

<<Property_Name>> located in <<Property_City>>, <<Property_State>>

TENANT SELECTION PLAN AND WAITING LIST PROCEDURES

APPLICATIONS and WAITING LIST PROCEDURES

Applications must be completed in their entirety and signed by all members who are 18 years of age and older. Failure to do so will result in the application being rejected with written notification to the address listed on the application.

Applications received will initially be reviewed to determine they fall within the income limitations for the property applied for. Applications within the income limitations are placed on the appropriate waiting list according to the date received, and the applicant is notified in writing at the address stated on the application. Placement on the waiting list does not guarantee acceptance or approval of the application. An approval on the application will be determined when the applicant is next to be considered for an available apartment. If an application is not within the income limitations, the applicant will be notified they are not eligible for the property in writing and mailed to the address stated on the application.

Inquiry letters will be mailed periodically to the address provided on the application to determine continued interest or to make contact for a vacancy occurring. The letter will state the date a response is required in order to remain on the waiting list or be considering for the vacancy occurring. If an address or any information on an application made needs to be updated, applicants are responsible to make contact and update their information.

Applicants selected to be processed for the next available unit will be given seven (7) days after initial contact to decide to accept the unit should it be offered. This timeframe will also include going to the property to view the unit if they so desire. If the decision on the part of the applicant cannot be concluded within seven (7) days, the applicant may request to be placed on the bottom of the waiting list for future consideration.

Should a waiting list be closed due to the size or rate of turnover of units, a notice will be made in the newspaper for the locality in which the property is located stating the closure of the waiting list. When the waiting list reopens, an ad will be placed to state applications are now being received.

Accommodating Persons with Disabilities

The property will accommodate persons with disabilities who cannot utilize the property's preferred application process, by providing alternative methods of application in-take (e.g. accepting mailed, emailed or faxed applications). *In addition*, the public notification of any closing or opening of the property's waiting list will comply with HUD fair housing requirements, such as adopting suitable means to assure that notices reach eligible individuals with disabilities and those with limited English proficiency. The property also ensures that notices of and communications during all meetings will be provided in a manner that is effective for persons with hearing, vision, and other communications-related disabilities consistent with Section 504 and ADA. This includes ensuring that meeting sites are accessible and auxiliary aids and services are provided as needed. The opening of the property's waiting list and accepting applications for limited periods, will always be done in a manner advocated in HUD's Notice H14-16, and will be done for periods longer than a single day, which could create disorderly and unsafe application intake. Applications will be made available ahead of time, and in multiple venues, both physical and online, which will create safer, more accessible, and more effective application intake.

Limited English Proficiency (LEP) and VAWA

Executive Order 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English. Management has taken steps to ensure meaningful access to the information and services that we provide for persons with limited English proficiency, by providing interpreter services and/or written materials translated into other languages. HUD's required leases, recertification notices, the Consent for Release of Information Packet (forms HUD-9887 and 9887-A), form HUD-5380 - *The Notice of Occupancy*

Rights under the Violence Against Women Act (VAWA 2013), and form HUD-5382 - Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation, are all available upon request in Amharic, Korean, Arabic, Portuguese, Armenian, Russian, Chinese, Spanish, Farsi, Tagalog, French, Vietnamese, and Khmer (Cambodian). If management determines there is an applicant or tenant who does not read a language that HUD has translated its forms into, management will provide those applicants and tenants with forms translated into languages they do understand, in accordance with HUD's LEP guidance.

ORDER OF FILLING VACANT UNITS

First consideration will be given to residents within the property according to the chronological date order of the request for need of such unit providing resident meets the program requirements at the time of transfer to the new unit which include, but are not limited to, factoring in the HUD Income Targeting if part of the household is remaining behind in the original unit and that the resident is in lease compliance.

If there are no such requests from within the property, the **second** consideration will be given to residents residing within the portfolio of properties managed by Maine Development Associates according to chronological date order of the request for such unit providing resident meets the program requirements at that time and is in lease compliance. When moving a resident from one property to another, the HUD Income Targeting Requirements must be applied regarding the vacant unit.

If there are no such requests from within the properties managed by Maine Development Associates, the **third** consideration is a qualified applicant from the waiting list while applying the HUD Income Targeting requirements on the vacant unit.

If there is no waiting list for an accessible unit, and no response as a result of advertising and outreach, an applicant that would otherwise be eligible for occupancy in the property may be allowed to be housed in the unit. If housed, the household must agree to move to an appropriately sized/designed unit when available when there is a qualified approved applicant on the waiting list needing the features of the unit they are occupying under this circumstance.

CURRENT RESIDENT TRANSFER PROCEDURE

Current residents on an Emergency Transfer list due to VAWA will first be considered as long as they meet the eligibility and occupancy requirements for the available unit.

Residents not on an Emergency Transfer list requiring a unit transfer for the following reasons will be given preference for an available unit versus applicants who are on the waiting list:

1. A required unit transfer due to family size or changes in family composition. When an owner determines that a transfer is required, the tenant may remain in their current unit and pay the HUD approved market rent or must move within 30 days after notification that a unit of the required size is available within the property.
2. A unit transfer for medical reasons certified by a doctor or the need for an accessible unit.

Current residents wishing a unit transfer for other reasons than listed above may inquire regarding the possibility. Such transfer would be conditional based on no record of consistent late or unpaid rental obligations, no record of police activity, compliance with all lease provisions and an inspection of the tenant's current unit showing no damage to the property, poor housekeeping habits or any activity resulting in health or safety hazards.

VAWA EMERGENCY UNIT TRANSFER PROCEDURE

Internal Emergency Transfers under Violence Against Woman (VAWA)

Under VAWA 2013 current victims are offered the protection of emergency transfers, which allow for survivors to move to another safe and available unit if they fear for their life and safety. Any current tenant seeking an emergency transfer will be required to complete a written Emergency Transfer Request, form HUD-5383, which will be made available upon request. In addition, management has an Emergency Transfer Plan available for perusal at the Management office.

Management has chosen to give priority to tenants who qualify for an internal emergency transfer under VAWA versus other categories of tenants seeking transfers or placement on waiting lists. The only documentation that Management will require the tenant to submit in order to be placed on the Emergency Transfer Waiting List is a written emergency transfer request, where the tenant certifies to meeting the requirements for an emergency transfer under VAWA, in addition to any self-certification or other documentation of an occurrence of domestic violence, dating violence, sexual assault or stalking. If a tenant provides self-certification, and Management has another safe and available unit for which the victim qualifies, Management will allow the tenant to transfer. If Management does not have a safe unit immediately available for an internal emergency transfer, the victim will be placed on the Emergency Transfer Waiting List.

Eligibility Occupancy Requirements Will Not be Superseded

Emergency transfer obligations under VAWA do not supersede any eligibility or other occupancy requirements that may apply to HUD-assisted housing programs. For example, the tenancy priority for an available accessible unit required to be accessible under HUD's Section 504 regulation must still be applied to maximize the utilization of accessible units by individuals who need the accessibility features. The objective of the emergency transfer plan is to develop a plan for how to fill an available unit cognizant of the need to transfer an individual who qualifies for an emergency transfer as quickly as possible while meeting other obligations and balancing competing needs.

Policy for Unit Transfers under VAWA

In order to qualify for an emergency transfer under VAWA 2013, a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking must reasonably believe there is a threat of imminent harm from further violence. It does not matter when an initial act occurred if the current belief of a threat of imminent harm is reasonable, or, in cases of sexual assault, the assault occurred on the premises during the 90-calendar-day period preceding the transfer request. Management requires that tenants who request emergency transfers under VAWA submit a written transfer request where the tenant certifies that he or she believes there is a threat of imminent harm from further violence, or that he or she was a victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the transfer request.

Making Emergency Transfer Plans Available upon Request

VAWA 2013 requires housing providers to prepare a workable emergency transfer plan, which must be made available upon request, and must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of individuals seeking transfers or placement on waiting lists. Management's Emergency Transfer Plan, which describes policies for assisting tenants to make emergency transfers, is available for review at the management office.

Screening for Suitability to Determine Eligibility

Protections for victims of domestic violence, dating violence, sexual assault, or stalking are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. Criminal activity directly relating to VAWA crimes engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of assistance, or occupancy rights if the resident or an affiliated individual of the resident's family is the victim or the threatened victim of that abuse. Incidents of actual or threatened domestic/dating violence, sexual assault, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be good cause for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Definition of Affiliated Individual

An affiliated individual is defined as a spouse, parent, brother, sister, or child, or a person to whom an applicant/tenant stands in the place of a parent or guardian (for example, the affiliated individual is in one's care, custody, or control); or any individual, tenant, or lawful occupant living in a tenant's household.

Protections for Applicants

Current Tenant/___ HUD Selection Plan- 4/5/19 kbb

Equal Housing Opportunity

If an applicant otherwise qualifies for assistance under this HUD-assisted program, they cannot be denied admission or denied assistance because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. VAWA 2013 protects victims, as well as their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant's status as a victim of domestic violence, dating violence, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

Protections for Tenants

A tenant receiving assistance under this HUD-assisted program may not be denied assistance, terminated from participation, or be evicted from rental housing because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Also, if a tenant or an affiliated individual of the tenant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of a household or any guest, they may not be denied rental assistance or occupancy rights under this program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Tenants need to be aware that commission of crimes under VAWA may result in termination. If management seeks to terminate assistance to a VAWA perpetrator or an alleged VAWA perpetrator, management will follow program regulations and policies, including lease policies, which allow for such termination, as well as any applicable state and local laws.

A tenant assisted under a covered housing program may not be terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. Submission of false information for a VAWA claim could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Notice of Rights and Obligations under VAWA 2013

Management will support and assist victims of VAWA crimes, and will protect victims, as well as members of their family or affiliated individuals, from being denied housing or from losing their HUD assisted housing as a consequence of a VAWA-related crime.

Notification of Occupancy Rights and Certification Form, HUD-5380

Management will provide the *Notification of Occupancy Rights and Certification* form, HUD-5380, to all appropriate individuals at the following times:

- To applicants when assistance is being denied by rejected application);
- To new households at the time of move-in into the property;
- To current tenants with any notification of eviction or termination of assistance.

Additional Documentation for Victims

Management will also give applicants/tenants the opportunity to provide (in lieu of the certification form or in addition to it), a federal, state, tribal, territorial, or local police record or court record, or documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic/dating violence, or stalking or, the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional's belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

- Management is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic/dating violence, or stalking in order to receive the protections of the VAWA. Management will provide assistance to an individual based solely upon the individual's statement or other corroborating evidence, and will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

- Management will work with the applicants/tenants in making acceptable delivery arrangements for a certification form, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

Confidentiality of Information

The identity of a victim, and all information relating to VAWA incidents, will be retained in confidence by management and will not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is requested or consented to by the individual in writing; is required for use in an eviction proceeding; or is otherwise required by applicable law. Management will retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.

Applicable VAWA Forms:

Form HUD-5382, *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking*

Management will provide to current tenants the option to complete form HUD-5382 to certify if they are a victim of domestic violence, dating violence, sexual assault, or stalking.

Form HUD-91066, *Certification of Domestic Violence, Dating Violence or Stalking*

Form HUD-91066 is currently being updated by the Office of Multifamily Housing. In lieu of HUD-91066, all current residents will be provided the option to complete form HUD-5382 until the updates for form HUD-91066 have been completed.

Form HUD-91067, *Lease Addendum for VAWA*

Form HUD-91067, HUD's lease addendum for the VAWA provisions, is a required addendum to every lease. If it is determined that physical abuse caused by a resident is clear and present, the law provides management the authority to bifurcate the lease, and remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction/termination action against the individual, will be done in accordance with the procedures prescribed by federal, state, and local law. If such action is deemed necessary, an interim recertification will be processed reflecting the change in household composition.

Option to Bifurcate Lease

VAWA 2013 requirements provide that notwithstanding the restrictions placed on admission, occupancy, and termination of occupancy or assistance, or any Federal, State, or local law to the contrary, an O/A of assisted housing may bifurcate a lease for housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing who engages in *criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual*, and mandates that if such bifurcation occurs, and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, the management will provide any remaining tenant the opportunity to establish eligibility for the covered housing program. If the remaining tenant cannot establish eligibility, management will provide the tenant a reasonable time to find new housing or to establish eligibility under another covered housing program. VAWA 2013 provides that HUD is to determine what constitutes a reasonable time, which when established will be followed by the property.

Providing a Reasonable Time

VAWA protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant's status as a victim of domestic violence, dating violence, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

Verification and Documentation for VAWA-Related Crimes

If an applicant or tenant represents to management that they are a victim of domestic violence, dating violence, sexual assault, or stalking who is entitled to protections or remedies under VAWA 2013, management will request that the applicant or tenant submit one of the following documentation:

The *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation*, form HUD-5382; or

- A document signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of a VAWA crime, which also must be signed by the applicant/tenant; or
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- At the discretion of management, a statement or other evidence provided by the applicant or tenant.

Conflicting Information

If management receives documentation that contains conflicting information (including 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 perpetrator), management will require an applicant or tenant to submit third-party documentation, as described above, within 30 calendar days of the date of the request for the third-party documentation.

APPLICANT SCREENING CRITERIA

All applicants age 18 or older will be screened for suitability prior to residency. Screening criteria will be applied consistently to all applicants with consideration of extenuating circumstances as part of the screening process. Applicants must provide information covering the past five years of uninterrupted history of residing in locations that can be verified.

Credit History. Priority will be given to current credit activity over older activity. All rent and utilities must be paid in full. We will obtain the necessary credit report from the credit bureau.

Rental History. Rental history must adequately demonstrate the ability to occupy and behave in such a manner conducive to our occupancy requirements. (In the case of those individuals who cannot document any rental history, we may request alternate non-related non-family professional references and sources of information to verify the applicant’s ability to follow lease obligations for tenancy.)

Criminal History. During the screening process, we will obtain the necessary criminal checks for drug-related or criminal activity including State lifetime sex offender registration in all states where applicant household members have resided using a National Sex Offender database.*

**Note: The same criteria here applies to live-in aides also and will be checked.*

Existing Tenant Search. HUD’s EIV system will be checked to determine if any household member is currently residing at another rental assisted program at another location. Under no circumstance may any tenant benefit from more than one subsidy.

Additional Screening. Maine Development Associates may conduct a personal home interview with an applicant maintaining their own dwelling or area within a dwelling located within a 30 mile radius of MDA’s staff to ascertain the applicant's ability to fulfill or comply with all of the Lease provisions including but not limited to maintaining a clean, safe and sanitary household.

If the Screening Criteria process is met in a satisfactory manner, the application will move on to the necessary verification of income, assets and any applicable medical expenses. Commencement of the verification process does not guarantee acceptance for housing. A final decision on eligibility will be made once all written verifications are obtained.

SCREENING FOR MARIJUANA USE

The Controlled Substances Act (CSA) categorizes marijuana as a Schedule 1 substance and therefore the manufacture, distribution, or possession of marijuana is a federal criminal offense. Because the CSA prohibits all forms of marijuana use, the use of marijuana for recreational purposes or medical purposes is illegal under federal law even if it is permitted under state law. With regard to questions concerning the use of marijuana in MF assisted properties in states that have decriminalized the use of marijuana, the controlling authority is Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Because this property is federally assisted, the requirements of QHWRA apply, and the property will deny admission to any household with a member who is determined, at the time of application for admission, to be illegally using a controlled substance as that term is defined by the CSA. In addition, the property will terminate the tenancy for any household with a member who the property determines is illegally using a controlled substance, or whose illegal use, or pattern of illegal use, of a controlled substance is determined by the property to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Termination of Tenancy by Owner for Use of Marijuana

Unlike HUD's admission standards which prohibit admission to federally assisted housing for any household with a member who the owner determines is illegally using a controlled substance (e.g. marijuana) or the owner has reasonable cause to believe that the illegal use may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, the continued occupancy standards allow termination by the owner. In addition, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) provides owners with the discretion to determine on a case-by-case basis, when it is appropriate to terminate the tenancy of a household using marijuana.

FAIR HOUSING

Nondiscrimination and VAWA

The Violence Against Women Act of 2013 (VAWA 2013) mandates that, consistent with HUD's nondiscrimination and equal opportunity requirements, victims of domestic violence, dating violence, sexual assault, and stalking cannot be discriminated against on the basis of any protected characteristics, including race, color, religion, sex, disability, familial status, national origin, or age. In addition, HUD programs must also be operated consistently with HUD's Equal Access Rule, which states that HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals and families without regard to actual or perceived sexual orientation, gender identity or marital status.

EQUAL ACCESS

A determination of eligibility for this property will be made in accordance with the eligibility requirements provided by HUD, and will be made available without regard to actual or perceived sexual orientation, gender identity, or marital status. This property will not inquire about the sexual orientation or gender identity of an applicant or tenant for purposes of determining eligibility or otherwise making housing available.

The term *family* includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or

A group of persons residing together and such group includes, but is not limited to (i) a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); (ii) an elderly family; (iii) a near-elderly family; (iv) a disabled family; (v) a displaced family; and (vi) the remaining member of a tenant family.

The term *gender identity* means actual or perceived gender-related characteristics.

The term *sexual orientation* means homosexuality, heterosexuality or bisexuality.

APPLICATION REJECTIONS

Applications will be rejected for the following reasons:

- a. Loud or obnoxious behavior or any prior rent violations while a resident of any past rental residence.
- b. Behavior that demonstrates they will not comply with all aspects of our Lease or they don't have the ability to live in such a way that does not threaten the health, safety, welfare or peaceful enjoyment of other residents or themselves.
- c. Home interview did not demonstrate the ability to comply with all aspects of the Lease.
- d. Past rental history that indicates they do not have the ability to maintain a safe and sanitary dwelling.
- e. Past rental history that indicates their rental payments have not been on time or made on a consistent basis or rent was not paid-in-full upon departure from a rental property.
- f. Past history indicates they have been late without a valid reason on any installment loan payment.
- g. Past rental history indicates they have caused damage to any previous rental property they have resided in and that upon departure they did not leave the premises in the same manner as when occupied (i.e. clean and no damages).
- h. Poor credit history involving utilities or previous rentals.
- i. No non-related non-family landlord in prior rental history that could be verified and no requested non-related non-family professional references were provided.
- j. Non-related non-family professional references did not confirm the applicant's ability to follow lease obligations for tenancy.
- k. A conviction for any crimes/offenses that involved drugs, violence against an individual, harassment, threatening, disruptive behavior, sexual offenses, destruction of property, criminal mischief, theft, negotiating worthless instruments, fraud, or crimes involving weapons within the last five years, or use of illegal drugs or abuse of alcohol of being subject to a state life-time sex offender registration program or is currently registered under a state sex offender registration program. A record of arrest may be used to make an adverse housing decision based on the conduct underlying the arrest if the conduct indicates that the individual is not suitable for tenancy and the property has sufficient evidence other than the fact of arrest that the individual engaged in the conduct.

The following factors will be considered when evaluating an individual's criminal record:

- Whether the applicant's offense bears a relationship to the safety and security of other residents;
- The level of violence, if any, of the offense for which the applicant was convicted;
- Length of time since the conviction;
- The number of convictions that appear on the applicant's criminal history;
- If the applicant is now in recovery for an addiction, whether the applicant was under the influence of alcohol or illegal drugs at the time of the offense; and
- Any rehabilitation efforts that the applicant has undertaken since the time of conviction.

- l. An eviction.
- m. Incomplete application. All pages of the application must be completed in their entirety.
- n. If Management determines that there is reasonable cause to believe that a household member's illegal use (or a pattern of illegal use) of a drug or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, welfare or right to peaceful enjoyment of the premises by other residents.
- o. Any member of the applicant's household has been convicted of the manufacture of methamphetamine on the premises of federally subsidized housing in their lifetime.
- p. Failure to comply within the time frames stated to any and all requests by telephone or in writing from Management, to return telephone calls, sign and/or return all forms consenting to the release of information within the time frames requested, respond to the letter of continued interest or request for contact to be made regarding a vacancy occurring.
- q. Any criminal activity that would threaten the health, safety, welfare or right to peaceful enjoyment of the premises by other residents, the owner, or any employee who is involved in the housing operations or management.
- r. If offered and reject two units in properties managed by Maine Development Associates, fail to show up to the scheduled move-in or call Management to decline the apartment prior to the scheduled move-in, decline the apartment at the move-in appointment, or mail sent to the applicant's address is returned as undeliverable. (If the unit size needed changes from the original request and no appropriate size unit exists at the property, the

applicant will receive notice they are ineligible for the property. If the size needed exists at the property, the application will be placed on the new waiting list as of the date of that notification.)

NOTIFICATION OF REJECTION

If an applicant is denied admission to the property, they will receive a written notice stating the reason(s) for the rejection. The applicant will be given the right to appeal the decision by following the instructions included in the rejection letter.

****Maine Development Associates administrates these tenant selection criteria for all HUD Section 8, 236 and 202 and 202 PRAC properties professionally managed by Maine Development Associates.*

PROJECT AND PROGRAM ELIGIBILITY
<<Property_Name>> located in <<Property_City>>, <<Property_State>>

PROGRAM ELIGIBILITY

Program eligibility determines whether applicants are eligible for federal rental assistance. This property will not admit ineligible applicants. Eligible applicants must meet **all** of the following requirements.

ELIGIBILITY REQUIREMENTS

An applicant must possess the legal capacity to enter into a lease.

SOCIAL SECURITY NUMBERS

Applicants must disclose and provide documentation of Social Security Numbers (SSN) for all family members and cannot be housed unless they submit the required SSN documentation. If a household member under 6 years of age has not been assigned an SSN, the household will have 90 days from the date of move in to provide documentation evidencing issuance of an SSN.

Acceptable Documentation: A copy of the original SS card, ID card issued by a federal, state or local agency, medical insurance provider or an employer, a payroll statement, bank statement, Form 1099, SS benefit award or retirement letter, life insurance policy or by a court record.

BIRTH CERTIFICATES

Applicants must provide a copy of each household member's birth certificate issued by the birth Town, State or Hospital as documentation of the age and citizenship of each household member. An applicant cannot be housed unless they submit the required proof of age/citizenship documentation.

CITIZENSHIP

Assistance in subsidized housing is restricted to U.S. Citizens or non-citizens who have eligible immigration status as determined by HUD. All family members, regardless of age, must declare their citizenship or immigration status. Non-citizen applicants will be required to submit evidence of eligible immigration status at the time of application. Thirty (30) days or less will be allowed if documentation is temporarily unavailable because time is needed to collect and submit the documents. Non-citizens 62 years and older are eligible by signing a declaration of eligible non-citizen status and providing a proof of age document. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.

STUDENT ELIGIBILITY

Student eligibility requirements apply to applicants enrolled part-time or full-time at an institution of higher education who are under 24 years of age, unless the applicant is a student who is living with his/her parents who are applying for Section 8 assistance.

Student eligibility requirements do not apply to students under 24 years of age who are married, or a veteran of the US Military, or have a legal dependant child or is a person with disabilities, as defined in Section 3(b)(3)(F) of the US Housing Act of 1937 (42 USC 1437a (b)(3)(E) who was receiving Section 8 assistance on November 30, 2005.

Students under 24 years of age who do not fall within any of the above criteria and are of legal contract age must have parents who are, individually or jointly, income eligible for Section 8 assistance. If parents eligibility cannot be

determined, the student is ineligible unless they can demonstrate his or her independence from their parents by the following:

1. Be of legal contract age.
2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the US Department of Education's definition of an independent student below.
3. Provide documentation they were not claimed as a dependent on their parents or legal guardian's latest tax return pursuant to IRS regulations.
4. Obtain a certification of the financial assistance that will be provided by their parents which certification is required even if no assistance will be provided.

Department of Education's Definition of Independent Student:

The Department of Education provides that an independent student is a student who meets one or more of the following criteria:

- The individual is 24 years of age or older by December 31 of the award year;
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- The individual is a graduate or professional student;
- The individual is a married individual;
- The individual has legal dependents other than a spouse;
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by--
 - a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
 - the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
 - a financial aid administrator; or
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

HUD's Definition of Vulnerable Youth as Regards Independent Student Status

HUD defines vulnerable youth as unaccompanied homeless youth, youth that are at risk of being homeless, and youth who have aged out of the foster system. Individuals who meet the Department of Education's definition of independent student as defined above are considered vulnerable youth. If an O/A determines an individual is a vulnerable youth, such determination is all that is necessary to determine a person is an independent student for purposes of using only the student's income for determining eligibility for section 8 assistance.

Financial Assistance in Annual Income

Any financial assistance an eligible Section 8 student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children, or if the student is living with his or her parents who are receiving Section 8 assistance.

Note: Financial assistance that is provided by persons not living in the unit is not part of annual income for students who meet the Department of Education’s definition of vulnerable youth.

Definition of Tuition for Section 8

HUD defines tuition in the same manner in which the Department of Education’s defines tuition, which is the amount of money charged to students for instructional services which may be charged per term, per course, or per credit. In addition, the department further defines tuition and fees as the amount of tuition and required fees covering a full academic year most frequently charged to students. These values represent what a typical student would be charged and may not be the same for all students. If tuition is charged on a per-credit-hour basis, the average fulltime credit hour load for an entire academic year is used to estimate average tuition. Required fees include all fixed sum charges that are required of a large proportion of all students. The student who does not pay the charges is an exception. Examples of required fees include, but are not limited to, writing and science lab fees and fees specific to the student’s major or program (i.e., nursing program). Expenses related to attending an institution of higher education must not be included as tuition, such as room, board, books, supplies, meal plans, transportation, parking, student health insurance plans, and other non-fixed sum charges.

OCCUPANCY STANDARDS:

<u>No. of Bedrooms</u>	<u>Minimum</u>	<u>Maximum</u>
1	1	2
2	2	4
3	3	6
4	4	8

Households may request to be placed on the waiting list for any unit size that fits their household size. If a household, based on the number of members, would qualify for more than one unit size, they may choose the unit size, or sizes, they prefer.

A single occupant cannot occupy a unit with two bedrooms unless

1. is a person with a disability that needs the larger unit as a reasonable accommodation or
2. has a verifiable medical need for a larger unit or
3. is a remaining family member of a resident family and no appropriately sized unit exists at the property or
4. is a remaining family member of a resident family and no appropriately sized unit is currently available.

INCOME ELIGIBILITY REQUIREMENTS

HUD establishes and publishes income limits annually based on family size for each county where a property is located based on the median income of the geographic area. Income eligibility is based on family size and the annual income the family receives. The maximum percentage of the area median income for <<Property_Name>> is 50 percent. Once a resident, the income eligibility test will not be done again unless the resident has gone to market rent and then wants to be eligible again for subsidy. HUD established income limits are available from the management office.

HUD INCOME TARGETING REQUIREMENTS

In addition to income eligibility above, HUD requires preference be given to house extremely low income families needed to satisfy HUD’s yearly income-targeting requirements. To accomplish this, 40% of new move-ins each year must be at or below 30% of the area median income for the County the property is located in. Maine Development has selected the

HUD option to accomplish this by every other unit being rented to an extremely low income family. The alternating selection when the next vacancy occurs will be from the top of the waiting list. If after reasonable marketing there are insufficient ELI applications when needed, the vacancy will be rented to an otherwise eligible family from the top of the waiting list with documentation in the file of the marketing efforts to reach an ELI applicant. This alternation will affect the order in which applicants are selected from the waiting list when a vacancy occurs.

UPDATES TO THE TENANT SELECTION CRITERIA

Updates to the TSC will be mailed to active applicants on the waiting list to the address provided on the application or, if updated by the applicant, to the new address.

NON-DISCRIMINATION

The Management Agent will comply with Title VII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988; Title VI of the Civil Rights Act of 1964; Executive Order 11063, November 29, 1962; The American with Disabilities Act, Section 504 of the Rehabilitation Act of 1973; and comparable orders on the state level, and all rules, regulations, and requirements issued pursuant thereto. The Management Agent will not, on account of race, color, sex, religion, national origin, age, disability, familial status, sexual orientation or any other basis prohibited by state law, deny any family the opportunity to apply for admission, or deny any eligible applicant the opportunity to lease or rent a dwelling unit suitable to its needs. In the selection of Applicants, there will be no discrimination against families otherwise eligible for admission because their income is derived in whole or in part from public assistance.