the property.

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations the applicant is not eligible and the applicant will be rejected. Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the property's program.

If an applicant makes a request, management will provide a reasonable accommodation if the applicant has a verifiable disability that is directly related to the request and providing the reasonable accommodation will not result in a financial or administrative burden to management or to the owner.

Reasonable accommodations may include changes in the method of administering policies, procedures, or services. In providing reasonable accommodations for, or performing structural modifications for otherwise qualified individuals with disabilities, the property is not required to:

1. Make structural alterations that require the removal or altering of a load-bearing structure,
2. Provide support services that are not already part of its housing programs,
3. Take any action that would result in a fundamental alteration in the nature of the program or service, or
4. Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

ASSISTANCE ANIMALS AND PETS:

A common household pet means a small, domesticated four-legged animal, such as a cat, dog, or rodent. Only one pet per household is permitted. In the case of all cats or female dogs, only those that have been neutered will be allowed as pets. Dogs over 40 pounds are not permitted; except in the case of Service/Assistance animals in which case the weight limit is waived.

Service/Assistance Animals are permitted as a reasonable accommodation for persons with verified disabilities, once the need has been properly verified by a physician, psychiatrist, social worker, or other licensed medical professional. There must be a direct relationship between the person's disability and his or her need for the animal. Neither a security deposit nor a pet fee is required for an assistance animal. All state and local health, safety and licensing laws apply.

Refer to the House Rules and Regulations and Pet Agreement for tenant pet care responsibilities.

Management reserves the right to deny a specific assistance animal only if:

1. There is documented proof, based on prior behavior of the animal, that it poses a direct threat to the health and safety of others that cannot be reduced or eliminated by reasonable accommodation, or
2. There is documented proof, based on prior behavior of the animal, that it would cause substantial physical damage to the property of others, or
3. It can be specifically documented that the presence of the assistance animal would pose an undue financial and administrative burden to the provider; or
4. Documented evidence shows that the presence of the assistance animal would fundamentally alter the nature of this property's services.

REMAINING FAMILY MEMBERS:

Periodically, family composition changes after initial occupancy. If the qualifying person leaves the unit, a determination must be made as to whether the remaining member of the household will be eligible to receive assistance and/or be allowed to remain in the unit. Eligibility for remaining family members at Elm Court will be determined by current and applicable rules as defined in the HUD Occupancy Handbook 4350.3.

EXTENDED ABSENCE FROM UNIT:

Tenants may not be absent from their apartment for longer than 60 continuous days, or in the case of medical reasons, for longer than 180 continuous days. Cases with unusual extenuating circumstances that require a longer term of continuous absence must be presented in writing to the Tenant Selection Committee of the Elm Court Board of Trustees for consideration. In these cases the determination of the committee will be final.

Residents who receive a subsidy and are absent from their apartment for more than 180 days due to medical reasons will go to market rate rent on the 7th month from the date the resident was initially admitted to a medical facility. Residents may appeal the change in rent by writing the Elm Court Board of Trustees who may grant an exception. Exceptions will be granted on a case-by-case basis.

VIOLENCE AGAINST WOMEN ACT 2005:

The purpose of the referenced VAWA is to provide that acts of domestic violence, dating violence or stalking upon tenants and family members of tenants will not be “good cause” for termination of the assistance, tenancy or occupancy rights of a victim of such violence.

HUD 50066 of VAWA allows housing providers to require residents to complete the form certifying that the resident is a domestic violence victim in order to claim protection under VAWA. VAWA also prohibits Management from rejecting applicants from the waiting list for criminal history relative to the VAWA and requires that tenants be made aware of their rights under this Act, which includes the existence of the attached HUD form available to all eligible families at the time of admission.

ELIGIBILITY OF STUDENTS FOR SECTION 8 ASSISTED HOUSING:

This law requires that Management must determine whether the individual is enrolled at an institution of higher education, is under the age of 24, is not a veteran, is unmarried and does not have a dependent child. Such individuals would be ineligible for Section 8 assistance, or if the student’s parents are, individually and jointly, ineligible for assistance, no Section 8 assistance can be provided to the student.

HOUSING FOR DISASTER-DISPLACED APPLICANTS:

Temporary: Elm Court will offer temporary housing for disaster-displaced applicants only if there is no waiting list for an already available unit and provided that such an applicant meets all Elm Court eligibility requirements. In such cases tenant will pay current market rent. All usual move-in procedures (background checks, rules and regulations compliance) will be followed for temporary housing applicants. Security deposits for such applicants will be required but payment plans will be arranged if necessary. In all cases state and local laws will prevail.

Permanent: Elm Court will offer permanent housing to disaster-displaced applicants by placing the first 2 applicants at the top of the current waiting list provided they meet all program requirements including income. All usual move-in procedures will be followed and normal security deposit requirements will apply.

In the case of both temporary and permanent disaster-displaced applicants, HUD guidance as set forth in Notice H 04-22, “Disaster Recovery Guidance by Multifamily Housing after a Presidentially-Declared Disaster” will be followed.

PRIVACY POLICY

It is the policy of Elm Court to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the property. Therefore, neither Elm Court nor its agents shall disclose any personal information contained in its records to any person or agency unless required by law, or unless the individual about whom information is requested shall give written consent to such disclosure.

This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained regarding handicap or disability will be treated in a confidential manner.

CHANGES IN THE OCCUPANCY PLAN FOR TENANT SELECTION

It is the responsibility of Elm Court to review its Tenant Selection Plan on an annual basis to ensure it is in compliance with the plan and HUD regulations.