

CLARION COUNTY HOUSING AUTHORITY
(PA086)

Eight West Main Street, Clarion, PA 16214

Hillside Apartments Tenant Selection Plan

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I. STATEMENT OF PURPOSE

The Clarion County Housing Authority was established for the purpose of improving the quality of life; to provide a safe, sanitary home and a suitable living environment that is affordable to elderly persons, families and those with special needs consistent with local, State and Federal statutes. To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination. CCHA owns and operates Hillside Apartments, a Rural Development insured and/or assisted development and thereby provides safe and affordable housing for very low-income and extremely low income.

II. DESCRIPTION OF DEVELOPMENT:

(HUD-Insured or Direct Loans or Grants only)

Hillside Apartments was developed under Section 515. The mortgage therefore is insured by Rural Development.

The Owner has executed a Management Certification and Management Plan, restricting use of the project to rental housing for eligible households as approved by Rural Development HB – 2 – 3560. Hillside Apartments is a town house apartment community with buildings. There are 64 – two bedroom apartments with one having accessible features.

Project Identifications

Program: Section 515
Contract: 44-16-251557269
Project #: 020

III. RENTAL ASSISTANCE:

The Clarion County Housing Authority entered into a Management Certification. Under this certification CCHA provides rental subsidies. Out of the 64 apartments – only 60 receive rental assistance. The remaining four apartments are paid by the resident at the basic rent established by CCHA and approved by Rural Development. Residents pay approximately 30% of their adjusted income, calculated in accordance with Rural Development regulations as stated in HB – 2 – 3560, while Rural Development pays the remaining portion of the established contract rent.

For more information visit the following websites: <http://www.rurdev.usda.gov/regs/> or <http://www.rurdev.usda.gov/Handbooks.html>

IV. EQUAL HOUSING REQUIREMENTS and INCOME ELIGIBILITY:

The Clarion County Housing Authority does not discriminate based on race, color, creed, religion, sex, national origin, handicap or familial status. All federally assisted housing communities must adhere to the following standards:

- A. There will be no priorities or application criteria, (e.g. variations in applications, variations in charges or deposits) based upon race, creed, color, religion, sex, national origin, handicap or familial status.
- B. Marketing of vacancies will be done in accordance with the most current approved Affirmative Fair Housing Marketing Plan (AFHMP).

The Clarion County Housing Authority, its agents and affiliates, are pledged to the letter and spirit of the federal law and policy for the achievement of equal housing opportunity. Hillside Apartments and its affiliates comply with all applicable federal, state and local laws which prohibit discrimination. Selection of residents from among program eligible applicants will be in a nondiscriminatory manner consistent with the housing program for Hillside Apartments.

To be admitted to multi-family housing, applicants must meet basic requirements.

- Have income that does not exceed the limits defined by the Rural Development;
- Meet the program definition of an eligible household.

CCHA may determine an applicant ineligible for occupancy based on screening criteria other than those required by the Rural Development only if such criteria are included in the project's management plan. The screening criteria may not contain arbitrary or discriminatory rejection criteria, but may consider an applicant's past rental and credit history and relations with other tenants.

V. INCOME REQUIREMENTS and PREFERENCES:

Three different income limits are used to establish eligibility for Multi-Family Housing programs. The National Office determines the income limits and updates the limits whenever they are revised. Adjusted income should be compared with the below-listed income limits to determine the category in which each household falls:

- The very low-income limit is established at approximately 50 percent of the median income for the area, adjusted for household size;
- The low-income limit is established at approximately 80 percent of the median income for the area, adjusted for household size; and

- The moderate-income limit is established by adding \$5,500 to the low-income limit for each household size.

Marketing – The Clarion County Housing Authority addresses their marketing strategies in the Affirmative Fair Housing Marketing AFHM Plan – Multifamily Housing - form HUD-935.2A. All efforts will be exhausted to advertise for any upcoming vacancies in order to reduce the length of time a unit is vacant. If the Housing Authority has a lack of response, after all marketing efforts have been exhausted to reach the income limits required for the property, the Housing Authority will request a waiver from Rural Development to rent to ineligible applicants.

Preferences

The Clarion County Housing Authority will select applicants based on the following preferences:

Families of Federally Declared Disasters who are declared homeless due to a Federally declared disaster by the President of the United States. Victims of the Federally declared disaster will receive preference over other waiting list placeholders. Acceptable documentation sources to verify the Federally Declared Disasters includes: copies of local government condemnation or displacement notices or government notices indicating that an applicant is eligible for disaster relief benefits. If these documents are not available, the owner may accept a letter (on appropriate letterhead) from a government organization confirming that the applicant is being displaced by government action or a presidentially declared disaster.

Displaced victims of fire that are current residents of the Clarion County Housing Authority. Acceptable documentation will consist of a letter from CCHA verifying a current resident of CCHA is displaced due to a fire.

Residency preferences for Clarion and Forest County residents.

Federal regulations define a resident as a family whose head, spouse or sole member lives in Clarion or Forest County, works in Clarion or Forest County or has been hired to work in Clarion or Forest County.

Use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on race, color, ethnic, origin, gender, religion, disability, or age of any member of an applicant family.

A residency preference is not based on how long an applicant has resided or worked in a residency preference area. Applicants who are working or who have been notified that they are hired to work in a residency preference area will be treated as residents of the residency preference area.

Acceptable documentation will consist of:

Residency preferences. Documentation of the residential address within Clarion and/or Forest County may be obtained from copies of utility bills (electricity or gas), lease

agreements, or other documents that include a residential address and the name of the head of household, co-head, or spouse.

Working families. Persons who are planning to live in the Clarion or Forest County as a result of current or planned employment may provide documentation of a letter from a current or future employer or a current work identification badge with the office address or payroll check stubs.

If the residency or work preference status changes, the application date is updated to reflect the verified date of the preference change. REVISED 10/27/16

The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences.

VI. DETERMINING AN ELIGIBLE HOUSEHOLD

Although it may seem obvious, deciding who is a part of an applicant's household is an important, but not always simple, task. The word "household" applies to individuals and family members who intend to live in a unit.

A. Defining a Household

Deciding who can be considered a household member affects many decisions the CCHA must make, including:

- The number of bedrooms the family needs;
- The members' income that must be counted and the income limits that should be used;
- The extent to which the family qualifies for certain income deductions and certain preferences; and
- The household member who can sign legal documents.

B. Who Can Be Counted as a Household Member?

A household may be made up of a variety of members and may have a specific definition. The following are examples of members and types:

- **Elderly families:** A household where the tenant, co-tenant, member, or co-member is at least 62 years old, or disabled, as defined below. An elderly family may include a person younger than 62 years of age. (To receive an elderly family deduction, the person who is elderly, disabled must be the tenant, cotenant, member, or co-member.)

- **Individual with Disabilities:** The term disability is considered equivalent to the term handicap. Eligibility requirements for fully accessible units are contained in 7 CFR 3560.154(g)(1)(i) and 3560.155(b). A person is considered to have a disability if either of the following two situations occurs:

- (1) As defined in section 501(b) of the Housing Act of 1949. The person is the head of household (or his or her spouse) and is determined to have an impairment which:
 - (i) Is expected to be of long-continued and indefinite duration;
 - (ii) Substantially impedes his or her ability to live independently; and
 - (iii) Is of such a nature that such ability could be improved by more suitable housing conditions, or if such person has a developmental disability as defined in section 102(7) of the Developmental Disability and Bill of Rights Act (42 U.S.C. 6001(7)).
- (2) As defined in the Fair Housing Act; the Americans with Disabilities Act; and section 504 of the Rehabilitation Act of 1973. The person has a physical or mental impairment which substantially limits one or more of such person's major life activities; a record of such impairment; or being regarded as having such an impairment. The term does not include current, illegal use of or addiction to a controlled substance. As used in this definition, physical or mental impairment includes:
 - (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;
 - (ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism;
 - (iii) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;
 - (iv) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities;

- (v) Is regarded as having an impairment means:

- (A) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by the CCHA or management agent as constituting such a limitation;
- (B) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
- (C) Has none of the impairments described in this definition but is treated by another person as having such an impairment.

• **Household.** One or more persons who maintain or will maintain residency in one rental or cooperative unit, but not including a resident assistant or chore service worker.

• **Resident assistant.** A person residing in a tenant's housing unit who is essential to the well-being and care of the persons who are elderly or have handicaps or disabilities residing in the unit, but is not obligated for the person's financial support and would not be living in the unit except to provide the needed support services. While the resident assistant may be a family member, the resident assistant may not be a dependent of the household for tax purposes and is not subject to the eligibility requirements of a tenant or member. A resident assistant is not a chore service worker. A resident assistant may function in any type of housing affected by this section.

• **Foster children.** Eligible families may include foster children, as long as the children do not cause overcrowding. However, foster children are not considered family members for the purposes of determining income or deductions from income, or to determine household size to compare with income limits.

• **Remaining family members.** Remaining members of resident families are family members who stay in a unit after other members of the household leave. These members will be reevaluated for eligibility in accordance with Section 7 of Chapter 6 of the HB-2-3560. Rural Development regulations may require remaining tenants to move to a unit of appropriate size or exit the project.

• **Students.** A student or other seemingly temporary resident of the community who may be considered an eligible tenant when all of the following conditions are met:

- ◇ The student is of legal age in accordance with the applicable state law or is otherwise legally able to enter into a binding contract under state law;
- ◇ The person seeking occupancy has established a household separate and distinct from the person's parents or legal guardians;
- ◇ The person seeking occupancy is no longer claimed as a dependent by the person's parents or legal guardians pursuant to Internal Revenue Service regulations, and evidence is provided to this effect; and

- ◇ The person seeking occupancy signs a written statement indicating whether or not the person's parents, legal guardians, or others provide any financial assistance and this financial assistance is considered as part of current annual income and is verified in writing by the CCHA.

VII. PRIORITIES FOR UNITS:

A. Exceptions to Income Standard Assignment Policies

When the rental assistance provided to ensure the affordability of the housing is provided under the Section 8 program, 75 percent of waiting list admissions must be extremely low income families.

While the basic standard is to house all extremely low income applicants prior to very low, low- and then moderate-income applicants, there are situations where this process may be bypassed. However, an individual in one of the situations identified below would not be eligible for housing before applicants on the waiting list for a lower income category.

- If the unit is a handicapped accessible unit, then an eligible household that needs the features of that unit will receive priority over all other applicants, regardless of income. If more than one applicant needs the features of the handicapped accessible unit, then applicants who are very low-income would have priority, followed by low- and then moderate-income households.
- Letter of Priority Entitlement (LOPE), *Handbook Letter 201*. A letter issued by the Rural Development providing a tenant with priority entitlement to rental units in other Rural Development financed housing projects for 120 days from the date of the LOPE. Persons displaced by Rural Development action, or displaced persons in a Federally declared disaster area have priority over all other applicants of the individual applicant's income group

Example

Project C has a vacant three-bedroom apartment. There are no applicants eligible for a three-bedroom unit on the very low-income waiting list. There are 20 applicants eligible for a three-bedroom unit on the low-income waiting list. A holder of a LOPE applies for occupancy at the project. The applicant is low-income and qualifies for a two-bedroom unit. Despite the number of applicants on the waiting list, the CCHA must offer the available unit to the LOPE holder, and the LOPE holder agrees to move to the appropriate-size unit when one becomes available.

B. Assignment of Rental Units Accessible to Individuals with Disabilities

If a rental unit accessible to individuals with disabilities is available and there are no applicants that require the features of the unit, the CCHA may rent the unit to a non-disabled tenant under the following conditions:

- The CCHA must include a provision in the lease requiring the tenant to vacate the unit within 30 days of notification to an appropriate sized vacant unit within the project, if one is available from management that an eligible individual with disabilities requires the unit;
- The unit has been marketed as an accessible unit;
- Outreach has been made to organizations representing the disabled; and
- Marketing of the unit as an accessible unit continues after it is rented to a tenant who is not in need of the special design features.

PHAs receiving HUD Section 8 project-based assistance may establish preferences in accordance with HUD regulations. The use of such preferences must be documented in the project's management plan.

For more information you may request a copy of the Clarion County Housing Authority Reasonable Accommodation Policy and Procedure manual.

VIII. INELIGIBLE TENANT WAIVERS

The Rural Development may authorize the CCHA in writing, upon receiving the CCHA's written request with the necessary documentation, to rent vacant units to ineligible persons for temporary periods to protect the financial interest of the Government. This authority will be for the entire project for periods not to exceed one year. Within the period of the lease, the tenant may not be required to move to allow an eligible applicant to obtain occupancy, should one become available. The Rural Development must make the following determinations. Age restrictions may not be waived.

- There are no eligible persons on a waiting list.
- The CCHA provided documentation that a diligent but unsuccessful effort to rent any vacant units to an eligible tenant household has been made. Such documentation may consist of advertisements in appropriate publications, in several public places, and in other places where persons seeking rental housing would likely make contact; holding open houses; and making appropriate contacts with public housing agencies and organizations, Chambers of Commerce, and real estate agencies.
- The CCHA agrees to publish a notice in the local newspaper to inform the public of the CCHA's intent to temporarily rent apartments to all persons without regard to income restrictions. (6-5)

- The CCHA is temporarily unable to achieve or maintain a level of occupancy sufficient to prevent financial default and foreclosure and the Rural Development's approval of the waiver will be for a limited duration.

• That the lease agreement will not be more than 12 months. Subsequent leases will cover a 12 month period. (REVISED 1/29/15)

- Tenants residing in Rural Rental Housing (RRH) units who are ineligible because their adjusted annual income exceeds the maximum for the RRH projects will be charged the RHS approved note rate rental rate for the size of unit occupied in a Plan II RRH project. In projects operated under Plan I, ineligible tenants will be charged rental surcharge of 25 percent of the approved note rental rate. Plan I and Plan II projects are defined in 7 CFR 3560.11.

IX WAITING LIST PROCEDURES:

Waiting list placement - Once a fully completed application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the development, the applicant will be placed on the appropriate waiting list(s). Applicants eligible for handicapped accessible units may choose to be on lists for accessible and standard units. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's name advances on the waiting list. (Note: If the anticipated duration on the waiting list is less than 90 days, formal verification will be required immediately.) The applicant will be placed on the waiting list by date and time of receipt of application.

- Waiting lists will be organized by type of unit, (subsidy, physically adapted unit, etc). A separate list is required for every type of unit. "
- Each applicant must be placed on the appropriate waiting list(s) chronologically according to the date and time of the completed application according to the weight scale. An Agent will date and time stamped all applications upon receiving the application in the Administrative Office Building.
- The applicant will participate in a face to face interview. REVISED 10/27/16
- If an applicant is eligible for tenancy, but no appropriately sized unit is available, the Agent will place the family on a waiting list for the project. Households that are eligible for more than one size of unit (by bedroom size) may choose to be placed on multiple waiting lists as appropriate and the Agent will respect the bedroom size option chosen by the applicant unless such choice violates the local zoning code, or other applicable laws. Persons with a disability may apply for a standard unit, as well as an accessible unit, at their discretion.

The Agent's records will indicate the date and time the applicant is placed on the waiting list and the weights given for any preferences. All records, including the application, must be retained for a period of three (3) years.

Note: A waiting list will be closed when the number of current applications exceeds 2 years of projected vacancies at Hillside Apartments (i.e. we will not accept applications), and opened when it drops below 1 year of projected vacancies.

The Clarion County Housing Authority will publish, in accordance with the Affirmative Fair Housing Marketing Plan, and post an announcement of opening and closing the waiting list.

Applicants are chosen from the Waiting List based on the date and time of application, and unit size to become available, with preferences given to applicants. (See Section V.)

If the applicant refuses the unit with good cause, the application is returned to the waiting list, annotated as to the date and time of declination, to be selected again. If the application refuses without cause but wishes to remain on the list, they are placed at the bottom of the waiting list as of the date and time of refusal as the new application date and time.

Upon a second refusal with cause, the applicant is placed at the bottom of the waiting list, using the second (2nd) declination date and time as the new application date and time. Upon a second refusal without cause, the applicant is removed from the list.

Should management contact the applicant a third time and receive no response or a declination, the application will be removed from the waiting list.

In carrying out the above plan, the applicant will be notified in writing by first class mail, and given 7 calendar days to accept or decline the unit offered. If this is the first offer and no word is received within the seven day period the applicant will be removed from the list.

Annually, applicants on the eligible waiting list are contacted to determine continued interest in remaining on the waiting list at Hillside Apartments. A letter is sent to the applicant's last known address, allowing the applicant thirty (30) calendar days to contact the agent. If contact by the applicant is not made, or if the letter is returned, the applicant is removed from the waiting list.

X. CHANGES TO FAMILY COMPOSITION WHILE ON THE WAITING LIST

Changes to the family composition after an application has been submitted, must be reported to the Clarion County Housing Authority. Any additional adult family members 18 years old or older will be subject to the screening criteria within this plan.

XI. PROGRAM ELIGIBILITY CRITERIA

Applicant eligibility will be determined using the following criteria:

- a. Total family income must fall within the program income limits established by Rural Development.
- b. The rent the applicant would be required to pay using the applicable Rural Development rent formula must be less than the gross rent for the unit.
- c. The applicant does not own a home he/she could live in¹
- d. The applicant does not have Net Family Assets worth more than \$100,000.
- e. The applicant has not been evicted from federally assisted Housing within the last three years for drug-related criminal activity.
- f. The applicant is not eligible if it is determined that any household member is currently engaging in:
 - i. illegal use of a drug including medicinal marijuana; or
 - ii. we determine or have reasonable cause to believe that a household member's illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- g. The applicant is not eligible if we determine that any household member is currently engaging in, or has engaged in within three years before the admission decision:

(REVISED 3/28/19)

 - i. Drug-related criminal activity;
 - ii. Violent criminal activity
 - iii. Other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
 - iv. Other criminal activity that may threaten the health or safety of CCHA management or owner or any employee, contractor, subcontractor or agent of CCHA management or owner who is involved in the housing operations.
- h. The applicant is not eligible if the applicant or applicant family member is a sex offender, as registered on the Pennsylvania State website (www.state.pa.us) keyword "predator", or on any other state or national list available to the management. If an applicant will be denied due to a household members' inclusion on the sex offender registry, the applicant will be offered the opportunity to remove that member prior to denial.

(REVISED 7/30/12)
- i. The applicant is not eligible if we determine or have reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

¹ A home that the applicant does not have the right to sell, or one that is in substandard condition, is not suitable for the applicant's disabilities or that is too far from the applicant's job is not considered a home the applicant could live in.

- j. The applicant is not eligible if prior to admission, every family member regardless of age must provide CCHA with a complete and accurate Social Security Number unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease. If the new family member is under the age of six and has not been assigned a Social Security Number, the family shall have ninety (90) calendar days after starting to receive the assistance to provide a complete and accurate Social Security Number. CCHA may grant one ninety (90) day extension if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

If a person is already a program participant and has not disclosed his or her Social Security Number, it must be disclosed at the next re-examination or re-certification.

Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 are exempt from the required disclosure of their Social Security Number.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, CCHA will accept an original document issued by a federal or state government agency, which contains the name of the individual and the Social Security Number of the individual, along with other identifying information of the individual.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted until verification is provided. If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. CCHA may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline."

- k. The applicant is not eligible if they fail to sign all relevant verification forms determined applicable by management or submits verification of information where third party does not exist or cannot be reached through a known address or phone number.
- l. Legal Capacity. The Head of Household of the family must be 18 years of age or older or have been emancipated by a court of competent jurisdiction. The head of household must have the capacity under state and local law to enter into a legally binding lease agreement.
- m. Eligibility of Students Enrolled in an Institute of Higher Education Applying for Assistance under the Section 8 Program (see the 4350.3 Rev. 1 Verifying Eligibility of a Student for Assistance 3-33):

A student enrolled in an Institute of Higher Education as defined by the Higher Education Act of 1965-Amended 1998 will be deemed eligible for assistance if the student meets all other eligibility requirements, passes screening criteria and is:

- 1) Living with parents/guardian; or
- 2) 24 years of age or older; or
- 3) A veteran of the United States armed services; or
- 4) Married; or
- 5) Has a dependent child; or
- 6) Can prove independence of parents including:
 - i) Providing certification that the parents did not claim the student on the most recent tax return; or
 - ii) The student has lived separate of the parents for at least one year or the student meets the Department of Education's definition of an independent student.
- 7) Is disabled and was receiving assistance as of November 30, 2005;
- 8) Has parents who are income eligible for the Section 8 program.

Any financial assistance, in excess of amounts received for tuition, fees, books, equipment and, for a student who is attending an educational institution too far from home to commute, room and board expenses, that an individual receives under the Higher Education Act of 1965 from private sources or an institution of higher education (as defined under the Higher Education Act of 1965) shall be considered income to that individual. There are two exceptions to this income calculation requirement. No financial assistance that an individual receives under the Higher Education Act of 1965 from private sources or an institution of higher education (as defined under the Higher Education Act of 1965) shall be considered income if the student is:

- 1) Living with his/her parents/guardian or
- 2) 24 or older with dependent children

XII. APPLICANT SCREENING

Applicants will be screened to determine their demonstrated ability to pay rent on time and to meet the requirements of tenancy. Screening for suitability of tenancy is not a determination of eligibility for the program. A lack of history is not sufficient cause to reject an applicant.

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information."

These determinations are based on the following:

- a. Credit. Credit Reports are run on each individual applicant age 18 and older. No credit shall be considered as good credit. Each credit report will be reviewed based on the following criteria as a basis for denial:
 1. An open judgment by a creditor.
 2. Any unpaid utility charges. NOTE: If the resident pays utilities, applicant must provide proof they can secure utilities in their name.

If the applicant reflects one or more of these negative histories, applicant will be denied based on credit, and given 14 days to meet with management to discuss the situation for possible reconsideration. Either the Executive Director or Property Manager must approve all exceptions in writing and further restrictions may apply.

- b. Rental History. Each applicant must provide the most recent five years verifiable rental history, or the last three consecutive places of residence, whichever is greater. The rental history of each adult household member will be reviewed using the following minimum requirements:
 - i. No evictions for non-payment of rent where a current balance remains owing to a previous landlord.
 - ii. No history or disturbances or behavior that interfered with the landlord or the rights of other residents/neighbors.
 - iii. If previously evicted for other than non-payment of rent, each situation will be reviewed on an individual basis to determine merit for possible denial.

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The Occupancy Rights Notice (HUD5380) explains all of your rights under VAWA. HUD-approved Certification Form (HUD5382) is attached to the Occupancy Notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

If you otherwise qualify for assistance through the Clarion County Housing Authority, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Upon your request, CCHA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, CCHA will require you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking.

CCHA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

CCHA's emergency transfer plan provides further information on emergency transfers, and CCHA will make a copy of its emergency transfer plan available to you if you ask to see it.

CCHA will you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from CCHA must be in writing, and CCHA must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. CCHA may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to CCHA as documentation.

- A complete HUD 5380 certification form given to you by CCHA, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HP has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, CCHA does not have to provide you with the protections contained in this notice.

If CCHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), CCHA has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict.

CCHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

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- c. **Criminal History.** A criminal background check shall be completed on all applicants at the time of verification of eligibility to receive program benefits, as authorized by the current or updated application on file and the required release of information authorizations signed by each anticipated household member 18 or over (including live-in aides).
- d. **Personal References.** Each applicant must provide at least three names and addresses of individuals to provide a personal reference for the applicant. The individual can be an acquaintance, employer, landlord, social service worker, relative, etc. If the applicant or household members had criminal and/or drug charges in the past and was on probation one of the references must be the name and address of the probation officer and/or the social worker of a rehabilitation center.
- e. **Rejection of Applicants.**
 - i. Applicants with behavioral patterns or habits and practices that may be reasonably expected to have a detrimental effect on the residents of the project environment will not be selected for occupancy. Examples of such include, but are not limited to, history of domestic violence, poor housekeeping history, history of quarreling with neighbors, disturbing neighbors, damage or destruction of property at prior residences, etc.
 - ii. Also, applicants must demonstrate past performance in meeting financial obligations, especially rent; have no unsatisfactory reports/referrals and no evictions for non-payment within the continuous rental history.
 - iii. The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application.
 - iv. The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application or a prior application submitted within the last three years, and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- v. The applicant, or a household member, has directed abusive or threatening behavior that was unreasonable and unwarranted towards a management agent's employee during the application or any prior application within the last three years.
- vi. The applicant does not intend to occupy housing, if offered, as his/her primary residence.
- vii. In such cases where a member of an applicant family has been evicted or otherwise terminated from an assisted housing program due to drug related criminal activity, such family shall not be eligible for housing in the property within three years of the eviction. In such case where the offending member is

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no longer a member of the family and would not be on the lease or residing in the Section 8 unit, it is within the property's discretion to determine whether the family is eligible for housing. Such determinations shall be made on an individual basis.

- viii. Regarding criminal history of proposed tenant family members 18 years and older or emancipated individuals; this check will consider information of any criminal history for denial of your application for housing. The following are minimum requirements:
1. No misdemeanor or felony convictions for possession or use of drugs or drug paraphernalia.
 2. No misdemeanor or felony convictions for manufacture or distribution of illegal substances.
 3. No misdemeanor or felony convictions for serious misdemeanors or greater offenses of a crime against a person including, but not limited to, a history of or conviction as a sexual predator requiring the applicant, or any household member, to register as a sex offender in the locality of their residence. **(REVISED 1/31/19)**

XIII. APPLICANTS DETERMINED INELIGIBLE

Applicants may be rejected for any of the following reasons:

1. They are ineligible based on Rural Development guidelines.
2. The household characteristics are not appropriate for units at this property.
3. They own a home they could live in
4. They have Net Family Assets worth more than \$100,000
5. The family size is not appropriate.
6. Applicant does not meet the property screening criteria.
7. The applicant fails to sign designated forms/documents upon request.
8. Applicant is unable to disclose and document all required social security numbers or execute a certification when numbers have not been disclosed.
9. The applicant submits false or incomplete information and refuses to give the necessary data needed to determine eligibility.
10. Applicant fails to accept an offered apartment and is removed from the waiting list.
11. The applicant fails to notify management of interest to remain on the waiting list.

12. Applicant does not need the subsidy. The rent amount the applicant would be required to pay using the applicable Rural Development rent formula is more than the gross rent for the unit.

XIV. APPLICATION APPEAL OF DENIAL OF ASSISTANCE:

1. Rejected applicants shall receive written notice of the reason(s) for their rejection, and be advised of their right to respond in writing or to request a meeting to discuss the rejection within 14 days.
2. Any meeting with the applicant or review of the applicant's written response shall be conducted by a member of the staff other than the initial decision-maker for the rejection decision. The applicant may bring additional data to support their appeal. A person with a disability may request a reasonable accommodation to participate in the informal hearing.
3. After the applicant appeals the rejection, the owner must give the applicant a written final decision within 5 days of the response or meeting, either by an Acceptance Letter or a Denial Letter.
4. If through this appeal process, the applicant is found to be eligible, the applicant will be placed back on the waiting list in his or her original place based on date and time of application filing. (In further detail under number 6).
5. For all rejected applicants, the following documentation shall be maintained for at least three years: application, initial rejection notice, any applicant reply, owner's final response and all interview and verified information on which the rejection was based.
6. This plan provides for the consideration of mitigating factors that include but not limited to:
 - the severity of the potentially disqualifying conduct or condition;
 - the amount of time that has elapsed since the occurrence of such conduct or condition;
 - the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the property and its common areas if the conduct has recurred;
 - the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
 - The likelihood that the applicants' behavior in the future will be substantially improved or the condition no longer exists.

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

Appeals concerning conduct or conditions must provide documentation that refutes the criteria on which the original denial of housing was based. Management will consider extenuating circumstances, as a reasonable accommodation, for a person with disabilities. Mitigation circumstances will be verified and the individual performing the verification must corroborate the reason given by the applicant for unacceptable tenancy-related behavior and indicate that the prospect for lease compliance in the future is good because the reason for the unacceptable behavior is either no longer in effect or otherwise controlled.

The management agent shall have the right to request information reasonably needed to verify the mitigating circumstances, even if such information is of a confidential nature (e.g. doctor's reports). If the applicant refuses to provide or give access to such further information, the management agent may choose not to give further consideration to the mitigating circumstance.

XV. IDENTIFICATION

We require that a valid state or federal picture ID be presented when viewing an apartment.

XVI. DETERMINING UNIT SIZE

Selection the appropriate size unit will be done in accordance with the Owner's General Occupancy Guidelines. The following are factors determining selection for an apartment.

- A) HOUSEHOLD MEMBERS WHO MAY BE CONSIDERED WHEN DETERMINING BEDROOM SIZE:
 - 1. All full-time members of the household
 - 2. Children away at school, but live with the family at least 50 percent of the year.
 - 3. Children who are subject to a joint custody agreement, but live in the unit at least 50 percent of the time.
 - 4. An unborn child
 - 5. Foster children who will reside in the unit.
 - 6. Live-in attendants
 - 7. Children who are temporarily in foster care and are expected to return to the family.

- B. GENERAL OCCUPANCY STANDARDS FOR DETERMINING NUMBER OF BEDROOMS IS:
 - 1. A maximum of two to four persons per two bedrooms.

XVII. ASSIGNING AN AVAILABLE UNIT

Once a unit becomes available, the CCHA must decide who is entitled to that unit based on a variety of factors.

Eligible tenants residing in the property who are either under- or over-housed receive priority over new applicants if relocating them into the newly vacant unit would bring the household into compliance with the occupancy policy for the property. If there are no such over-or under-housed existing tenants, the CCHA must select a new applicant from the waiting list to fill the newly vacant unit. The CCHA must use the project's occupancy policy to look at applicants on the waiting list who are eligible based on the unit size. From that universe, the CCHA must then determine, based on income levels and priorities, which applicant is entitled to the unit. The order in which applicant households are entitled to housing depends on two factors:

- The income level of the household; and
- The priorities for which the household may qualify.

When an applicant first submitted an application, the CCHA made an initial determination as to whether the household was very low-, low-, or moderate-income. Based on this assessment, the applicant was assigned to the very low-, low-, or moderate-income waiting list. When looking for the next eligible tenant for the vacant unit, the CCHA must first go to the very-low income waiting list. If there are no applicants on the very low-income waiting list who qualify for the vacant unit based on the property's occupancy policy, then the CCHA may go to the low-income waiting list. Only if there are no eligible applicants for the unit on the low income waiting list may the CCHA select an eligible applicant from the moderate-income waiting list.

XVIII. PRIORITIES FOR UNITS

A. Exceptions to Income Standard Assignment Policies

While the basic standard is to house all very low-income applicants prior to low- and then moderate-income applicants, there are situations where this process may be bypassed. However, an individual in one of the situations identified below would not be eligible for housing before applicants on the waiting list for a lower income category.

- If the unit is a handicapped accessible unit, then an eligible household that needs the features of that unit will receive priority over all other applicants, regardless of income. If more than one applicant needs the features of the handicapped accessible unit, then applicants who are very low-income would have priority, followed by low- and then moderate-income households.
- Letter of Priority Entitlement (LOPE), *Handbook Letter 201*. A letter issued by the Rural Development providing a tenant with priority entitlement to rental units in other Rural Development financed housing projects for 120 days from the date of the LOPE. Persons displaced by Rural Development action, or displaced persons in a Federally declared

disaster area have priority over all other applicants of the individual applicant's income group

Example

Project C has a vacant three-bedroom apartment. There are no applicants eligible for a three-bedroom unit on the very low-income waiting list. There are 20 applicants eligible for a three-bedroom unit on the low-income waiting list. A holder of a LOPE applies for occupancy at the project. The applicant is low-income and qualifies for a two-bedroom unit. Despite the number of applicants on the waiting list, the CCHA must offer the available unit to the LOPE holder, and the LOPE holder agrees to move to the appropriate-size unit when one becomes available.

B. Assignment of Rental Units Accessible to Individuals with Disabilities

If a rental unit accessible to individuals with disabilities is available and there are no applicants that require the features of the unit, the CCHA may rent the unit to a non-disabled tenant under the following conditions:

- The CCHA must include a provision in the lease requiring the tenant to vacate the unit within 30 days of notification to an appropriate sized vacant unit within the project, if one is available from management that an eligible individual with disabilities requires the unit;
- The unit has been marketed as an accessible unit;
- Outreach has been made to organizations representing the disabled; and
- Marketing of the unit as an accessible unit continues after it is rented to a tenant who is not in need of the special design features.

CCHAs receiving HUD Section 8 project-based assistance may establish preferences in accordance with HUD regulations. The use of such preferences must be documented in the project's management plan.

XIX. HOUSEHOLD ABSENTEE

This will be the primary place of residency for all persons listed on the HUD 50059. You shall not have any other primary place of residency. If it is verified that you have vacated or are presumed absent from the unit for more than 60 days without getting prior written approval from Management, your assistance may be terminated.

XX. VISITOR POLICY

All visitors are considered “guests”. Only the persons named on your Lease are permitted to occupy your apartment. An adult person making reoccurring visits or one continuous visit of 14 days and nights in a 45-day period without prior written approval of the management will be counted as a household member. A guest/visitor is defined as a person in the leased unit with consent of a household member. Guest/visitor status shall be assumed if the person claiming said status maintains a separate domicile.

All households are responsible for the actions of their guest's. If the guest's fail to comply with community rules, policies and the Lease Agreement, the guest may be prohibited from coming onto CCHA property and/or the resident household may be evicted in accordance with the terms of the lease and house rules.

XXI. OCCUPANCY POLICIES AND PROCEDURES

To be eligible for occupancy an applicant/resident must:

1. Be current on all rent or other financial obligations;
2. Qualify for the type of housing in which this site is; family, elderly, etc.
3. Not own a home he/she could live in
4. Not have Net Family Assets worth more than \$100,000²
5. Be eligible according to occupancy standards and unit sizes;
6. Meet all requirements of the Community Policies and Lease Agreement and Selection Criteria;
7. Report all factors in determining your rent; household composition, income, assets, expenses, allowances and any other required Rural Development regulations and procedures.

Modification of this Tenant Selection Plan/Criteria – This policy may be amended to meet Rural Development changes and requirements as needed. In the event of any changes, upon reasonable notice, of at least 30 days, we may at our discretion, satisfy such changes.

Conclusion: Clarion County Housing Authority acknowledges that this plan may not address every activity relating to resident selection. Questions concerning this plan and any of its applications may be directed to the management staff.

² For current tenants (not applicants) the owner may elect not to use the eligibility criterion based on Net Family Assets.