



TENANT SELECTION PLAN

The procedures contained in this TENANT SELECTION PLAN have been established in compliance with the Department of Housing and Urban Development (HUD) Handbook 4350.3 REV-1 Change 4 (Issued 11/27/2013), as amended, and all other applicable federal statutes and regulations. It is designed to promote fairness and uniformity in tenant selection and to promote efficiencies in the process by which applications are processed.

Park Place and Westgate LLC is a Section 8 Multi-Family Project-Based (PBRA) property that is administered by the U. S. Department of HUD and is designated to attract applicants for occupancy from all potentially eligible groups of individuals in the housing area regardless of race, color, religion, sex, national origin, disability, familial status, marital status, source of income, age, ancestry, medical condition, sexual orientation, or any other arbitrary basis. To be eligible for occupancy at these properties, there must be a match between the applicant's income level and family/unit size available. The goal of this Tenant Selection Plan is to establish a guideline for the selection of tenants in accordance with HUD regulations, which will enhance the quality of life for all and improve the financial viability of the Park Place and Westgate LLC.

AVAILABILITY OF PLAN

This plan is available to the public upon request. It will be available at 215 Grand Avenue, Merrill, WI 54452 location during normal business hours Monday – Thursday 7:00am – 3:30pm and Friday 7:00am – 12:00pm or by phone request at 715-722-1081.

MODIFICATION OF PLAN

The Multi-Family Project Based Section 8 Tenant Selection Plan will be reviewed at least once annually or when there is a change in HUD regulations to ensure that it reflects current operating practices, program priorities, and HUD requirements. If Park Place and Westgate LLC and/or HUD's Contract Administrator feel the plan needs to be modified in any way, a notice of such modification will be provided by mail to applicants on the waiting list. For this reason, the current Tenant Selection Plan in place at Park Place and Westgate LLC will always be dated.

PROJECT-SPECIFIC REQUIREMENTS

Park Place & Westgate LLC is designated as a general population. Applicant(s) may be required to meet the restrictions as indicated below to proceed with the application process:

- ❖ **Park Place & Stonebridge** is designated for **1-4 individuals** who meet the restriction as indicated below to proceed with the application process:
 - A single person cannot occupy a unit with two (2) or more bedrooms unless one of the following applies:

- ✓ An individual with a disability who needs a larger unit as a reasonable accommodation; or
- ✓ A displaced individual when no appropriately sized unit is available; or
- ✓ An elderly individual who has a verifiable need for a larger unit; or
- ✓ A remaining family member of a tenant's family when no appropriately sized unit is available.
- A smaller unit size may be assigned upon request; only if occupancy of the smaller unit will not cause serious overcrowding and will not conflict with local codes.
- A larger unit size may be assigned upon request if one of the following conditions exists:
 - ✓ No eligible family in need of a larger unit and is available to move into the unit within sixty (60) days, the property has the proper size unit for the family, but it is not currently available, and the family agrees in writing to move at its own expense when a proper size unit becomes available.
 - ✓ The family needs a larger unit as a reasonable accommodation for a family member who is an individual with a disability.
- If a family, based on the number of members, would qualify for more than one (1) unit size, the owner must allow the family to choose which unit size they prefer.
- ❖ **Westgate Apartments** are designated for **1-8 individuals** based on unit size and meet the restriction as indicated below to proceed with the application process:
 - A single individual cannot occupy a unit with two (2) or more bedrooms unless one of the following applies:
 - ✓ An individual with a disability who needs the larger unit as a reasonable accommodation; or
 - ✓ A displaced individual when no appropriately sized unit is available; or
 - ✓ An elderly individual who has a verifiable need for a larger unit; or
 - ✓ A remaining family member of a tenant's family when no appropriately sized unit is available.
 - A smaller unit size may be assigned upon request; only if occupancy of the smaller unit will not cause serious overcrowding and will not conflict with local codes.
 - A larger unit size may be assigned upon request if one of the following conditions exists:
 - ✓ No eligible family in need of the larger unit and is available to move into the unit within sixty (60) days, the property has the proper size unit for the family, but it is not currently available, and the family agrees in writing to move at its own expense when a proper size unit becomes available.
 - ✓ The family needs a larger unit as a reasonable accommodation for a family member who is an individual with a disability.
 - If a family, based on the number of members, would qualify for more than one (1) unit size, the owner must allow the family to choose which unit size they prefer.

OCCUPANCY STANDARDS

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|-------------|---------------------|---------------------|
| ○ 1 Bedroom | Minimum Occupants 1 | Maximum Occupants 2 |
| ○ 2 Bedroom | Minimum Occupants 2 | Maximum Occupants 4 |
| ○ 3 Bedroom | Minimum Occupants 3 | Maximum Occupants 6 |
| ○ 4 Bedroom | Minimum Occupants 4 | Maximum Occupants 8 |
- A maximum of two (2) individuals per bedroom is allowed.
 - Married couples cannot occupy a two (2) bedroom unit unless medically necessary.
 - Married couples cannot occupy two (2) separate units unless divorced or legally separated.

PET AGREEMENT

Applicant(s)/tenant(s) 62 years of age and older or disabled can have pets but management must pre-approve all pets before the pet is allowed in any apartment or on the property. There is a maximum of one (1) pre-approved pet per household with a maximum weight of thirty (30) lbs. Please refer to the attached Pet Agreement for further guidelines.

APPLICATION PROCESS AND SELECTING FROM A WAITING LIST

- ❖ An application cannot be accepted unless it is complete. You must designate the number of bedrooms requested, the application must be signed, and dated. Applications are accepted in person or mailed to Park Place & Westgate LLC 215 Grand Avenue, Merrill, WI 54452 or faxed to 715-804-5045.
- ❖ Park Place & Westgate LLC will create and permanently maintain a waiting list of interested individuals. Each waiting list will be maintained in chronological order and must include the following information:
 - (a) Date and time the applicant applied; and
 - (b) Name of head of household; and
 - (c) Annual income; and
 - (d) Identification of need for accessible unit, including the need for accessible features; and
 - (e) Unit size.
- ❖ If an apartment is not available for occupancy when the application is submitted, you will be put on a waiting list. Park Place & Westgate LLC policy is to keep waiting lists open continuously. Your application will be screened and verified when an apartment becomes available prior to occupancy. If you choose to accept an apartment at that time, you will be removed from the waiting list. If you choose to not accept the unit at that time, we will keep you on the waiting list. See updating waiting list for further information.

PREFERENCES

- ❖ Individuals 18 years of age or older: Park Place & Westgate LLC has a no age preference for adults. Acceptable documentation to confirm applicants are 18 years of age or older may include birth certificates, social security card or military documents that show the applicant's birthdate.

APPLICANT SCREENING CRITERIA

During the admissions screening process, the owner will perform the necessary background check on all applicants 18 years of age or older for suitability prior to residency. Screening criteria will be applied consistently to all applicants, consideration of extenuating circumstances will be considered in the screening process.

- ❖ **Credit History:** Priority will be given to current credit activity over older activity. All rent and utilities must be paid in full. Poor credit history is grounds for rejection; however, a lack of credit history is not.
- ❖ **Rental History:** Any evictions in the last three (3) years, past record of destruction, consistently late or unpaid rental obligations, police activity or poor housekeeping habits resulting in health or safety hazards is grounds for rejection. Lack of rental history is not grounds for rejection.

CRIMINAL ACTIVITY

The owner/agent will investigate and determine appropriate action based on the circumstances surrounding the crime and the tenant's knowledge or involvement in the crime.

The owner/agent may pursue termination of tenancy (eviction) if any household member participates in criminal activity that threatens the health or safety of staff, other tenants, tenants' guests, tenants' service providers, or persons residing in the immediate vicinity of the premises.

If a tenant, a tenant's guest, or a tenant's service provider commits a criminal act on or near the property, the tenant may be subject to termination of tenancy. The owner/agent will investigate evidence of criminal activity reported on or near the property.

Actions that warrant termination of tenancy (eviction) include but are not limited to:

1. Crimes or actions involving violence or potential violence
2. Sex crimes
3. Crimes or actions involving animal abuse
4. Criminal acts covered under the Violence Against Women Reauthorization Act of 2013 (stalking, domestic violence, dating violence or sexual assault)
5. Manufacture or distribution of an illegal or controlled substance
6. Crimes that interfere with a tenant's safety
7. Crimes that interfere with a tenant's right to peaceful enjoyment of the premises
8. Crimes that interfere with the safety of the property staff
9. Fraud
10. Crimes that involve damage to property such as arson, malicious damage
11. Crimes that involve illegal possession or use of weapons
12. Crimes that involve human trafficking
13. Terrorist activities
14. Crimes that involve explosives
15. Use of an illegal drug – on or near the property - when such use may interfere with the health, safety, and right to peaceful enjoyment of the property by other tenants
16. Abuse or pattern of abuse of alcohol that interferes with the health, safety, and right to peaceful enjoyment by other tenants. Standards are based on behavior, not the condition of alcoholism
17. Tenant, tenant's guest, or tenant's service provider is subject to any sex offender registration requirement based on a conviction. The owner/agent will investigate the charges. The tenant must participate in the owner/agent's investigation. If it is discovered that the tenant's guest or service provider is subject to a state lifetime sex offender registry or if the sex offender is considered a threat to public safety, and a qualified evaluator believes the offender is a predator or a sexually violent predator then the guest or service provider will be banned from the property. If the tenant invites or allows such a predator to visit or stay at the property, the owner/agent will initiate termination of tenancy

The property staff and/or the owner/agent will review certain criminal history for all adult household members at each annual certification.

The owner/agent reserves the right to terminate assistance or tenancy if such review of criminal history uncovers any of the following:

1. Any household in which any member was evicted in the last three years from federally assisted housing for drug-related criminal activity
2. A household in which any member is currently engaged in illegal use of drugs or for which the owner/agent has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other tenants (The owner/agent has implemented a policy to address the term "currently engaged". Current will be indicated and investigated if there is a record of arrest or conviction within the last twelve (12) months)
3. Criminal activities resulting in felony conviction involving violence, potential violence, destruction of property, human trafficking, terrorist activities, illegal weapons charges or the illegal distribution or manufacture of a controlled substance will result in termination of tenancy.
4. Other Criminal activities resulting in other felony convictions may result in termination of tenancy.
5. A record of three (3) or more separate instances where the tenant is involved in criminal activities resulting in felony conviction will result in termination of tenancy.
6. Criminal activities resulting in misdemeanor convictions involving violence, potential violence, destruction of property, human trafficking, terrorist activities, weapons charges or the illegal distribution or manufacture of a controlled substance will result in termination of tenancy
7. Criminal activities resulting in other misdemeanor convictions may result in termination of tenancy
8. A record of three (3) or more separate instances where the tenant is involved in criminal activities resulting in misdemeanor convictions within three (3) years will result in termination of tenancy
9. United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. Tenants may be required to provide proof of citizenship or legal immigration status.
10. Sex Offender Registration: Tenant is currently subject to registration under a state sex offender registration program. If the owner/agent determines that a registered sex offender is part of the household, the owner/agent will allow the household to remove the sex offender. Removal must be documented using a signed, notarized copy of the owner's form. The household will have ten (10) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in termination of assistance and possible termination of tenancy for all household members. In this case, the owner/agent reserves the right to monitor household composition. If the owner/agent discovers that a sex offender has moved into the unit, assistance will be terminated, and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD. If a registered sex offender was removed from the household, the owner/agent reserves the right to monitor household composition. If the owner/agent discovers that a sex offender has moved into the unit, assistance will be terminated, and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD.

If the owner/agent discovers an unresolved criminal charge of any criminal activity as described above, the circumstances surrounding the arrest will be investigated.

If there is evidence that the tenant participated in such illegal activity, the owner/agent will meet with the tenant and the other adult household members to determine if the residency should be terminated

or if the offending party should be removed from the unit including formal procedures required to remove the member from the household/lease.

Based on a preponderance of the evidence, if the owner/agent investigation indicates that a tenant participated in criminal activity as described above, the tenant may be subject to termination of tenancy (eviction).

SEX OFFENDERS

Note: These rules apply to any household member who was subject to a lifetime sex offender registration requirement at admission and was admitted after June 25, 2001. For admissions before June 25, 2001, there is currently no HUD statutory or regulatory basis to evict or terminate the assistance of the household solely on the basis of a household member's sex offender registration status.

HUD prohibits providing housing assistance to anyone who is subject to a state lifetime sex-offender registry. The owner/agent has opted to make that rule more restrictive by prohibiting any sex offender registrant from living on the property.

If an owner/agent and/or property staff discovers that a household member is a registered sex offender and was admitted in error, the owner/agent and/or property staff will immediately pursue termination of assistance and termination of tenancy. The owner/agent and/or property staff will first offer the family the opportunity to remove the ineligible (sex offender) family member from the household.

If the family is unwilling to remove that individual from the household, the owner/agent and/or property staff must pursue termination of assistance and termination of tenancy for the household in accordance with HUD instruction.

Sex offender screening is conducted at each annual and interim certification.

If any tenant is subject to registration on any state sex offender registry, the owner/agent and/or property staff and/or HUD will immediately notify the household that they have the option to remove the sex offender or the owner/agent and/or property staff will pursue termination of assistance and termination of tenancy.

If the owner/agent has good cause (i.e., notification from a state sex offender registry or law enforcement agency), all household members acknowledge that sex offender screening can be conducted by the owner/agent and/or property staff or by HUD or HUD's representatives.

CRIMINAL ACTIVITY DISCOVERED AFTER MOVE-IN

If the owner/agent discovers that a tenant misrepresented their criminal history at application, the owner/agent will require the household meet with property staff and discuss the information.

The owner/agent will comply with HUD's guidance and the owner/agent's criminal screening criteria when determining what action should be taken. Action may include termination of assistance and/or termination of tenancy depending on the severity of the crime and the willingness of the household to remove the offender.

DISTURBANCES OR INQUIRIES INVOLVING LAW ENFORCEMENT

Tenants are expected to contact law enforcement if they witness any illegal activity or if they feel they are in need of law enforcement intervention or protection.

If any law enforcement agency is called to the property because of any type of illegal disturbance and/or criminal violations caused by a tenant's illegal action, such incident shall be investigated by the owner/agent and/or property staff. If it is determined that a tenant was involved in criminal activity and/or other illegal behavior.

Law enforcement has the right to enter the property and the power to make arrests as needed within the law. At the local level, property is under the jurisdiction of the City of Merrill Police and Lincoln County Sheriff Department.

Disturbances and/or criminal violations where the tenant, a tenant's guest, or a tenant's service provider is involved in illegal activity is considered a lease violation.

If the tenant, the tenant's guest, or the tenant's service provider is the victim, the owner/agent will investigate the circumstances surrounding the specific situation and make a determination whether a lease violation occurred and if termination is appropriate.

The termination of the lease agreement will be conducted as allowed by the terms of the lease agreement and local, state, and federal law, including the provisions provided through the Violence Against Women Act (VAWA).

INCARCERATION

If the owner/agent or property staff discovers that a tenant has been incarcerated, the property staff will investigate the arrest/conviction. If the tenant has been convicted of any of the crimes that would constitute termination of tenancy, the owner/agent and/or property staff will immediately begin the process to terminate tenancy. This may include contacting the remaining household members, in accordance with HUD requirements, and beginning the process to remove the tenant from the household.

If an existing tenant is incarcerated, at least one other adult household member must be listed on the lease in order for other members to remain in the unit. If the remaining household members are minors, the owner/agent is compelled to comply with local law regarding child abandonment. This may include contacting child protective services.

If the incarcerated tenant is the sole household member, the owner/agent will initiate the process required when a unit is abandoned.

ILLEGAL IMMIGRANTS

United States Code Title 8, subsection 1324(a)(1)(A) prohibits the harboring of illegal aliens. The provision of housing to illegal aliens is a fundamental component of harboring. Tenants may be required to provide proof of citizenship or legal immigration status.

For certain HUD programs, eligibility requirements indicate that tenants may be required to provide proof of citizenship or eligible immigration status in order to continue to receive subsidy.

CONSIDERATION OF EXTENUATING CIRCUMSTANCES

In deciding whether to exercise discretion to terminate (evict) an individual or household that has engaged in prohibited criminal activity, the owner/agent will consider all of the circumstances relevant to the particular eviction decision, including but not limited to the seriousness of the offending action; the effect that eviction of the entire household would have on family members not involved in the criminal activity; and the extent to which the tenant has taken all reasonable steps to prevent or mitigate the criminal activity.

CRIMINAL ACTIVITY DISCOVERY

The lease and these House Rules provide grounds for terminating the lease for criminal activity engaged in on or near the premises, by any tenant, household member, or guest. Before terminating any tenant based on involvement in criminal activity, the owner/agent will (as appropriate):

1. Investigate whether the tenant committed a crime;
2. Investigate whether the tenant's guest or service provider committed a crime;
3. Investigate whether the tenant's guest or service provider committed a crime on or near the property;
4. Notify the household of the proposed action based on the information;
5. Provide the content of the criminal record and information about how to obtain a copy of the information if a criminal record was used in the investigation;
6. Provide the tenant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
7. Allow the household the opportunity to remove the household member involved in the indicated criminal activity.

Tenants have ten (10) business days to provide documentation to dispute the owner/agent's information or provide an explanation of mitigating circumstances. If the tenant fails to contact the owner/agent or indicates that he/she cannot provide documentation to refute the criminal activity discovered or provide mitigating circumstances, the owner/agent may begin the process to terminate tenancy.

NOTIFICATION OF APPLICANT REJECTION

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

CITIZENSHIP REQUIREMENT

PIH 2018-24 Notice issued 11/27/18 amends, supersedes, or rescinds any of the following information regarding document requirements. Assistance in subsidized housing is restricted to the following:

- ❖ U.S. citizens or nationals; and
- ❖ Non-citizens who have eligible immigration status.

REQUIRED DOCUMENTATION

Each family member, regardless of age, is required to submit the following evidence:

- ❖ From U.S. citizens or nationals:
 - ✓ A signed declaration of citizenship; and
 - ✓ A U.S. birth certificate or U.S. passport if applicable.

FROM NON-CITIZENS 18 YEARS AND OLDER

- ❖ A signed declaration of eligible non-citizen status and proof of age.

FROM NON-CITIZENS UNDER THE AGE OF 18 CLAIMING ELIGIBLE STATUS

- ❖ A signed declaration of eligible immigration status; and
- ❖ A signed consent form; and
- ❖ One of the OHS-approved documents.
- ❖ Those family members not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance.

GENERAL REQUIREMENTS

- ❖ Positive identification with a picture will be required (photocopy may be kept on file). A federal regulation effective June 19, 1995, requires applicants to declare that all family members residing in dwelling units are U.S. citizens, or non-citizens with eligible immigration status, or applicants can choose not to contend that he or she has eligible immigration status thus making the applicant ineligible to receive assistance. Documentation and verification of eligible immigration status will be completed at the time of application. For non-citizen's 18 years of age and older, a signed declaration of eligible noncitizen status and proof of age will be required. Non-citizen's 18 years of age and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.
- ❖ All applicant(s) must disclose social security numbers for all household members upon move in. Individuals 62 years of age and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals who do not contend eligible immigration status are excluded from disclosure requirements. Applicants may be placed on the waiting list without proof of a social security number. Applicants have ninety (90) days to provide documentation of social security number at the time the applicant is offered a unit. After ninety (90) days if a social security number has not been provided for all household members, the applicant will be determined ineligible and removed from the list. If a current tenant does not meet the SSN disclosure, documentation, and verification requirements. In the specified time frame, the household tenancy will be terminated due to non-compliance with the lease.
- ❖ Primary applicants must be of legal age to enter into a legal contract under state and local laws.
- ❖ Head of household, co-head, and all other adults (18 years of age and older) in each applicant family must sign an Authorization for Release of Information (HUD Form 9887 and 9887A) prior to being accepted and every year thereafter.

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

We are pledged to the letter and spirit of the U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, or national origin. TDD 1-800-735-2900

TIME FRAMES FOR SUBMITTING EVIDENCE OF CITIZENSHIP/IMMIGRATION STATUS

- ❖ Applicants must submit required documentation of citizenship/immigration status no later than the date the owner initiates verification of other eligibility factors. Citizen or non-citizen eligibility verification will be done first. Owner determines the applicant's citizenship or immigration status during the initial eligibility determination. Applicant's name may be added to wait list pending verification, but information must be submitted **prior** to move-in.
 - If the applicant cannot supply the documentation within the owner's specified time frame, the owner may grant the applicant an extension of not more than thirty (30) days, but only if the applicant certifies that:
 - The evidence is temporarily unavailable; and
 - Additional time is required for it to be obtained; and
 - Prompt and diligent efforts will be undertaken to obtain the evidence.
- ❖ However, until the necessary documentation is received, a unit cannot be allotted to the applicant.
- ❖ A request for an extension must be in writing. Owner must inform the applicant in writing if an extension request is granted or denied. If the request is granted, the owner/agent will include the new deadline for submitting the documentation. If the request is denied, the owner/agent will state the reasons for the denial in the written response. When granting or rejecting extensions, the owner/agent will treat applicants consistently.

REVIEWING AND VERIFICATION OF A HOUSEHOLD'S CITIZENSHIP/IMMIGRATION STATUS

- ❖ Owner employs the INS automated Systematic Alien Verification for Entitlements System (S.A.V.E.) to verify eligibility for housing assistance.
- ❖ If secondary verification is necessary, owner must, within ten (10) days of receipt of such requirement, prepare and send OHS Form G-845S, Document Verification Request, to the Department of Homeland Security (OHS) office serving the property's jurisdiction.
- ❖ The owner must notify the family in writing as soon as possible if the secondary verification process returns a negative result. The family has thirty (30) days from receipt of the notice to choose which option to follow:
 - o Assistance will not be delayed if the family submits immigration information in a timely manner but the OHS verification or appeals process has not been completed.
 - o Assistance may be pro-rated if some household members are eligible for assistance and others are not.
 - o Assistance must be denied or terminated if all family members are determined ineligible for assistance.
 - o If assistance is denied, applicants may appeal the determination with OHS.

SOCIAL SECURITY NUMBER REQUIREMENTS

Applicant(s) must provide documentation of social security numbers for all members of the family.

- ❖ Effective January 31, 2010, all household members must provide:
 - The complete and accurate SSN assigned to each member of the applicant's household and
 - Documentation necessary to provide that the social security number is accurate (verification).
 - Adequate documentation to verify the SSN means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN, including but not limited to an original social security card; driver's license with SSN; identification card issued by a federal, state, or local agency, a medical insurance provider, or an employer or trade union; earnings statements on payroll stubs, Form 1099; benefit award letter, etc.
- ❖ For eligibility purposes, the requirement to disclose an SSN is waived if no SSN has been assigned; and
 - The household member is 18 years of age or older as of January 31, 2010, and eligibility determination started before January 31, 2010.
 - An individual does not contend eligible immigration status.
- ❖ Applicant(s) must disclose and provide documentation to verify SSNs for all household members (except those exempt from the SSN requirements) before being housed from the waiting list.
- ❖ Applicant(s) have ninety (90) days from date they are offered a unit to disclose and/or provide documentation to verify all non-exempt household members' SSNs. Applicants may retain their position on the waiting list during this time. After ninety (90) days, if SSN has not been disclosed and verified, the applicant should be determined ineligible and removed from the waiting list.
- ❖ The SSN provided will be compared to the information recorded in the SSA database (through HUD's EIV System) to ensure that the social security number, birthdate, and last name match. If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated, and any assistance paid in error must be returned to HUD. If the applicant(s)/tenant(s) deliberately provides an inaccurate social security number, the owner/agent and/or HUD may pursue additional penalties due to attempted fraud.
- ❖ 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 ninety (90) days to provide SSN documentation. An additional ninety (90) days will be granted only if failure to provide documentation is due to circumstances beyond the tenant's control.
- ❖ Applicant(s) without social security numbers can contact the Social Security Administration: website: www.ssa.gov or call 1-800-772-1213.

INCOME LIMITS

Applicant's annual income must not exceed program income limits established by HUD and WHEDA annually. The only exception to this guideline is if the program has available two (2) market rate apartments that you may qualify for at the time of application.

- ❖ Park Place & Westgate LLC is a Section 8 Multi-Family Project-Based (PBRA) where only applicants whose income is at or below the low-income limit as defined by HUD are eligible for occupancy.

- ❖ The income limits for this project's type of subsidy are:
 - o Low-Income Limit 80% of Median Income
 - o Very Low-Income Limit 50% of Median Income
 - o Extremely Low-Income Limit 30% of Median Income
- ❖ Income Targeting: At least forty percent (40%) of the assisted units that become available in each fiscal year must be made available for leasing to families whose income does not exceed thirty percent (30%) of the area median income (extremely low-income).
- ❖ All information is subject to verification and applicant(s) must sign an Authorization for Release of Information 9887 & 9887A.
- ❖ Applicant(s) must submit income and asset information for verification.

SINGLE RESIDENCE/SUBSIDY CRITERIA

All applicants **MUST disclose** if they are currently receiving housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit. HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant's household is currently receiving HUD assistance.

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, if the applicant moves into this property before moving out of another subsidized unit, the applicant will be required to pay market rent until the move out from the previous property is complete. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

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

This information will be reviewed on an annual basis at each annual certification. If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

RESTRICTIONS ON STUDENTS FOR SECTION 8 ASSISTANCE

A student enrolled in an institute of higher education as defined by the Higher Education Act of 1965 Amended 1998 will be deemed eligible for Section 8 Assistance if the student meets all other eligibility requirements, passes screening criteria and is:

- ❖ Living with parents/guardian who are receiving Section 8 Assistance or are applying to receive Section 8 Assistance; or
- ❖ Disabled and receiving assistance as of November 30, 2005; or
- ❖ At least 24 years of age; or
- ❖ Veteran; or
- ❖ Married; or
- ❖ Can provide independence of parents including providing certification that the parents did not claim the student on the most recent tax return; or
- ❖ An individual who has parents who are income eligible for the Section 8 Program.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 Assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for obtaining a degree, certificate, or other program leading to a recognized educational credential when a student:

- ❖ Is classified as a vulnerable youth; a student meets HUD's definition of a vulnerable youth when:
 - The individual is/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; or
 - 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; or
 - The individual has been verified during the school year in which the application was 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 the McKinney-Vento Homeless Assistance Act; or
 - The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; or
 - 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.
- ❖ The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.
 - Any financial assistance a student receives
 - (1) Under the Higher Education Act of 1965; or
 - (2) From private sources, or
 - (3) From an institution of higher education that is in excess of amounts received for tuition and other fees are included in annual income; except,
 - If the student is 23 years of age or older with dependent children; or
 - If the student is living with his or her parents who are receiving Section 8 Assistance.
- ❖ Financial assistance that is provided by individual(s) not living in the unit is not part of the annual income if the student meets the Department of Education's definition of "vulnerable youth".

INCOME TARGETING

To comply with the U.S. Department of Housing and Urban Development's (HUD) Income Targeting, Park Place & Westgate LLC must rent forty percent (40%) of subsidized units that become available each year to extremely low-income households, which earn thirty percent (30%) or less of the area's median income, as determined by HUD.

If management determines that following: Park Place & Westgate LLC, waiting list in standard chronological order may not (or will not) achieve the admissions necessary to meet the income-targeting requirement, then management must implement procedures that will ensure compliance.

Management will implement the procedure of alternating between the first extremely low-income (ELI) applicant on the waiting list and the applicant at the top of the waiting list. To implement this method,

management will select the first extremely low-income applicant on the waiting list (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the forty percent (40%) target is reached.

Note: An applicant may be skipped over but will not lose his or her place on the waiting list.

UPDATING THE WAITING LIST

Park Place & Westgate LLC waiting list is maintained on a "first come, first serve" basis, determined by the date and time of application submission.

- ❖ An updated letter will be mailed to active waiting list applicant(s) every six (6) months. The letter shall include a self-addressed envelope to return the response to the management office. Applicant will be provided fourteen (14) days in which to respond. If the applicant replies affirmatively, his or her application will retain its position on the waiting list. If the reply is negative or if updated letter is returned because the address is not current, the applicant's name will be removed from the waiting list. If no reply is received within the specified time frame fourteen (14) days plus a week for mail delivery, the applicant's name shall be removed from the waiting list;
 - o The waiting list update conducted by management does not relieve applicant(s) of the responsibility to notify management of a change in address or a change in other critical aspects of the application.
 - o Applicant(s) will be allowed to refuse the first offer of a unit for any reason but will be advised that if he or she refuses a second offer, the applicant's name shall be removed from the waiting list. If the second refusal is due to a disability or an extenuating circumstance, however, then another offer will be made as a reasonable accommodation. Applicants who refuse a unit a second time shall be advised that they can reapply, but that their application will be treated as a new application for waiting list priorities.

FILLING VACANCIES

Upon vacancy, the applicant first on waiting list is contacted by the Property Manager by phone as every effort is made to contact applicant. Property Manager contacts all telephone numbers listed on application, including emergency contacts. Applicant is called a minimum of four times within 24 to 48 hours. If the applicant cannot be reached the next applicant is contacted.

An applicant is contacted when a unit is available, the Property Manager will contact the applicant by phone to set up an application interview. The applicant will also be instructed to bring with him or her to this interview certain financial and medical expense documentation, a social security card and a picture ID (either a driver's license or a state-issued photo ID).

Management shall simultaneously initiate the process to obtain the verifications necessary to certify the proposed household's income and assets in accordance with HUD regulations and to determine the applicant's compliance with the tenant selection criteria set forth below.

NOTE: *If the next available unit is to be leased to an extremely low-income applicant, the applicant's income should be re-verified. If the income has changed, and the applicant is no longer extremely low-income, he or she should be put back on the list and the application documented as to why the applicant(s) was passed*

over. Management shall then move on to the next extremely low-income application and follow the same income verification procedure. If that applicant is still considered extremely low-income, management shall proceed with the application interview.

ENTERPRISE INCOME VERIFICATION SYSTEM (EIV)

Park Place & Westgate LLC will utilize the Department of Housing and Urban Development's (HUD) Enterprise Income Verification (EIV) system during the occupancy process. The EIV system is a source of information for verifying employment and household income. Data will include income from such sources as Social Security, Social Security Disability, SSI, Wages, Unemployment Compensation, Medicare/Medicaid, etc. for each family member. EIV will also show whether an applicant or any member of the applicant household is currently receiving HUD assistance. (See Single Residence/Subsidy Criteria above).

An existing tenant search report shall be run prior to offering an applicant a unit to determine if applicant is currently receiving HUD housing assistance. For existing tenants, EIV information will be reviewed on an annual basis at each annual certification. Failure of any household member to report accurate income, employment status, or current status as a HUD housing assistance recipient constitutes a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges. In addition, the household member will be required to reimburse HUD for assistance paid in error.

Tenants shall be notified of any discrepancies in the EIV data and given an opportunity to dispute and discuss the findings. The data contained and provided by the EIV system is subject to the provisions of the Federal Privacy Act (5 U.S.C. § 552 as amended) and other regulations governing the privacy of information. All EIV originals shall be retained during the term of the tenancy and for at least three (3) years thereafter, at which time they shall be destroyed by shredding.

INTERVIEW TOPICS

At the applicant(s) interview, the Property Manager shall:

- ❖ Confirm and update all information provided on the application.
- ❖ Explain program requirements, verification procedures, and penalties for false information. The penalties include eviction, loss of assistance, fines up to \$10,000 and imprisonment for up to five (5) years.
- ❖ Obtain family income and composition information and other data needed to certify eligibility and compute the tenant's share of rent.
- ❖ Review the financial information on the application and specifically ask the applicant whether any member of the proposed household:
 - Receives any types of income (e.g., self-employment income, unemployment compensation, income maintenance payments).
 - Has any assets.
- ❖ Sign the release of information consent portion of the Authorization for Release of Information (Forms HUD 9887 & 9887A) and any other necessary verification required. These forms are signed by all individual's 18 years of age or older who will reside in the unit.
- ❖ Obtain consent forms for verification for all household members as appropriate.
- ❖ Require the applicant and any individual who will reside in the unit to disclose and document all social security numbers.
- ❖ Advise the family that HUD will compare the information families' supply with information federal, state, or local agencies have on those families' income and household composition.

- ❖ Inform the applicant(s) that final decision on eligibility cannot be made until all verifications are complete.
- ❖ Provide each tenant with a copy of the appropriate HUD fact sheet, which describes how the tenant's rent is calculated.
- ❖ Inform applicants that the Executive Director has the responsibility for taking reasonable steps to provide meaningful access to the community's programs and activities and that they will need to complete the tenants' request for reasonable accommodation if they require a change in rules, policies or procedures or modification to a unit to insure their use and enjoyment of the community.
- ❖ Inform all applicant(s) about the rules on owning pets.
- ❖ Inform applicant(s) that if documents requested are not returned in their entirety by the deadline specified, management will process the next applicant.

UNIT TRANSFER REQUEST

After tenancy commences, if a household wishes to transfer to a different apartment due to change in family composition or for a reasonable accommodation, certified by a qualified individual, based on the need for an accessible unit or due to a request for a reasonable accommodation, the transfer will be granted when the appropriate unit becomes available.

These transfers will take priority over applicant(s) on the waiting list. The household must meet occupancy requirements for the unit. After move-in if the unit becomes underutilized or overcrowded due to changes in family size, the management will require the family to move to an appropriately sized unit when one becomes available:

- ❖ Unit transfer may be requested based on the need for an accessible unit.
- ❖ The tenant must submit a transfer request form to the Property Manager.
- ❖ At the time the tenants' request is made and approved it is placed on the top of the waiting list and when a unit becomes available, the tenant will be contacted.
- ❖ A unit inspection will be done for both the move-out and move-in.
- ❖ Security deposit will transfer to the new unit number less any cost of current unit damages.
- ❖ There will be a limit of one (1) approved transfer during your tenancy.
- ❖ The tenant is responsible for any payment due for damages to the unit at time of move-out.
- ❖ Any change in monthly rent will be due at the time the keys are issued for the new unit.
- ❖ The tenant has three (3) days to move to the designated unit of transfer.
- ❖ If the tenant declines a unit that becomes available that is suitable and meets his or her needs, they will no longer be eligible to request for another transfer during his or her tenancy.
- ❖ Unit transfers will not be allowed for better view, larger unit, or different floor etc.
- ❖ Unit transfers will not be allowed in the first (1) year of tenancy.

PROTECTIONS PROVIDED UNDER THE VAWA

Please see the Property VAWA Policy for a more detailed explanation of the process used to assist you in exercising protections provided under VAWA.

The Violence Against Women Act (VAWA) provides protections to women or men who are applicant to or tenants of any "covered housing program" and who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. The owner/agent understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated persons which are defined as follows:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, tenant/applicant, or lawful occupant living in the household of that individual.

Other than what is described above, VAWA protections are not provided to guests, unauthorized tenants, or service providers (including live-in aides) hired by the tenant.

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of a VAWA crime.

Unless such requirements interfere with protections provided under the VAWA, being a victim of a VAWA crime is not reason to change the screening requirements set forth in the Tenant Selection Plan.

For example: An owner/agent may waive the requirement to review landlord history for an applicant if the victim has provided necessary documentation to certify their status as a victim of a VAWA crime and if contacting a previous landlord would put the applicant's location at risk of exposure to the accused perpetrator/imminent danger. Eligibility requirements for housing programs cannot be modified. Being a victim of a VAWA crime does not automatically make a person eligible for housing assistance.

Being a victim of a VAWA crime is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless being a victim of a VAWA crime was the cause of the lease violation.

For example: An owner/agent may waive the requirement for a 30-day notice to vacate if the victim has provided necessary documentation to certify their status as a victim of a VAWA crime and the tenant wishes to move to elude the accused perpetrator.

When applicable, the tenant will be required to work with the owner/agent to reduce the likelihood of future lease violations.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/tenant must specify that he/she wishes to exercise these protections. If any applicant or tenant wishes to exercise the protections provided in the VAWA, he/she should contact the owner/agent or the property staff immediately. *(Note from RBD – while this statement is correct, OAs must decide if they want to include this statement in the final policy. You should make sure that appropriate notices include information about VAWA protections. Please delete this note before completing your policy)*

CONFIDENTIALITY

The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

HUD Form 5380 *Notice of Occupancy Rights under the Violence Against Women Act* provides notice to the tenant/applicant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to the owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence.

Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

1. Requested or consented to by the victim in writing for a limited period of time; or
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or tenant files.

REQUESTS & CERTIFICATION

The person seeking VAWA protections may make a request for a VAWA accommodation in any reasonable manner. The tenant/applicant may:

Complete a VAWA Request Form provided by the owner/agent
Submitted a written request (*including email but not texting*)
Make a personal (oral) request either in person or via phone/Facetime, etc.

Once a request is made, the owner/agent requires that the applicant certifies their status as a victim of a VAWA crime or as a person affiliated with a victim of a VAWA crime using one of the following methods. Applicants and tenants decide which of the following methods is used to certify their status as a victim of a VAWA crime or as someone affiliated with a victim of a VAWA crime.

Option 1: When the owner/agent responds to a request to exercise protections provided under the VAWA, the owner/agent will request that an individual provide HUD Form 5382 *Certification as a Victim of Domestic Violence, Dating Violence, Stalking or Sexual Assault* to certify status as a VAWA victim or as a person affiliated with a VAWA Victim. The person seeking VAWA protections may obtain this form from the property staff or from HUD's web site.

The owner/agent understands that the delivery of the certification form to the applicant/tenant via mail may place the victim at risk, (e.g., the accused perpetrator may monitor the mail). The owner/agent will work with the applicant/tenant in making acceptable delivery arrangements.

Option 2: Alternatively, if the applicant/tenant has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the tenant may submit written proof of this outreach in lieu of the certification form.

The owner/agent will accept a federal, state, tribal, territorial, or local police record or court record other official record documenting status as a victim of a VAWA crime or a person affiliated with a victim of a VAWA crime as defined in this policy.

Option 3: The owner/agent will also accept a document signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the person seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse. This document must be signed by the applicant/tenant.

The signatory attests under penalty of perjury that he/she believes it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking.

Based on HUD's instruction above, the written statement must be signed, dated, and notarized or witnessed, and must include the following language:

Name of person seeking protections has worked with me to receive assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse.

Name of professional providing documentation believe it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking

Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains, or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 208 (a) (6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. 408 (a) (6), (7) and (8).

The information provided above is true and is based on my knowledge of incidents involving domestic violence, dating violence, sexual assault, or stalking.

Signed and dated by person providing certification: _____

I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction. In addition, providing false information may prompt the owner/agent to notify HUD and pursue civil action related to fraud based on HUD requirements. I am requesting to exercise protections provided through the VAWA because I am a victim of domestic violence, dating violence, stalking and/or

sexual assault (VAWA crimes) or I am a person affiliated with someone who is a victim of a VAWA crime as defined in this document.

Signed and dated by person seeking VAWA protections: _____

The owner/agent can provide you with a form that can be used to fulfill this requirement.

If the person seeking VAWA protections cannot provide any of the documents described above, the person should contact the property management staff or the owner/agent to discuss acceptable alternatives. If the documents above cannot be provided, the owner/agent will be the final decision maker regarding acceptable alternatives. The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

The person seeking VAWA protections will have thirty (30) calendar days from the date of the written request to provide certification using any of the options above. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If the owner/agent 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*), the owner/agent will require an applicant or tenant to submit third-party documentation, as described above in Option 2 or Option 3, within thirty (30) calendar days of the date of the request for the third-party documentation.

To ensure that a person is not wrongly accused of committing an act covered under the VAWA, the owner/agent will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

The owner/agent will review and respond to requests to exercise protections provided under the VAWA as quickly as possible but within no more than ten (10) business days of receiving all required documentation. The owner/agent may provide the response in any manner acceptable to the victim and the owner/agent. Responses include:

- Approval of the Request for a specific VAWA accommodation
- Denial of the Request for a specific VAWA accommodation
- Request for additional information or Request to Meet

If the request is denied, the person seeking VAWA protections will have the right to appeal. Requests to appeal must be received within ten (10) business days of the date of the denial. When requested, the appeal will be held with someone who was not involved in the original decision to deny. The owner/agent will grant a reasonable accommodation when there is the presence of a disability.

LEASE BIFURCATION

If the owner/agent determines that physical abuse caused by a tenant is clear and present, the law provides the owner/agent the authority to bifurcate a lease (*i.e., remove, evict, or terminate housing assistance to any accused perpetrator*), while allowing the victim, who lawfully occupies the home, to maintain tenancy.

The owner/agent may attempt to evict the accused perpetrator, but tenants should know that state/local tenant/landlord laws prevail, and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.

The tenant must keep in mind that eviction of or termination action must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the victim and persons affiliated with the victim, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a “remaining household member”.

LEGAL ACTION

Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, the owner/agent may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the property.

The VAWA does not limit the authority of an owner/agent, when notified of a court order, to comply with a court order with respect to:

- The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- The distribution or possession of property among members of a household.

TERMINATION OF TENANCY OR TERMINATION OF ASSISTANCE

The VAWA does not limit an owner/agent’s authority to deny, evict or terminate assistance to a tenant/applicant for any violation that is not the result of an act of domestic violence, dating violence, sexual assault, or stalking.

The owner/agent will not subject the tenant/applicant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, to a more demanding standard than other tenant/applicants in determining whether to evict or terminate assistance.

The VAWA does not limit an owner/agent’s authority to deny, terminate assistance to, or evict a tenant/applicant under a covered housing program when the owner/agent can demonstrate an actual and imminent threat (*to other tenant/applicants or those employed at or providing service to property of the covered housing provider*) would be present if that tenant/applicant or lawful occupant is not evicted/terminated. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the standards provided in the definition of “actual and imminent threat”.

*Note: **Actual and imminent threat** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature*

and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Determinations about the presence of imminent danger will not be based on stereotypes but will be tailored to particularized concerns about individual tenants. The owner/agent will take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

Any eviction or termination of assistance will be initiated only when there are no other actions that could be taken to reduce or eliminate the threat. Examples of such action include, but are not limited to:

- Transferring the victim to a different unit when doing so would reduce or eliminate the threat – *Also see Addendum A for information about VAWA Emergency Transfers,*
- Barring the perpetrator from the property,
- Contacting law enforcement to increase police presence
- Develop other plans to keep the property safe, or
- Seeking other legal remedies to prevent the perpetrator from acting on a threat

LEASE ADDENDUM

The HUD approves lease addendum will be implemented and provided in accordance with HUD guidance.

VAWA EMERGENCY TRANSFERS

The OWNER/AGENT is concerned about the safety of tenants and applicants, and such concern extends to tenants and applicants who are victims of domestic violence, dating violence, sexual assault, or stalking – collectively referred to as VAWA crimes. The owner/agent has developed a VAWA Emergency Transfer (VET) Plan that allows victims of VAWA crimes or people associated with victims of VAWA crimes to request a VET. Please refer to the property's VAWA Policy and VET Policy for more detailed information.

DEFINITIONS

Please be aware of the following definitions:

Internal VAWA emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant (usually referred to as a unit transfer); that is, the tenant may reside in the new unit without having to undergo an application process. If a unit is available, the tenant must be eligible for the unit based on the requirements set forth by the governing agency. The tenant should discuss unit transfer eligibility requirements with the owner/agent and/or property staff to fully understand the requirements.

External VAWA emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo apply and be eligible in order to reside in the new unit. The applicant may be required to meet the eligibility requirements and/or screening requirement set forth by the agencies that govern the housing program and by the property's owner/agent.

Safe unit refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

VAWA EMERGENCY TRANSFER (VET)

In accordance with the Violence Against Women Act (VAWA), THE OWNER/AGENT allows tenants who are victims of VAWA crimes or people who are affiliated with victims of VAWA crimes to request a VAWA Emergency Transfer from the tenant's current unit to another unit that is part of this property (internal transfer). Tenants' who request and qualify for a VAWA Emergency Transfer will receive equal preference to any other tenant who requests and qualifies for any other emergency unit transfer. Selection will be based on date and time the completed request and all required documents are received.

Tenants may request a VAWA Emergency Transfer from the tenant's current unit to another unit that is part of another property (external transfer). Tenants may also request assistance if they wish to request a VAWA Emergency Transfer to a unit that is part of this property (external transfer).

Regardless of whether the tenant/applicant is applying for an internal VAWA Emergency Transfer or an external VAWA Emergency Transfer, tenants/applicants requesting a VET must qualify for the new unit based on the requirements set forth by the governing agency.

When requesting an external VAWA Emergency Transfer, the tenant/applicant should understand that they may also be subject to other screening requirements set forth by the owner/agent responsible for the other property. The tenant or applicant is responsible for paying for any expenses associated with the move.

The U.S. Department of Justice (DOJ) administers programs that provide funding for victims covered by VAWA, and the Victims Crime Fund could be used to pay for relocation expenses of these victims, or to provide other sources of support, which could free up funding to pay for moving costs. Information about the Crime Victims Fund is available at: <https://www.ovc.gov/about/victimsfund.html>. Information about Office of Violence Against Women grants is available at www.justice.gov/ovw/grant-programs.

ELIGIBILITY FOR VAWA EMERGENCY TRANSFERS

(Note from RBD –This language is mandatory in your Emergency Transfer Plan but not necessarily mandatory in the TSP. Please delete this note before completing your policy) A tenant/applicant is eligible for a VAWA Emergency Transfer (VET) when:

1. The person making the request is a victim of a VAWA crime or are a person affiliated with a victim of a VAWA crime
2. There is a request for a VAWA Emergency Transfer; and
3. The tenant reasonably believes that there is a threat of imminent harm if the tenant remains within the same unit; or

If the tenant is a victim of sexual assault, the tenant may be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar day period preceding a request for a VAWA Emergency Transfer.

This is true even if the tenant is not a tenant in good standing.

A tenant/applicant requesting a VAWA Emergency Transfer (VET) must expressly request the transfer in accordance with the procedures described in the property VET Policy.

SAFETY AND SECURITY OF APPLICANTS AND TENANTS

Victims of VAWA crimes and/or any person affiliated with a victim of a VAWA crime are urged to take all reasonable precautions t

PRIVACY POLICY

It is the policy of the property to guard the privacy of individuals to ensure the protection of such individuals' records maintained by the property. Therefore, the property shall not disclose any personal information contained in its records to any individual or agency unless the individual about whom such information is requested provides written consent to such disclosure (as permitted in the Authorization for Release Information Form). Staff are to limit the use or disclosure of, and requests for, PHI to the minimum necessary to accomplish the intended purpose. Internal and external auditors, surveyors, and program monitors from federal funding sources (HUD) are authorized to access PHI as applicable.

This privacy policy in no way limits the property's ability to collect needed information to determine eligibility and to compute rent. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on the handicapped or disability of an individual will be treated in a confidential manner.

SECTION 504 & FAIR HOUSING COMPLIANCE

It is the policy of Park Place & Westgate LLC to provide housing on an equal opportunity basis in compliance with all applicable nondiscrimination and equal opportunity laws, including without limitation the following laws, as amended from time to time: Title VI of the Civil Rights Act of 1964; Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988); Executive Order 11603; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Americans with Disabilities Act of 1990; and the Florida Fair Housing Act:

- ❖ In carrying out this Tenant Selection Plan: Park Place & Westgate LLC, will not discriminate against any person because of race, color, religion, sex, disability, familial status, national origin, sexual orientation, gender identity or marital status. Park Place & Westgate LLC does not discriminate based on disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. Individuals with disabilities have the right to request reasonable accommodations.
- ❖ The Chief Compliance/QA Officer has been designated to coordinate compliance with the non-discrimination requirements contained in HUD's regulations implementing Section 504 (24 CFR part 8 dated June 2, 1988). The Chief Compliance/QA Officer can be reached at 903-791-2270 or 6101 North State line Ave. Texarkana, Texas 75503 orlyoung@oppinc.org
- ❖ The property shall not...
 - Deny any family the opportunity to apply for housing, nor deny any eligible applicant the opportunity to lease housing suitable to its needs; or
 - Provide housing which is different from that provided to others; or
 - Subject an individual to segregation or disparate treatment; or
 - Restrict an individual's access to any benefit enjoyed by others in connection with the housing program; or
 - Treat an individual differently in determining eligibility or other requirements for admission.

- Deny an individual access to the same level of services; or
- Falsely deny the availability of a unit.
- ❖ Applicant(s)/tenant(s) with disabilities or limited English proficiencies and reasonable accommodations. Park Place & Westgate LLC will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicant(s)/tenant(s) with special needs including those who are physically challenged, hearing or visually impaired, or with limited English proficiency who require such changes to have equal access to any aspect of the application process or to the housing community and its programs and services. The owner will, for example, arrange for sign language interpreters or other communication aides for interviews during the application process. In addition, the property may add special design features to a unit, such as additional grab bars in the bathtub/shower, specially designed hand-held shower, strobe lighting, etc.
- ❖ In reaching a reasonable accommodation with, or performing modifications for, otherwise qualified individuals with special needs, the property is not required to:
 - Make alterations that require the removal or alteration of a load-bearing structural member; r
 - Provide an elevator for achieving accessibility; or
 - Provide support services that are not already part of its housing programs; or
 - Take action that would result in a fundamental alteration of the nature of the program's service; or
 - Take any action that would result in an undue financial administrative burden for the property.
- ❖ To learn more about the policies and procedures regarding reasonable accommodations under the Fair Housing Act, applicant(s)/tenant(s) should consult the Reasonable Accommodation Policy adopted by the project and posted in the site office.
- ❖ Appointments for an application or for reasonable accommodations, including materials in alternate formats, may be made by contacting the site office.

GRIEVANCE/APPEAL PROCEDURE

Applicants who believe they have been discriminated against or treated unfairly or who dispute a decision made by management in the application process may file a complaint in accordance with the property's Section 504 Grievance Procedure.

An applicant(s)/tenant(s) may, at any time, exercise his or her right to appeal a decision or file a complaint through the HUD-FHEO office at:

Office of Multi-Family Housing - Ft. Worth Regional Center
 800 Cherry Street Suite 2500 Unit #45
 Ft. Worth, TX. 76102
 Ph.: 713.718.3142
 Fax: 713.718.3272

Individuals with disabilities or limited English proficiency may request a reasonable accommodation to assist them with the Grievance/Appeal Process.

UPDATING THE TENANT SELECTION PLAN

Park Place & Westgate LLC reserves the right to amend this Tenant Selection Plan from time to time but at a minimum annually when it is reasonably necessary to ensure that it accurately reflects current operating practices, program priorities, and HUD requirements.