

ELM COURT, INC.
An affiliate of Princeton Community Housing
300 Elm Road, Princeton, NJ 08540
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TTY 1-800-852-7899

TENANT SELECTION POLICY

Elm Court has 88 subsidized apartments designated under Section 202/8 to serve an elderly and disabled resident population. The apartments are designated to serve the many older residents 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. Qualifying economic incomes apply as published by HUD each year for Mercer County for Very Low and Extremely Low.

As a federally funded apartment house Elm Court 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.

Residents, guests and aides are prohibited from smoking in their apartments or in common areas or within 50 feet of the front of the building or in the courtyard, on the patio or in the Community Garden. A Smoker's Shed has been provided for those who chose 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 building 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.

1. Fair Housing and Equal Opportunity Requirements

- A. It is this property's policy to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act Amendments of 1988, E.O. 13166 and any legislation protecting the individual rights of applicants, residents, or staff which may subsequently be enacted.
- B. The property will not discriminate because of race, color, sex, familial status, religion, handicap, disability, sexual orientation, gender identity, marital status or national origin in the leasing, rental, or other disposition of housing in any of the following ways:
 - (1) Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs,
 - (2) Provide housing which is different than that provided others,
 - (3) Subject a person to segregation or disparate treatment,
 - (4) Restrict a person's access to any benefit enjoyed by others in connection with the housing program,



- (5) Treat a person differently in determining eligibility or other requirements for admission,
- (6) Deny a person access to the same level or services, or
- (7) Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

C. It is the policy of this property, pursuant to Section 504 of the Rehabilitation Act (if applicable) and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities.

The property will not discriminate because of race, color, sex, familial status, religion, handicap, disability, sexual orientation, gender identity, marital status or national origin. Questions and inquiries regarding applicant treatment relative to Section 504 of the Rehabilitation Act of 1973 should be addressed by mail to the following person, responsible for related policies: Edward Truscelli, Executive Director, One Monument Hall, Princeton, NJ 08540

The property will do its due diligence to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, the Property will make reasonable accommodations for individuals with handicaps or disabilities as well as for individuals with limited English proficiency (applicants or residents).

- D. Questions and inquiries regarding applicant treatment relative to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, E.O. 13166 or the Fair Housing Act Amendments of 1988 should be addressed by mail to the following person, responsible for related policies: Edward Truscelli, Executive Director, One Monument Hall, Princeton, NJ 08540 (609-924-3822). This person is not directly involved in the day-to-day decision-making process involving admitting applicants to the property.
- E. Limited English Proficiency -- Management complies with Executive Order 13166 in its efforts to improve access to all of its programs and activities for persons who, as a result of national origin, are limited in their English proficiency. A Language Access Plan, which outlines the specific language assistance to be provided for persons who are limited in their English proficiency, has been developed.

2. Privacy Policy

It is the policy of the property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the property. Therefore, neither the property nor its agents will 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 will 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.



3. General Eligibility Requirements

A. Applicants must meet the following requirements to be eligible for occupancy and housing assistance at the above-mentioned property. Income limits are established and adjusted annually. The household's annual income limit for this property or for the household size must be determined prior to approving applicants for tenancy. At least forty (40%) of all available units (within each project fiscal year) will be offered to families whose total gross income does not exceed thirty percent (30%) of the area median income (Extremely Low income limit) as established by HUD.

B. Social Security number requirements:

- (1) In order to determine eligibility and offer a unit, HUD requires every household member, including live-in aides, foster children and fostered adults (unless the household is an Exception as noted in [2] below) to have a Social Security Number (SSN).

In addition, the applicant family must provide (for management to copy) 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
- Documents that are not originals, or that have been altered, are mutilated or are 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.
- 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 (EIV Income Summary Report) will be retained in the tenant file.

(2) Exceptions:

- a. Individuals who acknowledge that they are not entitled to housing assistance because they do not have eligible immigration status. If the State of New Jersey should prohibit a Head of Household with ineligible immigration status from executing a lease, and the Head is ineligible, the family cannot be offered a unit.
 - This is documented by the household member's Citizenship Declaration, showing that the individual did not contend eligible immigration status. Mixed households with



unassisted, ineligible noncitizens can be admitted with prorated assistance, even though the unassisted individuals do not have SSN documentation.

- b. Household members who were age 62+ as of 1/31/10 AND whose initial determination of eligibility had already begun prior to 1/31/10.
- Persons who previously lived in either a Public and Indian Housing or Multifamily HUD-assisted program will have 50058 or 50059 move-in certifications, with effective dates to support this exception. Documentation must be obtained from the prior property (not from the applicant) and will be kept in the tenant file.
 - Exception status for these individuals remains valid, even when the person moves to another HUD-assisted program, and/or if there is a break in tenancy.

(3) Timeframes for providing Social Security Numbers and documentation

- 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.

(4) 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.
- C. All adults, as well as any adjudicated minors who are the Head, Spouse or Co-Head in each Applicant family must sign and date an Authorization for Release of Information (HUD 9887/9887A) prior to receiving assistance, and annually thereafter.
- D. The unit for which the family is applying must be the only residence of each household member.



E. An applicant must agree to pay the rent required by the program under which the applicant will Receive assistance.

F. Citizenship Requirements

- (1) All applicants must complete a Citizenship Declaration. For children 12 years of age and younger, the Declaration may be completed by the parent/guardian.
- (2) 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.
- (3) A person claiming to be an eligible non-citizen who is under age 62, must sign a Verification Consent Form and present one of the following documents, along with the completed application, or prior to the determination of eligibility:
 - (a) Form I-551, Permanent Resident Card
 - (b) Form I-94, Arrival Departure Record, with one of the following annotations:
 - (1) "Admitted as refugee Pursuant to section 207", or
 - (2) "Section 208" or "Asylum", or
 - (3) "Section 243(h)" or "Deportation stayed by Attorney General", or
 - (4) "Paroled Pursuant to Sec. 212(d)(5) of the INA".
 - (c) If Form I-94 is not annotated, one of the following documents must be provided:
 - (1) Final court decision granting asylum, but only if no appeal is taken, or
 - (2) Letter from a DHS asylum officer granting asylum (if application was filed on/after 10/1/90), or from a DHS district director granting asylum (if application was filed before 10/1/90), or
 - (3) Court decision granting withholding of deportation, or
 - (4) Letter from a DHS asylum officer granting withholding of deportation (if application was filed on/after 10/1/90)
 - (d) Receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant's entitlement to the document has been verified
 - (e) Other acceptable evidence; other documents determined by the DHS to constitute acceptable evidence of eligible immigration status, as announced by notice published in the Federal Register.
- (4) 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.

G. Student Eligibility

An individual 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 must meet all of the following criteria to be eligible:



- (1) Be of legal contract age under state law, and
- (2) Have established a household separate from parents or legal guardians for at least one year prior to application, or meet the U.S. Dept. of Education's definition of an independent student, and
- (3) Not be claimed as a dependent by parents or legal guardians under IRS regulations, and
- (4) Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support, even if no assistance will be provided.

If an ineligible student is a member of an applicant (or an existing) household receiving assistance, the assistance for the entire household will be terminated.

- I. The applicant must have previously demonstrated an ability to pay rent and adhere to a lease. Applicants will not be rejected due to a lack of rental history, but may be rejected for a poor rental history.

4. Application Intake and Processing

- A. It is the property's policy to accept and process applications in accordance with applicable HUD Handbooks and regulations.
- B. This property will perform marketing activities in accordance with its Affirmative Fair Housing Marketing Plan, with the aim of marketing to potential applicants in its geographical area who are least likely to apply.
- C. Due to the length of the property's waiting list, most applicants will wait many months before being offered a unit. Since information about the household members, income, assets and expenses change over time; we will provide a Pre-Application, which simply asks questions to determine whether or not the applicant household meets the qualifications to be added to the waiting list.

Within 1 week of being offered a unit, the applicant will be required to schedule an appointment where all necessary documentation will be provided.

Applications can be requested in person at the site during normal business hours from management or via a written request mailed to the property.

All submitted applications must be in writing, on forms provided. If, due to a disability, an applicant is unable to complete an application, a third party can assist in the completion of the form. Only fully completed applications will be accepted. Every application must be completed and signed by the head of household and all additional household members 18 years of age or older. All of the members of the household must be listed on the application.

Applications can be returned in person to the office, via fax, via email or via U.S. mail to the property address, to the attention of the property manager.

- D. All applicants will be provided with HUD Form 92006, Supplement to the Application. This form gives applicant households the option of including contact information for a family member, friend or social service agency worker who can assist with services and special needs, or in resolving tenant issues. Although the applicant is not required to provide another contact, the applicant must sign and return the form along with the completed application.

All applicants will also be provided with HUD Form 27061-H, Race and Ethnic Data Reporting Form, which must be returned along with the completed application. While this demographic



information is not used to determine applicant eligibility, it is gathered as a means to tracking the demographic makeup of applicant traffic—a statistic that is called for in the property's Affirmative Fair Housing Marketing Plan.

- E. Staff or staff-provided assistance will be available upon request. This may take the form of answering questions about the application, helping applicants who might have literacy, vision, or limited English proficiency challenges via oral or written translation or large print, and, in general, make it possible for interested parties to apply for assisted housing. Applicants may bring an individual with them, to help with the application, if desired.
- F. Upon determination that the application is completed, staff will add, via handwriting or stamp, the date and time the application was received, followed by the initials of the person accepting the application. The applicant will be added to the waiting list(s), if applicable. Ineligible applicants will be promptly notified in writing as to the reason the application is being rejected. All applications will be kept at the property or its file storage locations.
- G. If the application received is not fully complete (including any required attachments) and/or is not signed/dated by all household members age 18 years or older, the application will be returned to the household and the household will not be added to the waiting list.

5. Applicant Screening Process

Listed below are the criteria and methods used to review the household's application:

A. Criminal background check

- (1) This property will prohibit admission of any household containing any member who was evicted in the last three years from federally assisted housing for drug-related criminal activity.
- (2) Criminal history checks of convictions and outstanding warrants will be completed with local, state and federal authorities and/or OneSite, a professional criminal and credit checking agency. Extenuating circumstances may be considered.
- (3) If an adult member of the applicant household is not eligible to obtain a Social Security number, the applicant may obtain a fingerprint investigation through NJ Criminal History Records and the Federal Bureau of Investigation, at no charge to the applicant.
- (4) The Violence Against Women Act (VAWA) provides that if an applicant otherwise qualifies for assistance under Section 236, they cannot be denied admission or assistance due to being a victim of domestic violence, dating violence, sexual assault, or stalking.
 - (a) Conviction or adjudication other than acquittal of any household member for violent criminal activity within the past 10 (ten) years will result in the rejection of the application.
 - (b) Any household containing any member with past convictions within the past 10 (ten) years, or with outstanding warrants due to drug-related criminal activity will be rejected.
 - (c) Any conviction or adjudication other than acquittal within the past 10 (ten) years which involved deliberate injury to a person or property will result in the application being rejected.
 - (d) Any conviction or adjudication other than acquittal for the passing of worthless checks, credit card fraud, theft from employer, embezzlement, forgery, welfare fraud, identity theft or worker's comp fraud within the past 10 (ten) years will result in the application being rejected.



- (e) Any conviction or adjudication other than acquittal for the sale, distribution or manufacture of any controlled or illegal substance, as well as any conviction or adjudication other than acquittal within the past 10 (ten) years involving illegal use or possession of any controlled or illegal substance will result in the application being rejected.
 - (f) Any conviction or adjudication other than acquittal for any sexual offense within the past 10 (ten) years will result in the application being rejected.
 - (g) Any conviction or adjudication other than acquittal for any offense within the past 10 (ten) years which involved bodily harm to a child will result in the application being rejected.
- (3) If any household member engages in criminal activity (including sex offenses) while living on site, subsidy termination and/or eviction will be pursued to the extent allowed by the lease, HUD regulations, and state/local law. To avoid eviction of the household, the family will be given the opportunity to remove the member engaging in criminal activity from the household.

B. Sex Offender Registry check

- (1) Applicants must provide a complete list of all states in which any household member has lived. Failure to provide accurate information to management is grounds to deny the application.
- (2) Management is required to ask whether the applicant, or any member of the applicant household, is subject to a lifetime sex offender registration requirement in any state. If so, the family will be given the opportunity to remove the ineligible household member from the applicant household. If the family member who is subject to a lifetime sex offender registration requirement remains part of the applicant family, the application will be denied. The written rejection notice will clearly state this as the reason that the family is being denied admission.
- (2) Prior to offering a unit, a criminal background check to determine whether any household member is subject to a lifetime sex offender registration requirement will be completed.
- (3) This check will be done using the Dru Sjodin National Sex Offender Website, which automatically searches sex offender registries in all states.
- (4) Search results will be kept with the application, in the tenant file, for the term of tenancy plus three years. For rejected applicants, search results will be kept with the application for three years.
- (5) If, after moving in, management discovers that a tenant was admitted in error (s/he was admitted after June 25, 2001 and was subject to a state's lifetime registration requirement), subsidy termination and eviction will be pursued immediately.
- (6) If any member of the applicant family is listed on any state's sex offender registry, the household's application will be rejected. This property uses the Dru Sjodin National Sex Offender Website at <http://www.nsopw.gov> to confirm whether applicants are registered sex offenders or not.

At each Annual Recertification, management will ask whether any member of the household is subject to any state's lifetime sex offender registration program. Management will then verify using the Dru Sjodin Database. If the household moved in after June 25, 2001, and this process reveals that the tenant falsified information or failed to disclose criminal history, or that



management did not adequately check all states where the household member lived, subsidy termination and eviction will be immediately pursued.

C. Credit checks

- (1) Applicants may be rejected for a poor credit history but cannot be rejected for lack of a credit history.
- (2) Previous landlords may be contacted to determine if the applicant paid rent on time and/or left the property with any unpaid balances.
- (3) Onsite will be used to provide a credit evaluation for each applicant household. No cost will be charged to the applicant. Applicants may be rejected if any of the following credit information is verified for any member of the applicant family:
 - (a) Applicant has had a bankruptcy within the last 5 years
 - (b) Applicant has more than \$5000 in outstanding debt
 - (c) Applicant has had a foreclosure in the last 6 months
 - (d) Applicant currently has any outstanding landlord or utility collections
 - (e) Applicant currently has more than 3 collections outstanding, regardless of type
 - (f) Applicant has had more than one previous non-payment procedure in housing court during the past 3 (three) years

Exemptions may include medical expenses collections and/or if applicant has proof has repayment of debt. Proof must be a statement of satisfaction from creditor, court, or other legal proof.

D. Rental History

- (1) If any household member was a previous resident at this property, the tenant file will be checked. If there is documentation that the tenant was repeatedly notified of rules violations or lease violations, or if the household left the property owing overpaid HUD assistance, unpaid rent or damages, the application will be rejected.
- (2) Previous landlords may be contacted to ask for comments regarding the applicant's rental history. Acceptable topics of discussion include but are not limited to: cooperation with recertification processes, compliance with the lease and house rules, rent payment, and housekeeping.
 - (a) An applicant household will be rejected if any member of the household has left another HUD-assisted property owing overpaid HUD assistance, unpaid rent or damages.
 - (b) An application will be rejected if the household has been evicted from a previous residence or has a history of lease violations within the past 3 (three) years.
 - (c) This property will reject a household in which any member is currently engaged in illegal use of drugs or which shows a pattern of illegal drug use that may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.
 - (d) The property will reject a household in which any member shows a pattern of alcohol abuse that may interfere with the health, safety, and right to peaceful enjoyment of the property by



other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.

6. Occupancy Standards

Applicant households must meet the established occupancy standards of local Landlord/Tenant laws. As a general policy, there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management will take into consideration mitigating circumstances such as reasonable accommodations for disabilities and verified medical reasons for a larger unit.

Units will be assigned in accordance with the following standards:

Unit Size	Minimum Occupancy	Maximum Occupancy
Studio	1 person	1 person
1Bedroom	2 people	2 people

7. Determination of Applicant Eligibility: Application Acceptance and Rejection

- A. Information needed to determine applicant eligibility will be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD and property eligibility requirements. Eligible applicants will be placed on the waiting list(s), and will be promptly issued a preliminary notice of eligibility, or a rejection notice, as appropriate.
- B. The property complies with applicant rejection requirements set forth in the HUD Handbook 4350.3. 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:
- (1) **Misrepresentation:** Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit.
 - (2) **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes 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 sound family and community life.
 - (3) **Violent Behavior:** Includes documented evidence of acts of violence or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.
 - (4) **Non-Compliance with Rental Agreement:** Includes 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.
 - (5) **Owing Prior Landlords:** 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.



- (6) **Ineligible Students:** 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).
- (7) **Unsanitary or Hazardous Housekeeping:** Includes 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.
- (8) **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are defined in Section 5A (Applicant Screening Process, Criminal Background Check).
- (9) **Social Security Number Documentation:** 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.
- (10) **Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicates that the family will be unable or would otherwise fail to pay when due rent for the apartment and other expenses relating to occupancy of the apartment.

C. All applicant rejections will be made in writing, and will include specific reason(s) for the rejection.

D. The rejected applicant has the right to respond, in writing, within 14 days, to request a meeting to dispute the rejection. Persons with disabilities have the right to request reasonable accommodations to participate in the grievance process. This meeting must be conducted by a member of the owner's staff who was not involved in the initial decision to deny admission or assistance. Management will provide a written determination to the applicant within 5 (five) days of the meeting.

8. Applicants Who Require Reasonable Accommodations

- A. 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. Examples of reasonable accommodations include physical adaptations to units, live-in aides and assistance animals.
- B. 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. And, 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.

- C. 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.

- D. 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. Elm Court will pay for a tenant's move based on a reasonable accommodation transfer for medical reasons or disability.
- E. Reasonable accommodations may include changes in the method of administering policies, procedures, or services.
- F. 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).
- G. If the site is unable to make a reasonable accommodation due to a resulting financial burden, the applicant may, at his/her own expense, make the accommodation after structural approval by management. Management may require that the tenant remove the accommodation (or have it removed) upon vacating the unit.
- H. Elm Court will pay for a tenant's move based on a reasonable accommodation transfer for medical reasons or disability.
- I. Live-In Aides are considered to be a reasonable accommodation. Property management must obtain verification that the Live-In Aide is needed to provide necessary supportive services essential to the care and well-being of the individual, and that there is a disability-related need for the Live-In Aide. This verification will be obtained from the individual's physician, medical practitioner or health care provider.

The Live-In Aide cannot stay in the unit as a remaining household member, once the tenant who needs the services leaves the unit or dies. Live-In Aides who violate any of the property's House Rules will be subject to eviction. Live-In Aides must meet the same screening criteria as any other applicant, with the exception of credit checks.



9. Waiting List Preferences and Waiting List Management

Waiting List Preferences

Preferences do not make otherwise ineligible applicants eligible for subsidy

HUD regulatory preference is given to applicants who have been displaced by government action or by a presidentially declared disaster. Verification in the form of the government document describing the displacement will be required.

Board of Trustees Resolution 2007-06 states that housing will be offered to one disaster-displaced applicant or U.S. State Department approved refugee household / year at EC so long as such placement is consistent with HUD and NJHMFA regulations and policies. In the event there is more than one applicant / year, applications will be reviewed at the discretion of the Board.

Waiting List Management

It is property policy to administer its waiting list as required by HUD handbooks and regulations.

A. Opening and Closing the Waiting List(s):

In order to maintain a balanced application pool, the property 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 3-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 the property's Affirmative Fair Housing Marketing Plan.

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

B. Updating the Waiting List:

- (1) The waiting list will be updated annually to keep applicant information current, and to remove anyone who wants to be removed or no longer qualifies for admission to the property.
- (2) A letter will be sent to each applicant, asking for outdated information to be updated in writing, and asking whether the applicant wishes to remain on the waiting list or not. Confirmation must be returned to the property, in writing, using any forms which may be provided, within 14 days of the letter's postmark date. A second request will not be sent out if an applicant fails to respond within 14 days and the applicant will be removed from the waiting list. Upon request, assistance will be provided to any applicant households with disabilities or limited English proficiency, to enable them to meet this deadline.
- (3) When applicants notify the property of changes in household composition, the waiting list information will be updated, and a determination will be made as to whether or not the



household needs a different unit size. The household will keep its original application date and place on the waiting list in the event of this type of change.

C. 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.
- (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.

10. Tenant Interviews

A. As the applicant approaches the top of the waiting list, management will interview the applicant and explain the regulations and policies associated with the property. The interview will be conducted in accordance with the HUD Handbook 4350.3 and topics will include, but are not limited to:

- (1) Income/asset/expense information, as well as household composition
- (2) Tenant-paid utilities
- (3) The requirement for all household members age 18+ to sign consent for release of information forms
- (4) Proof of legal residence will be collected
- (5) HUD-required Citizenship Declaration forms will be collected for each household member
- (6) Applicant's ability and willingness to comply with the terms of the property's lease and community's policies
- (7) Statutory, HUD, state and local preferences, if any
- (8) HUD-required SSN documentation will be collected for all household members

B. All reasonable efforts will be made to offer reasonable accommodations as requested by applicants with disabilities and/or limited English proficiency during the application process, as well as during tenancy and for all appeal processes.

11. Verification Requirements

The property will obtain verifications in compliance with requirements set forth in the HUD Handbook 4350.3.

A. Types of Verification Required

All information relative to the following items must be verified:

- (1) Eligibility for Admission, such as



- (a) Income, assets, and asset income
- (b) Household composition
- (c) Social Security number documentation for all non-exempt household members
- (e) Citizenship eligibility
- (f) Verification of student status and eligibility

(2) Allowable deductions, for items such as

- (a) Age 62+, disability, or handicap of household head, spouse and/or co-head
- (b) Full time student status
- (c) Child care costs
- (d) Handicap expenses
- (e) Medical expenses (for elderly/handicapped households only)

(3) Compliance with resident selection guidelines, such as

- (a) Proof of ability to pay rent
- (b) Previously demonstrated adherence to lease for previous rentals
- (c) Positive prior landlord documented reference: rent-paying, caring for a home with safe, clean, satisfactory housekeeping habits
- (d) No disqualifying history of drug-related, sex offender or violent criminal activity of any household member, verified through police and/or criminal background checks
- (e) Absence of objectively verified behavior that would give management reasonable cause to believe that the applicant's abuse of drugs/alcohol would interfere with the health, safety and right to peaceful enjoyment of the property by other residents or staff.

Any of the above items which result in the denial of the applicant must be documented, and appropriate verification forms/letters placed in the applicant's file.

B. Period for Verification

Only verified information that is within 120 days of the date presented to management may be used for verification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

C. Forms of Verification: Documentation required as part of the verification process may include:

- (1) Checklists completed as part of the interview process, signed by the applicant
- (2) Verification forms completed and signed by third parties
- (3) Use of HUD's EIV (Enterprise Income Verification) system, a computerized database containing Social Security and employment/unemployment income
- (4) Reports of interviews
- (5) Documentation provided by the applicant, i.e. award letters, pay stubs, bank statements
- (6) Notes of telephone conversations with reliable sources, faxes, e-mail or internet correspondence. At a minimum, each file notation will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.

Management staff will be the final judge of the credibility of any verification submitted by an applicant. If front-line staff considers documentation to be doubtful, it will be reviewed by management staff that will make a ruling about its acceptability. Management staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.



D. Sources of information to be checked may include, but are not limited to:

- (1) The applicant by means of interviews
- (2) Present and former housing providers
- (3) Present and former employers
- (4) HUD's EIV (Enterprise Income Verification) system, a computerized database containing social security and employment/unemployment income
- (5) Credit checks
- (6) Social workers, parole officers, court records, drug treatment centers, physician, clergy, INS
- (7) Law enforcement

E. Preferred Forms of Verification: Verifications will be attempted in the following order:

- (1) HUD's electronic EIV system, as applicable; The Work Number or other state government databases
- (2) Written third-party verification generated by the source of the income, which may be provided by the tenant
- (3) Oral third-party verification from the source of the income
- (4) Family (self) certification when information can't be verified by a method above.

F. Applicant history will be checked using the following methods:

- (1) Past performance meeting financial obligations, especially rent:
 - (a) Credit checks will be processed through OneSite. Criteria for admission is described in Section 5.
 - (b) Contacting the current landlord and at least one prior landlord to gather previous rental history information. The reason for checking with prior housing providers is that current housing providers of dangerous, destructive, or costly applicants may misrepresent information about them to get the property to take over their problems.
 - (c) Otherwise-eligible households who apply for housing with outstanding balances owed to their current property, or to this property as a past tenant are ineligible. After the applicant presents proof of payment of any such balances, s/he may re-apply and, if otherwise eligible, will be added to the waiting list based on the re-application date.
- (2) Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents:
 - (a) Staff will check for these potential problems with the current landlord and at least one former landlord.
 - (b) If the applicant is not currently living under a lease, the housing provider will be asked to verify the applicant's ability to comply with property lease terms as it relates to these guidelines. Any unit for which the applicant has upkeep responsibility may be physically checked.



- (c) An applicant's behavior toward the property manager and other staff will be considered as indicative of future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward property staff will be noted in the file.
- (3) Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
- (a) Criminal history checks of convictions and outstanding warrants with registries, local, state and federal authorities and OneSite will be done.
 - (b) Applicants who are listed on the national sex offender registry or the sex offender registries in any state must be rejected by HUD regulation.
- (4) A record of eviction from housing or termination from residential programs will be considered:
- (a) Property management will check property records, management records, and other records to determine whether the applicants have been evicted from this property, any other assisted housing or any other property in the past
 - (b) Records of evictions from residential programs will be checked with service agencies and with any housing providers referred by the applicant.
- (5) Current residence in other HUD assisted housing
- (a) Applicant households must disclose if any household member is currently receiving HUD housing assistance. Households are not permitted to receive assistance in multiple households for the same time period, or to receive assistance if more than one residence will be maintained.
 - (b) HUD provides management with information about whether each applicant receives HUD assistance, and where that residence is located.
 - (c) Management will use the EIV (computerized Enterprise Income Verification) system's Existing Tenant Search report to identify household members who currently reside in HUD's Public and Indian Housing, or Multifamily programs. Additional reports such as Multiple Subsidy, Failed Verification, Deceased Tenant, Income Discrepancy, No Income, and New Hire will also be used. The data provided EIVA system will be protected to ensure it is only used for official purposes and data will be used consistently for all applicants. Information is father using EIV during the initial application process as well as during recertifications and possibly during an interim recertification if necessary. Any printouts obtained using EIV are retained for term of tenancy plus three years.
 - (i) This report will be printed for each member of the applicant family when processing the applicant for admission, prior to offering a unit. This Report will also be printed for individuals (including Live-In Aides) who wish to move into an already-existing tenant household.
 - (ii) If any family member is currently living in another PIH/MF assisted unit, plans to vacate that unit will be discussed with the applicant. Move-Out/Move-In dates will be coordinated with management at the other assisted property to avoid HUD being billed for double subsidy.
 - (iii) Results of discussions with the applicant and/or other site will be recorded on the Existing Tenant Search.



- (iv) For applicants who move into the property, the Existing Tenant Search report(s), along with all documentation, will be kept in the tenant file with the application for the term of tenancy plus three years. For applicants who do not move in, the report(s) and documentation will be retained, along with the application, for three years.
- (d) Applicants living in other HUD-assisted housing may apply to this property. However, the applicant must move out of the current property before HUD assistance can begin at this property. Special circumstances exist:
 - (1) For minor children where both parents legally share 50% custody, and
 - (2) For HUD-assisted household members in another property who are moving in order to establish a new household, when remaining family members will stay in the old unit.
- (e) If any member of the applicant household fails to accurately disclose his/her rental status, the application may be denied based on "misrepresentation of information." After move-in, if any household member receives, or tries to receive, HUD housing assistance at another property while still living at this property, the household will be required to repay HUD for all overpaid assistance.

12. Attempted Fraud

- A. Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. The property considers false information about the following to be grounds for rejecting an applicant:
 - (1) Income, assets and/or expenses
 - (2) Household composition
 - (3) Social Security Numbers
 - (4) Preferences and priorities
 - (5) Eligibility for allowances
 - (6) Previous residence history or criminal history
 - (7) Citizenship, naturalization, and/or eligible immigration status
- B. If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise willfully misrepresented any facts about his/her current situation, criminal history, or behavior in a manner that would affect eligibility, priorities, application selection criteria qualification, allowances or rent, the application will be rejected.
- C. During the course of processing an application, there may be errors in name spellings, dates of birth and other such data, resulting in inaccurate criminal, credit, or other screening. In these cases, screening may be re-done. If these checks result in documentation of circumstances that would have caused an applicant to be rejected, the application will be rejected. If the applicant has already moved in, this evidence may be the cause of eviction proceedings.
- D. Unintentional errors will not be used as a basis to reject applicants.

13. Offering an Apartment

- A. When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for the apartment size.



- B. Although applicants other than the Head of Household 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.
- (1) 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.
 - (2) 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.
- C. When an applicant reaches the top of the waiting list, management will schedule a final screening appointment within one week. The applicant must come in to the office for this appointment, and must bring all items requested by management. If the applicant fails to attend and/or fails to supply all items, the unit will be offered to the next applicant on the list.
- E. Any family placed in a unit size different than that defined in the property's Occupancy Standards must agree to transfer to an appropriate size unit when one becomes available, in accordance with the Transfer Policy and Lease Addendum.
- F. A unit offer will be made in writing to an applicant household only after all criminal, credit and landlord checks have been completed, and the tenant interview has been completed, and all verification documents have been received.

If an applicant household fails to meet the property's eligibility criteria, and the application is rejected, there is an appeals process. These procedures will be provided to the applicant household as part of the rejection letter.

- G. If mail sent to the address the applicant listed as his/her current address is returned by the Postal Service, the document will be kept on file and an attempt will be made to contact the applicant via other means. If the applicant cannot be contacted within 5 (five) working days by alternate means, the apartment will be offered to the next applicant on the waiting list. Attempts to contact the household will be documented in the applicant file, and the applicant will be removed from the waiting list.
- H. If the applicant is offered a unit in writing, but fails to reply by the date noted on the offer letter, the applicant will be removed from the waiting list. The apartment will be offered to the next applicant on the waiting list.
- I. If an applicant fails to move in on the agreed-upon date without notice, the application will be rejected, the applicant's name will be removed from all waiting lists and the apartment will be offered to the next household on the waiting list. An exception will be made in the case of a medical extenuating circumstance; in this case, the applicant will retain his/her place on the waiting list, and the unit will be offered to the next applicant on the list.
- J. Prior to receiving the keys to the apartment on move-in day, the applicant is required to provide proof that the family has moved out of prior HUD-assisted housing (if applicable). This can consist of any of the following documents:
- (1) Copy of signed, dated move-out inspection report



- (2) Hand-written note from the prior landlord (signed and dated), on property letterhead, stating that the keys to the prior unit have been returned
- (3) Copy of the move-out 50059A certification form from the prior property

14. Priorities for Accessible or Adaptable Apartments

- A. For apartments accessible to, or adaptable for, persons with mobility, visual, or hearing impairments, households containing at least one person with such an impairment will have first priority (as applicable for a particular apartment feature).
- B. Current residents who require accessible/adaptable apartments will be given priority over applicants requiring the same type of apartment.
- C. When there are no residents or applicants who need the features of existing accessible units, persons without disabilities may move into those apartments. However, they must agree to move to an available apartment of the appropriate bedroom size with no such design features, if an applicant or current resident requires that accessible unit. Units designed for the mobility-impaired are set aside for individuals who are mobility impaired.

15. Prior to Move-In

- A. Management will explain the HUD regulations regarding the following:
 - (1) Security deposits
 - (2) Annual recertifications
 - (3) Interim recertifications
 - (4) Unit inspections
 - (5) Community policies
 - (6) Transfer policies
- B. All adult household members (age 18 and older and any adjudicated minors who are the Head, Spouse or Co-Head) will sign the Lease, Community Policies or House Rules, Verification Consent Forms including the 9887/9887A, and related documents and addenda.
- C. Social Security number documentation must be provided for every non-exempt household member, including live-in aides, foster children and foster adults.
- D. The applicant and management will inspect the apartment and sign the Move-In Inspection form either prior to Move-In or on Move-In day.
- E. The applicant will pay the Security Deposit.
- F. The applicant will pay the rent for the first month, as set forth in the Lease.
- G. The applicant will be given a copy of the Move-In Certification, Lease, Move-In Inspection form, Community Policies/House Rules, all other HUD-required forms and notices, and a receipt for the Security Deposit and first month's rent.

16. Apartment Inspection



All apartments must undergo a move-in inspection by management and the tenant the day of or prior to the day of move-in. A move-in inspection form will be completed and signed and dated by the tenant and management, confirming that the unit is in decent, safe, and sanitary condition. After move-in, inspections will be completed at least annually by management and inspections may also be conducted by HUD.

17. Unit Transfer Policies

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

- a) Unit transfer is needed based on the need for an accessible unit, as certified by a physician or other medical professional, as a reasonable accommodation for persons with verified disabilities, or
- b) Declining health/mobility requiring a move either closer to the front of the building or from second to first floor or both. A written doctor's recommendation must accompany the request.
- c) Desire to move from a studio apartment to a one-bedroom unit.

Elm Court will pay for a tenant's move based on a reasonable accommodation transfer for medical reasons or disability.

Current households who meet any of the qualifications above will be given priority over applicants on the waiting list.

18. Annual and Interim Recertifications

HUD regulations require an annual recertification of income, assets and expenses for rent determination. Interim recertifications depend upon certain resident changes such as changes to household members and/or changes in income, assets or expenses. This policy will be explained prior to the Move-In.

Tenants are required to notify management when there is any change in household composition. For example, Tenants are required to notify management any time a previously unemployed adult in the household begins working, and/or if the household's income goes up \$200/month or more. Tenants may request an interim recertification due to a decrease in income, or an increase in deductions. The same screening criteria are used for all new household members as are required for new households (with the exception of credit checks for Live-In Aides).

This property may require a criminal background check for every tenant at every annual recertification. If such criminal checks reveal lease violations, the household may be evicted.

19. 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 4350.4.

20. 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. 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.

20. Assistance Animals and Pets

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 Pet Agreement/House Rules and Regulations for animal care responsibilities.*

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

- A. 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 a reasonable accommodation, or
- B. There is documented proof, based on prior behavior of the animal, that it would cause substantial physical damage to the property of others, or
- C. It can be specifically documented that the presence of the assistance animal would pose an undue financial and administrative burden to the provider, or
- D. Documented evidence shows that the presence of the assistance animal would fundamentally alter the nature of this property's services.

21. 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 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 O/A 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 HUD form available to all eligible families at the time of admission.

22. Eligibility of Students for Section 8 Assisted Housing

This law requires that O/A 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.

Property employees are not permitted to accept any money connected with the application procedure, criminal or credit checks and/or apartment designation.



A copy of this Tenant Selection Plan will be provided, at no charge, to any applicant, tenant, or member of the general public at his/her request.

In the event of changes to this Tenant Selection Plan, all applicants will be notified that the Plan has changed, and that a copy of the revised Plan will be provided, at no charge, upon request. Notification will be made via U.S. first-class mail to applicants.

23. Definitions for Elderly/Disabled

Definition B – Elderly Family. [24 CFR 891.505] Elderly Families are:

- 1.1 Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
- 1.2 The surviving member or members of a family described in paragraph one (1) living in a unit assisted under subpart E of this part (Section 202 loans) with the now deceased member of the family at the time of his or her death;
- 1.3 A single person who is 62 years of age or older; or
- 1.4 Two or more elderly persons living together or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate, to be essential to their care of well-being.

Definition G – Disabled Family [24 CFR891.505] Disabled Family means:

- 2.1 Families of two or more persons the head of which (or his or her spouse) is a person with disabilities;
- 2.2 The surviving member or members of any family described in paragraph one (1) of this definition living in a unit assisted under subpart E of this part (Section 202 loans) with the deceased member of the family at the time of his or her death;
- 2.3 A single person with disabilities over the age of 18; or
- 2.4 Two or more persons with disabilities (handicapped persons) living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

Definition H – Person with a Disability (Handicapped Person). [24 CFR 891.505 and 891.305]

A person with disabilities means:

- 3.1 Any adult having a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions;
- 3.2 A person with a developmental disability, as defined in Section 102(7) of the Development Disabilities Assistance and Bill of Rights Act (42 USC 6001(8)), i.e. a person with a chronic disability that:
 - (a) is attributable to a mental or physical impairment or combination of such impairments
 - (b) is manifested before the person attains age 22;
 - (c) is likely to continue indefinitely;
 - (d) results in substantial functional limitation in three or more of the following areas of life activity:
 - (i) Self-care,
 - (ii) Receptive and expressive language,
 - (iii) Learning,
 - (iv) Mobility,



- (v) Self-direction,
 - (vi) Capacity for independent living, and
 - (vii) Economic self-sufficiency, and
 - (e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or, generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- 3.4 A person with a chronic mental illness, i.e. who has a severe, persistent mental or emotional impairment that seriously limits his/her ability to live independently, and whose impairment could be improved by more suitable housing conditions.
- 3.5 A person infected with HIV who is disabled as a result of infection with the HIV are eligible for occupancy in Section 202 projects designed for the physically disabled, developmentally disabled, or chronically mentally ill depending upon the nature of the person's disability.
- Note: A person whose sole impairment is alcoholism (i.e., does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition required for eligibility in a particular project) will not be considered to be disabled for the purposes of the Section 202 program.

Definition I – Nonelderly Disabled (Handicapped) Family. [24 CFR 891-505)

A nonelderly disabled (handicapped) family means a disabled family in which the head of the family and spouse, if any) is less than 62 years of age at the time of the family's initial occupancy of a project.

24. Other Disclosures

Property employees are not permitted to accept any money connected with the application procedure, criminal or credit checks and/or apartment designation.

A copy of this Tenant Selection Plan will be provided, at no charge, to any applicant, tenant, or member of the general public at his/her request.

In the event of changes to this Tenant Selection Plan, all applicants will be notified that the Plan has been changed and that a copy of the revised Plan will be provided, at no charge, upon request. Notification will be made via U.S. first-class mail to applicants.



SMOKE-FREE LIVING ZONES AND UNITS

