

# The Henderson

## Tenant Selection Criteria (RAD)

Fort Worth Housing Solutions (FWHS), and the U.S. Department of Housing and Urban Development (HUD), and Texas Department of Housing and Community Affairs (TDHCA) combine to provide rental assistance for eligible families (including single persons) residing in newly constructed, rehabilitated, and existing rental apartment projects. This Tenant Selection Plan (TSP) is applicable to FWHS owned and third-party management companies who administer Rental Assistance Demonstration (RAD), Project Based Voucher (PBV), and Low Incoming Housing Tax Credit (LIHTC) programs on behalf of FWHS, its affiliates, subsidiaries, and assigns. Throughout this Tenant Selection Plan FWHS, its affiliates, and assigns, and any third-party property management companies shall be referred to as Property Management.

The goal of this TSP is to establish a guideline for the selection of Tenants in accordance with HUD regulations. The TSP will be reviewed annually and updated as needed to ensure it reflects any regulatory requirements. Some regulatory requirements may not be applicable to all programs and will be noted with “only applicable to.” Additionally, some administrative functions for HUD programs will be handled by FWHS and not the property manager and therefore FWHS will also be responsible for compliance with and program regulations. This TSP is available to the public upon request. It will be posted in a common area of the property management office. It may be reviewed during normal business hours.

### I. Definition and Acronyms

- A. Applicant:** A person or family that has applied for housing assistance. [24 CFR 5.403]
- B. Application:** A written request for occupancy in a subsidized housing unit that includes the information required to determine eligibility for assistance and suitability for tenancy. Owners generally develop a standardized form that is completed by the prospective applicant. The application must be signed and dated by the applicant and include the applicant’s certification that the information provided is complete and accurate.
- C. Denial of tenancy or assistance:** The process of rejecting an applicant’s request for either occupancy or assistance because the household does not meet eligibility criteria for the program or the owner’s criteria for suitability for tenancy.
- D. Displaced person:** A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [24 CFR 5.403]
- E. Enterprise Income Verification (EIV):** HUD’s computer system that must be used by owners as third-party verification of employment and income during mandatory recertifications of family composition and income and to reduce administrative and subsidy payment errors.

- F. Income-targeting:** A statutory requirement that at least 40% of new admissions to a Section 8 property in each fiscal year be households with incomes at or below 30% of the area median income. The law ensures that a significant portion of federal housing assistance goes to families with the greatest need. [24 CFR 5.601, 5.603, 5.653]
- G. Live-In Aid:** A Live-in Aid is a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:
  - a. Is determined to be essential to the care and well-being of the person(s);
  - b. Is not obligated for the support of the person(s); and
  - c. Would not be living in the unit except to provide the necessary supportive services.
- H. Market area:** The geographic area from which a project owner could reasonably expect to draw applicants, based on the services and amenities offered by the development and the needs of the community.
- I. Preferences:** Established criteria used to determine the order applicants are selected from the waiting list for housing assistance or an assisted housing unit. Preferences may be established by federal law, HUD regulations, State or local law, or written owner policy. [24 CFR 5.601; 5.655; 236.715; 880.603; 880.612a; 881.601; 883.701; 884.214; 884.223a; 886.132; 886.337; 886.329a; 891.230; 891.750]
- J. Preliminary application:** An abbreviated application form that is used by some owners when the waiting time for an available unit is extensive and requires only enough information to assess apparent program eligibility, place the applicant on a waiting less, and contact the applicant when a unit becomes available or additional information is required.
- K. Residency preference:** A preference for admission of persons who reside in a specified geographic area (residency preference area). [24 CFR 5.655(c)(1)(ii)]
- L. Screening:** A review of an applicant's history to identify patterns of behavior that, if exhibited at the assisted housing development, would make the applicant an unsuitable tenant. Screening criteria may include consideration of drug-related or criminal activity, tenancy, credit and rent payment history, or other behaviors that may affect the rights of other residents and management.
- M. Tenant selection plan:** a formal written policy statement, developed by the owner and available to the public, that clearly states the procedures and criteria the owner will consistently apply in drawing applicants from the waiting list, screening for suitability of tenancy, implementing income targeting requirements, and offering housing assistance and/or assisted housing units. The Tenant Selection Plan also includes policies applied to residents of the property such as how unit transfers are carried out.
- N. Violence Against Women Act (VAWA):** The Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-62, approved August 28, 2006) as this law amended the U.S. Housing Act of 1937 (42 U.S.C. 1437c-1, 1437d, and 1437p).
- O. Waiting List:** A formal record of applicants for housing assistance and/or assisted housing units that identifies the applicant's name, date and time of application, selection preferences claimed, income category, and the need for an accessible unit. The waiting list may be kept in either a bound journal or a

computer program. Whichever method is used to maintain the waiting list, the owner must establish a method of documenting the appropriate selection of applicant names from the list.

## **II. Fair Housing and Equal Opportunity Requirements:**

### **A. Non-Discrimination**

- a. It is the policy of Property Management to comply fully with Title VI of the Civil Rights Act of 1964, Title III and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, all state and local laws and any legislation protecting the individual rights of Tenants, applicants, or staff which may subsequently be enacted.

### **B. Section 504 of the Rehabilitation Act of 1973**

- a. It is the policy of Property Management to assure that qualified individuals with handicaps or disabilities are not discriminated against on the basis of their handicap or disability.
- b. Property Management also assures that these individuals will have equal opportunity to receive and the benefits of living in their unit.

### **C. Reasonable Accommodations and Modifications**

- a. In accordance with Section 504 of the Rehabilitation Act of 1973, Property Management will make reasonable accommodations for individuals with handicaps or disabilities (applicants or Tenants).
  - i. Property Management will make reasonable adjustments to rules, policies, and services in order to enable an applicant or Tenant with a disability to have an equal opportunity to use and enjoy the unit and the common area of the dwelling, or to participate in or have access to other activities conducted or sponsored by this property.
  - ii. Property Management will allow reasonable modifications to individual units or common areas when requested by Tenants with disabilities. If considered reasonable, these modifications will be made at the property's expense.
  - iii. If unreasonable, Property Management will advise and work with the tenant on a mutually agreeable solution.
- b. In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals with disabilities, Property Management are not required to:
  - i. Make structural alterations that require the removal or altering of a load-bearing structural member.
  - ii. Provide support services that are not already part of its housing programs.
  - iii. Take any action that would result in a fundamental alteration in the nature of the program.

- iv. Take any action that would result in an undue financial and administrative burden on Property including structural impracticability as defined in the Uniform Federal Accessibility Standards (UFAS).
- c. Live-in Aids: To qualify as a live-in aide:
  - i. The owner must verify the need for the live-in aide.
    - 1. Verification that the live-in aide is needed to provide the necessary supportive services essential to the care and well-being of the person must be obtained from the person's physician, psychiatrist, or other medical practitioner or health care provider.
    - 2. The owner must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR Part 8 to make the program accessible to and usable by the family member with a disability.
    - 3. The owner may verify whether the live-in aide is necessary only to the extent necessary to document that applicants or tenants who have requested a live-in aide have a disability-related need for the requested accommodation.
      - a. This may include verification from the person's physician, psychiatrist, or other medical practitioner or health care provider.
      - b. The owner may not require applicants or tenants to provide access to confidential medical records or to submit to a physical examination.
    - 4. Expenses for services provided by the live-in aide, such as nursing services (dispensing of medications or providing other medical needs) and personal care (such as bathing or dressing), that are out-of-pocket
    - 5. Qualifies for occupancy.
    - 6. Income of a live-in aide is excluded from annual income.
      - a. \*Must disclose and provide verification of their SSN.\*
    - 7. Must meet the screening criteria.
    - 8. A relative may be considered to be a live-in aide if they meet the requirements in 1 above, especially 1(c). A dependent of a live-in aide may be approved to reside in the unit. However, the dependent will not be eligible to be allocated a bedroom.

### **III. Violence Against Women Act (VAWA)**

- A. Under the Violence Against Women Act (VAWA), criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a Tenant's household or any guest or other person under the Tenant's control, shall not be cause for denial of admission to Property Management if the Tenant or an immediate member of the Tenant's family is the victim or threatened victim of that abuse.

- B. However, nothing in the VAWA limits the authority of Property Management to deny admission to, or evict from, or terminate the assistance of, any applicant, Tenant, or lawful occupant if the Property Management can demonstrate an actual and imminent threat to other Tenants or those employed at or providing service to the property
- C. Property Management may request in writing that an individual complete, sign, and submit, within 14 business days of the request, a HUD-5382 certification form.
  - a. On the form, the individual certifies that he/she is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse.
  - b. On the certification form, the individual shall provide the name of the perpetrator.
  - c. In lieu of a certification form, or in addition to the certification form, a Tenant may provide to PHAs, managers or owners:
    - i. A Federal, State, tribal, territorial, or local police record or court record.
    - ii. Documentation signed and attested to by an employee, agent, or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, or stalking has signed or attested to the documentation.
  - d. If the individual does not provide the form HUD – 5382 or the information that may be provided in lieu of the certification by the 14<sup>th</sup> business day or any extension of that date, none of the protections afforded to the victim of domestic violence, dating violence, or stalking will apply.
  - e. The PHA, owner, or manager would therefore be free to evict, or to terminate assistance, in the circumstances authorized by otherwise applicable law and lease provisions., .
  - f. Property Management, at its discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

#### **IV. Safeguarding Personal Information**

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

## **V. Program Eligibility Requirements**

- A. Program Eligibility determines whether applicants are eligible for federal rental assistance.
- B. In order to be eligible a family must meet all of the following requirements.
- C. Familial Status:
  - a. Family
    - i. *Family* is defined as either a single person or a group of persons which includes:
      1. A household with or without children. A child who is temporarily away from home due to placement in foster care should be considered a member of the family.
      2. A displaced family, which is a family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws.
      3. A remaining member of a tenant family is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit.
      4. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
  - b. Elderly Family
    - i. An *Elderly Family* which is a:
      1. Family whose head or spouse or sole member is a person who is at least 62 years of age; or
      2. Two or more persons who are at least 62 years of age living together; or
      3. One or more persons who are at least 62 years of age living with one or more live-in aides.
  - c. Disabled Family
    - i. A *Disabled Family* is a:
      1. Family whose head or spouse or sole member is a person with disabilities.
      2. Two or more persons with disabilities living together.
      3. One or more persons with disabilities living with one or more live-in aids.
- D. Income Limits
  - a. HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families.
  - b. Income limits are based on family size and the annual income the family receives.
  - c. Income limits are for very low and extremely low-income applicants as the property is a post-1981 universe property.
  - d. These limits are available for review at the site or management office.

- e. Property Management will determine income eligibility prior to approving any applicant for tenancy.
- f. No family's annual income limit will exceed the property/program limits.
- g. Applicants must have an income that is not greater than the maximum income limits established, and as published annually in the Federal Register.
- h. In addition, for RAD and PBV properties only, 40% of the new move-ins per year must be at or below 30% of the area median income, as required by HUD, and explained in the "Income Targeting" paragraph below.
- i. Applicants must be income eligible for both the Project-Based Voucher Program and Low-Income Tax Credit Program.

#### E. Income Targeting

- a. Properties under a contract for Project Based Rental Assistance, are required to lease not less than 40% of the dwelling units that become available for occupancy in the property's fiscal year to *Extremely Low-Income* (30% of the median income) families.
- b. If, at any time during the fiscal year, the property falls below the 40% requirement, the next eligible applicant(s) from the Site Based Waiting List whose *Annual Income* is at or below the *Extremely Low-Income* limit will be selected in chronological order.
- c. This process will continue until the 40% requirement is achieved. Once the 40% requirement has been met, the eligible applicant(s) who was/were "skipped over" will retain their place on the list and be selected in chronological order as long as the 40% requirement continues to be met.
- d. For Low Income Housing Tax Credit Properties, the 40-60 rule states that at least 40% of the units must be rent restricted and occupied by households with incomes at or below 60% of the HUD determined area median income (adjusted for household size).
- e. Persons included in the LIHTC household will include their income as per income limits standards.
- f. Income at the time of admission should not exceed the more restrictive of the income limits for occupancy established by the Department of Housing and Urban Development (HUD), and posted separately in Property Manager offices, or the Low Incoming Housing Tax Credit Program (LIHTC) as set forth in IRS Section 42 of the Internal Revenue Code of 1986, and the TDHCA LURA.

#### F. Citizenship

- a. Only U.S. citizens or eligible non-citizens may receive assistance.
  - i. This means that at least one family member must be able to provide proof of citizenship or eligible non-citizen status.
  - ii. If some family members are not able to provide proof of citizenship, housing assistance will be prorated accordingly, based on the number of confirmed eligible family members.

- iii. Applicants must submit required citizenship/immigration status documentation no later than the initial date of verification of eligibility.
- iv. If the applicant cannot supply the documentation within the timeframe an extension of not more than 30 days may be given, but only if the applicant certifies that documentation is temporarily unavailable and additional time is needed to collect and submit the requested documentation.
- b. Eligibility under the Noncitizen Rule (only applicable to PBRA and PBV)
  - i. According to Section 214 of the Housing and Community Development Act of 1980 (commonly known as the Noncitizen Rule), federal rental assistance is restricted to the following:
    - 1. U.S. citizens or nationals; and
    - 2. Noncitizens who have eligible immigration status as determined by HUD.
  - ii. These requirements apply to applicants, families on the waiting list and Tenants.
  - iii. Property Management will determine citizenship status for each applicant at the initial eligibility determination, prior to move in.
  - iv. Some families will qualify as mixed families, i.e. a family with one or more ineligible members and one or more eligible members.
  - v. Mixed families receive prorated assistance based upon the number of eligible and ineligible family members.
  - vi. For families who move in after eligibility, the required forms and evidence of citizenship must be submitted at the first interim or regular recertification after the person moves to the unit.
  - vii. As part of the annual or interim recertification process, Property Management will also determine the citizenship/immigration status of Tenants from whom they have not previously collected the proper documentation or whose documentation suggested that their status was likely to change.
  - viii. If the status of a family member in a mixed family changes, the family may request an interim recertification.
  - ix. Property Management will notify families in writing if they are found to be ineligible based upon citizenship/immigration status.
- c. Declarations and Verifications of Citizenship
  - i. All family members, regardless of age, must declare their citizenship or immigration status.
  - ii. All applicants for assistance will be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application.
  - iii. A separate form must be signed by each member of the family.



- iv. For family members under the age of 18, the form must be signed by an adult member of the household.
- v. The following documents are required:
  - 1. **For U.S. Citizens:** A Declaration of Citizenship Form
  - 2. **For Noncitizens under the age of 62:**
    - a. A Verification Consent Form.
    - b. Declaration of Eligible Immigration Status
    - c. One of the documents approved by the Department of Homeland Security as acceptable evidence of immigration status.
  - 3. **Noncitizens age 62 and over:** Noncitizens who are age 62 and older are not required to be further verified regarding their immigration status other than signing a Declaration of Eligible Immigration Status and providing a proof of age document.
  - 4. **For Non-citizens who are in this country on a visa and are not immigrants:** There is an appropriate place on the Verification Consent Form for them to sign stating that they do not claim to have eligible immigrations status and are not therefore eligible for assistance.
- d. Verification Delay
  - i. Property Management will not delay or terminate the family's assistance if the family submitted its immigration information in a timely manner, but the Department of Homeland Security verification or appeals process has not been completed.
  - ii. In addition, if at least one family member has submitted the required documentation to the property in a timely manner, and the family comes to the top of the waiting list, Property Management will offer the unit and provide prorated assistance based upon those family members who submitted their documentation on time.
  - iii. Prorated assistance will continue until the remaining family members submit the required documentation.
  - iv. Once Property Management completes the verification process, it will do one of the following:
    - 1. Provide full assistance if all of the family members establish citizenship or eligible immigration status, or;
    - 2. Continue to provide prorated assistance if any of the family members are ineligible based upon citizenship or immigration status.

#### G. Social Security Number Requirements

- a. In accordance with 24 CFR 5.216, applicants and participants (including each member of the household and including live-in aides, foster children, and foster adults) are required to disclose assigned SSNs, with the exception of the following individuals:

- i. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals, in most instances, would not be eligible for a SSN.
  - ii. A family that consists of a single household member (including a pregnant individual) who does not have eligible US Citizenship or immigration status is not eligible for housing assistance and cannot be housed.
  - iii. A family that consists of two or more household members and at least one household member that has eligible US Citizenship or immigration status, is classified as a mixed family, and is eligible for prorated assistance in accordance with 24 CFR 5.20.
  - iv. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exception continues even if the individual moves to a new assisted unit. The disclosure and verification documentation must be obtained that verify the exemption status.
- b. The Property Manager will request the applicant and participant (including each member of the household), who are not exempt under the guidelines, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:
  - i. An original SSN card issued by SSA or an original SSA-issued document, which contains the name and the SSN of the individual, or
  - ii. An original document issued by a federal, state, or local government agency, which contains the name and the SSN of the individual, such as:
    - 1. IRS Form 1099 or W-2 Form
    - 2. Benefit award letters from government agencies
    - 3. Medicaid cards
    - 4. Unemployment benefit letter
    - 5. Court records such as real estate, tax notices, marriage and divorce, judgment, or bankruptcy records
    - 6. Driver's license with SSN
    - 7. Identification card issued by a medical insurance provider, or by an employer or trade union
    - 8. Earnings statements on payroll stubs
    - 9. Retirement benefit letter
    - 10. Life insurance policy
- c. Applicants must provide social security numbers for all family members listed on the applications as members of the household.
  - i. Applicants who have not disclosed and/or provided verification of SSNs for all non-exempt household members have 90 days from the date they are first offered an available unit to disclose and/or verify the SSN.

- ii. A child under the age of 6 years old added to the applicant household within the 6-month period prior to the household's date of admission.
- iii. The household will have a maximum of 90 days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid.
- iv. An additional 90 days may be granted under certain circumstances.
- v. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, the household's tenancy be terminated or application for admissions denied or removed from the site based waitlist.
  - 1. This will be subject to the right to an information hearing.
- vi. The SSN requirements do not apply to persons not claiming immigration status.
- d. All family members claiming eligible immigration status and requesting assistance, regardless of age, must disclose and document their SSN prior to admission.
  - i. Applicants who cannot provide SSNs for all family members requesting assistance may retain their position on the site based waiting list.
  - ii. However, appropriate documentation of a SSN for all family members claiming eligible citizenship status must be provided before the household can be admitted.
- e. Social Security Number (SSN) requirements (additional exceptions):
  - i. When adding a new household member who is under the age of six to an existing household, the tenant must disclose and provide verification of the SSN of the individual to be added within 90 days of adding the new member.
  - ii. An additional 90-day extension must be granted if delays are due to circumstances beyond the family's control.
- f. Authorization for Release of Information:
  - i. All adults in each applicant family must sign an Authorization for Release of Information (for HUD properties this is HUD form 9887/9887-A) prior to receiving assistance, and annually thereafter.
  - ii. Refusing to sign the Authorization for Release of Information by any adult family member will cause the family to be ineligible for assistance.
- H. Enterprise Income Verification (EIV) (only applicable to PBRA and PBV)
  - a. For PBV units, HUD's EIV database will be utilized to run the Existing Tenant Search when processing an application to determine if any applicant household member may be currently residing and/or receiving assistance through another Multifamily Housing or Public and Indian Housing (PIH) location and to determine if the applicant owes monies to any HUD housing programs or PHAs.

- b. Applicants with a housing debt will be given ten business days to pay the full balance due and provide proof of payment.
  - i. Failure to pay the balance within the timeframe will result in withdrawal of the application.
- I. Hardship Exceptions (only applicable to PBRA and PBV)
  - a. Property Management will waive the minimum monthly rent requirement to any family unable to pay due to a long-term financial hardship.
  - b. The financial hardship exemption constitutes the only statutory exemption, and includes the hardship situations listed below:
    - i. The family has lost federal, state, or local government assistance or is waiting for eligibility determination (including legal immigrants);
    - ii. The family would be evicted if the minimum rent requirement was imposed;
    - iii. The family income has decreased due to a change in circumstances, including but not limited to, loss of employment;
    - iv. A death in the family has occurred;
    - v. Other applicable situations, as determined by HUD, have occurred.
  - c. NOTE: A family who is eligible for and receives a hardship exemption must be recertified every 90 days.
- J. Student Eligibility
  - a. On 11-30-05 Congress enacted Public Law 109-115, which included in Title III, Section 327, appropriations for HUD regarding eligibility of students for assisted housing.
  - b. Owners are required to determine a student's eligibility for assistance at move-in, annual recertification, initial certification (when an in-place Tenant begins receiving assistance), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.
  - c. Property Management will use the following guidelines as indicated in Chapter 3 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.
    - i. Students Not Eligible for Assistance
      - 1. According to Section 327(a) of the law, assistance shall not be provided to any individual who:
        - a. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to recognized educational credentials.
        - b. Is under the age of 24.
        - c. Is not married.
        - d. Is not a veteran of the United States Military.
        - e. Does not have a dependent child.

- f. Is not eligible to receive Section 8 assistance or has parents who are not income eligible to receive Section 8 assistance.
  - g. Is not a person with disabilities, as defined in Section 3(b)(3)c of the 1937 Act and was receiving assistance under Section 8 of the 1937 Act of November 30, 2005.
- ii. Eligible Students for Assistance
  - 1. A student who is enrolled as either a part time or full-time student at an institute of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential will be eligible for assistance if the student meets all other eligibility requirements, meets screening criteria requirements and:
  - 2. Is living with his or her parents/guardian; or
  - 3. Is at least 24 years old; or
  - 4. Is married; or
  - 5. Is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes; or
  - 6. Has legal dependents other than a spouse; or
  - 7. Is a person with disabilities who was receiving Section 8 assistance as of November 20, 2005; or
  - 8. Is a graduate or professional student; or
  - 9. Is an independent student, defined as:
    - a. The individual is 24 years of age or older by December 31 of the award year.
    - b. 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.
    - c. 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.
  - 10. Or, is classified as a Vulnerable Youth. A student meets HUD's definition of vulnerable youth when:
    - a. 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), or as unaccompanied, at risk of homelessness and self-supporting, by

- i. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
    - ii. The director of a program funded under the Runaway and Homeless Youth Act or designee of the director;
    - iii. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director; or
    - iv. A financial aid administrator;
    - v. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances; or Has parents who are income eligible for the Section 8 program.
  - b. Any financial assistance a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:
    - i. If the student is over the age of 23 with dependent children; or
    - ii. If the student is living with his or her parents who are receiving Section 8 assistance.
- iii. Independent Student Definition
  - 1. If an individual can prove independence from his/her parents, therefore meeting the handbook definition of “independent student,” and does not meet any of the criteria in Section 327(a) above, but is otherwise eligible for assistance, the student would be eligible to move into the property and receive assistance.
  - 2. For a student to be considered independent of his/her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his/her independence from their parents.
  - 3. The student must meet, at a minimum, all of the following criteria to be eligible for assistance.
    - a. Be of legal contract age under state law;
    - b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or meet the U.S. Department of Education’s definition of an independent student, as indicated in the handbook glossary);
    - c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and

- d. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
- iv. Student Financial Assistance Income Definition
  1. Any financial assistance a 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.
  2. See the Glossary of HUD Handbook 4350.3 REV-1 for an expanded definition of Student Financial Assistance.
- v. Section 8 Housing Assistance for Ineligible Students
  1. If an ineligible student applies for or is a member of an existing household receiving Section 8 Assistance, the assistance for the household will not be prorated but will be terminated.

## **VI. Occupancy Standards**

- A. Occupancy Standards are the minimum and maximum number of occupants residing in a unit.
  - a. When applying to the property, the appropriately sized unit must be in the unit configuration within the development.
  - b. Units are assigned according to household size and composition. The Occupancy Standards listed below take into consideration not only type, but also household size and what unit sizes are available in the property.
  - c. It is possible that a household might be eligible for subsidy under the requirements but would not be eligible under the unit size requirements of this particular property.
  - d. If the appropriate unit size is not available at the time of application, the applicant will be put on a waiting list.
  - e. To avoid overcrowding, and in order to be consistent, we have adopted occupancy standards.
  - f. The standard is determined by assigning the number of sleeping rooms the family requires to accommodate the number of family members in the applicant household and they are as follows:

Bedroom Size	Minimum	Maximum
1-Bedroom	1	2
2-Bedroom	2	4
3-Bedroom	3	6

4-Bedroom	4	8
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## B. Determining Family Size

- a. In order to determine the size of unit that would be appropriate for a particular family, Property Management will count all full-time members of the family including live-in aides and foster persons who will reside in the unit.
- b. In addition, Property Management will count all anticipated persons including the following:
  - i. Children expected to be born to a pregnant woman;
  - ii. Children in the process of being adopted by an adult family member;
  - iii. Children whose custody is being obtained by an adult family member;
  - iv. Children who are temporarily in a foster home who will return to the family;
  - v. Children in joint custody arrangements who are present in the household 50% or more of the time;
  - vi. Children who are away at school and who live at home during recesses;
  - vii. Children that are temporarily in a correctional facility/detention center who will return to the family.
  - viii. A two-person household with a child who is ten (10) years of age or older will be allocated a two-bedroom voucher.
- c. A live-in aide will be allocated his/her own bedroom. The dependent of a live-in aid will not be allocated their own bedroom.

## VI. Accessible Units

- A. Property Management will always give a family that has indicated a need for certain unit accommodations because of a disability, the opportunity to benefit from the program in place.
  - a. Property Management asks the family to decide for itself, in compliance with Section 504 of the Rehabilitation Act, whether a unit meets the needs of the family.
  - b. The property will notify the household whenever any unit becomes available, without regard to unit accessibility.
  - c. The Property will never prohibit an eligible family with a member who has a disability from accepting a suitable non-accessible unit if no accessible unit is available when the family reaches the top of the waiting list.
  - d. If the applicant decides to accept a standard unit, s/he may request some modification to the unit as a reasonable accommodation.
- B. Assigning Units for Persons with Physical Disabilities
  - a. Property Management will always give a family that has indicated a need for certain unit accommodations because of a disability, the opportunity to benefit from the program in place.



- i. Property Management asks the family to decide for itself, in compliance with Section 504 of the Rehabilitation Act, whether a unit meets the needs of the family.
  - ii. The property will notify the household whenever any unit becomes available, without regard to unit accessibility.
  - iii. The Property will never prohibit an eligible family with a member who has a disability from accepting a suitable non-accessible unit if no accessible unit is available when the family reaches the top of the waiting list.
  - iv. If the applicant decides to accept a standard unit, s/he may request some modification to the unit as a reasonable accommodation.
- b. If a unit becomes available that has either been made accessible under Section 504 or was originally designed for disabled households when Property Management was approved for funding, the property will first offer the unit to an individual with disabilities who is currently residing in a non-accessible unit who requires the features of the unit.
  - i. If there is no such current Tenant, Property Management will offer the unit to the next qualified applicant on the waiting list who needs the features of the accessible unit.
- c. When neither a current Tenant nor a qualified applicant require the features of an available accessible unit, the property will offer the unit to another Tenant or applicant and will incorporate as an addendum to the lease an agreement that the Tenant will move to a non-accessible unit within the property when one becomes available.

## **VII. Eligibility Screening**

- A. Project Eligibility establishes whether applicants are eligible to reside in the specific property to which they are applying.
  - a. Every applicant must meet the criteria in this TSP. These standards are used to demonstrate the applicant's suitability as a Tenant.
    - i. Suitability is determined by verifying information on past behavior to document the applicant's ability, either alone or with assistance, to comply with essential lease provisions.
- B. Application Intake and Processing
  - a. Applications can be picked up during normal office hours at the site office only when the waiting list is open.
  - b. All communications with applicants will be by first class mail, telephone or email.
  - c. Failure to respond to letters or messages will result in withdrawal of an application from further processing.
  - d. Property Management will make exceptions to these procedures to take into account circumstances beyond the applicant's control, such as medical emergencies or extreme weather conditions.

- e. Every application must be completed and signed by the applicant
- f. Incomplete applications will be returned to the address listed on the application.
- g. The information requested on the application form includes
  - i. Household characteristics such as name, sex, age, disability status (only where necessary to establish eligibility), need for an accessible unit, RAD/PBV applications may not ask race/ethnicity. Applicants complete a Form HUD 27061-H which makes disclosure voluntary.
  - ii. General household contact information such as address, phone number, etc.
  - iii. Sources and estimates of the household's anticipated annual income and assets.
  - iv. Social Security number(s).
  - v. Citizenship declaration and consent form(s).
  - vi. Student status.
  - vii. Screening information, which may include prior landlord, credit, and drug/criminal history.
  - viii. Marketing information regarding how the applicant heard about the property.
  - ix. Certification from the applicant stating the accuracy and completeness of information provided, and an acknowledgement that the applicant has read the Privacy Act and understands the disclosure requirements.
  - x. Authorization by the applicant that allows Property Management to verify all information provided on the rental application.
  - xi. Staff will assist any applicants who require help with the application form.
    - 1. This assistance might take the form of:
      - a. Answering questions about the application,
      - b. Helping applicants who might have literacy, vision or language problems and,
      - c. In general, making it possible for all interested parties to apply for assisted housing programs.

#### C. Applicant Screening Policy

- a. All applicants will be screened according to the criteria set forth in their particular program requirements. The screening process consists of verification of all of the applicable information that is provided by the applicant. In addition, the applicant screening process includes the screening criteria listed below and the applicant must be able to:
- b. Applicant must agree to pay rent required by the program under which the family will be receiving assistance
  - i. Pay rent and other housing obligations in a timely manner.
  - ii. Maintain an apartment in a safe, decent and sanitary condition.
  - iii. Refrain from interfering with the rights and quiet enjoyment of other Tenants.

- iv. Report all changes in income and family composition in a timely and accurate manner.
- v. Comply with the lease terms that no individual may live in the unit without prior written permission of Property Manager.
- vi. Applicant must reside in the unit and have no other place of residence.
- vii. Applicant must meet the income qualifications and the family income cannot exceed the program income limits in which they are applying for.
- c. The applicant may be denied admission if the applicant's household includes the following or the following circumstances apply:
  - i. A member who was evicted in the last five (5) years from federally assisted housing for drug-related criminal activity except under the following circumstances:
  - ii. The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
  - iii. The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
  - iv. If there is reasonable cause to believe that a member's behavior, form abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other Tenants; the screening standards are based on behavior, not the condition of alcoholism or alcohol.
  - v. Any household member is currently engaged in illegal use of drugs or which there is reasonable cause to believe that a member's illegal use of pattern of illegal use of a drug will interfere with the health, safety and right to peaceful enjoyment of the property by other residents will be denied.
  - vi. Consistent with Federal Law, HUD prohibits the use of medical marijuana by HUD assisted households, including those who use medical marijuana.
  - vii. Persons who have ever been convicted for manufacture or production of methamphetamine on the premises of federally assisted housing.
  - viii. If, within the past Five (5) years, a household member has been convicted of a criminal offense
  - ix. If a member is subject to any sex offender registration program in any state.
    - 1. All applicants subject to a state sex offender lifetime registration requirement will be denied
- d. Property Management will conduct a criminal background check on members of the household ages 18 and up at the time of admission.
  - i. Property Management will use criminal record systems of the City of Fort Worth, Tarrant County, the State of Texas and the Federal National Crime Information (NCIC) and the US Department of Justice National sex offender database ([www.nsopw.gov](http://www.nsopw.gov)) to obtain

- information from individual state sex offender registries and/or other available national, state, or local resources.
- ii. Property Management will require the family head of house and such other family members eighteen (18) years of age and older to execute a HUD-approved release and consent form authorizing any depository or private source of income, or any Federal, state, or local agency, to furnish or to release to Property Manager and to HUD such information as Property Manager or HUD determines to be necessary.
- e. Criminal history screenings and sex offender registration screenings will be performed during the admission certification, and during the annual recertification.
  - i. If the re-certification screening reveals that the tenant has falsified information or otherwise failed to disclose criminal history on his/her application and/or recertification forms Property Manager may pursue eviction or termination of assistance.
- f. In addition to criminal history screenings, the Property Manager may also determine credit worthiness from a credit report which should reflect prudent payment history.
  - i. Applicants shall provide information necessary to verify current and previous housing or rental history.
  - ii. Outstanding bad debt reported from a Credit Bureau and/or verifiable "Landlord Debt" will result in denial.

## **VIII. Eligibility Determination**

### **A. Preliminary Determination**

- a. Before putting any applicant on a waiting list, Property Management will make a preliminary eligibility and acceptability determination to ensure that there are no obvious factors that would make an applicant ineligible.

### **B. Eligibility Interview**

- a. As applicants approach the top of the waiting list, they will be contacted to schedule an interview to verify all information given on the application.
  - i. The interview will be conducted in accordance with HUD's Occupancy Handbook, HUD Handbook 4350.3 REV-1.
  - ii. Property Management will confirm and update all information provided on the application, and will explain program requirements, verification procedures, and penalties for false information, which include eviction, loss of assistance, fines up to \$10,000, and imprisonment up to five years.

## **IX. Verifying Information**

**A. Individual Verification Consent Forms**

- a. In addition to the Authorization for Release of Information and the appropriate Consent Forms indicated earlier, applicants must sign Individual Verification Forms that have been designed by Property Management for obtaining documentation from third parties, to verify an applicant's income and deductions for determining the rent.

**B. Verification Documentation**

- a. Documentation used as part of the verification process may include checklists completed and signed by the applicant, verification forms completed and signed by third parties, dated notes of interviews with third parties whether by phone or in person, documents provided by family members, or affidavits/certifications supplied by the applicant.
- b. Verifications must be attempted in the order indicated below. Each file will be documented to show that Property Management has obtained third party written documentation before relying on some less acceptable form of information.
  - i. Third party written;
  - ii. Third party oral with a record kept in the file;
  - iii. Review of documents provided by the family, or
  - iv. Affidavits from the family.
- c. Verifying Zero Income
  - i. If an applicant reports zero rent on an application, Property Management will advise her/him that if they are still at zero income when they come to the top of the Waiting List, they will be asked to fill out a questionnaire prepared by Property Management stating their source of necessary living items that are not covered by Food Stamps or other federal assistance sources
    1. After 90 days at zero rent, and for every 90-day period thereafter, the Tenant may be re-certified to determine if they have begun to receive any type of income.
- d. Fraudulent Information
  - i. Any information provided by the applicant that is later proven to be untrue by verification may be used to disqualify the applicant for admission on the basis of attempted fraud. Fraud is defined in Par 8-13 A of the HUD handbook 4350.3 Rev. 1 as an applicant/Tenant knowingly providing inaccurate or incomplete information.
  - ii. Unwitting errors that do not secure an advantage with regard to program eligibility, preferences, or rent will not be used as a basis to exclude applicants.
  - iii. Property Management considers false information about the following items to be grounds for rejecting an applicant:
    1. Income, assets, family composition, Social Security numbers, allowances; and
    2. Previous Tenant or criminal history.

## **X. Wait List Management**

### **A. Preferences**

- a. Property Management has not established any special preferences and therefore applicants will be pulled from the waitlist for vacant units, with the exception of the following:
  - i. Reasonable Accommodation
  - ii. Emergency VAWA for existing public housing, RAD, PBV or HCV tenants only (not applicable to waitlist applicants).
  - iii. Emergency displacement transfers of Public Housing residents
- b. The aforementioned will supersede drawing from the current PBRA wait list to house new tenants when an appropriate PBRA unit is available, provided the Public Housing tenant meets PBRA eligibility requirements.
  - i. Such transfers are subject to written approval by the Vice President of Housing Operations and Client Services, who administers both the Public Housing and RAD housing programs.

### **B. Placement on Wait List**

- a. If a preliminary screening indicates that a family is eligible for tenancy, but units of appropriate size are not vacant, Property Management will place the family on a Waiting List according to the date and time the application was received in the rental office if requested by the family.
  - i. The family will be notified when a suitable unit becomes available.
- b. Placement on Multiple Wait Lists
  - i. Families may request and be placed on more than one waiting list, as long as they are eligible for the appropriate bedroom size.
  - ii. For instance, a family of 3 is eligible for both a 2-bedroom unit and a 3-bedroom unit. (Where applicable)

### **C. Wait List Selection**

- a. Property Management will select names from the waiting list in chronological order to fill vacancies, unless an extremely low-income applicant is needed to achieve targeting requirements, and the next applicant on the waiting list has income above the extremely low-income limit.
  - i. In such a case, a notation will be made on the waiting list to indicate why this applicant was skipped for an extremely low-income applicant.

### **D. Maintaining the Wait List**

- a. Property Management may close waiting lists in whole or in part when determining that they have sufficient number of applicants for each size unit.

- i. Decisions about closing the waiting list will be based on the number of applications available, and the ability of Property Management to house an applicant within a reasonable period of time.
    - ii. Closing the waiting lists, restricting intake, or opening the waiting lists will be posted to the Fort Worth Housing Solutions website.
  - b. The Waiting List will be updated quarterly.
    - i. Property Management will update the waiting list by removing the names of those who are no longer interested in, or who are no longer qualified for, assisted housing.
    - ii. The applicant is responsible to update the application with any changes that may occur to remain active on the current waiting list.
- E. Removal from the Waitlist
  - a. Property Management will not remove an applicant's name from the waiting list unless:
    - i. The applicant requests that the name be removed.
    - ii. Those applicants failing to respond within the required time frame will be removed from the list.
    - iii. They may reapply at any time but will not assume their old position on the list.
    - iv. Property Management made a reasonable effort to contact the applicant to determine if there is continued interest in housing but has been unsuccessful.
    - v. Property Management has notified the applicant of its intention to remove their name because they no longer qualify for assisted housing.

## **XI. Rejection of Ineligible Applicants**

- A. Reasons for Rejection
  - a. Property Management will reject an applicant if they:
    - i. Is ineligible for occupancy based on program guidelines;
    - ii. Is unable to disclose and document a SSN, or does not execute a certification stating that no SSN has been assigned;
    - iii. Does not sign and submit verification consent forms;
    - iv. Has household characteristics that are not appropriate for the unit sizes that are available;
    - v. Has not declared citizenship or non-citizenship status, or signed a statement electing not to contend noncitizen status; or
    - vi. Does not meet the properties Tenant screening criteria as set forth in this Tenant Selection Plan. If this item is the cause for rejection, the letter of rejection will specifically state in which area the applicant did not pass the screening criteria.
- B. Notices of Rejection and Appeal Process

- a. All denied applicants have 10 business days to respond in writing or to request a meeting to discuss their rejection.
- b. Appeal letters should be sent to the address on the cover page of this Tenant Selection Plan.
- c. A member of Property Management staff who was not involved in the initial decision to deny admission will conduct any meeting with the applicant.
- d. A written response will be sent to the applicant within 5 business days following the review meeting with the final decision.
- e. Notification of denials must be forwarded to FWHS staff.

## **XII. Acceptance of Eligible Applicants**

### **A. Offering a Unit**

- a. When a unit becomes available for occupancy, it will be offered either to the first Extremely Low-income applicant on the Waiting List, or, if the income-targeting percentage has already been met, to the first applicant at the top of the Waiting List.
  - i. If the applicant cannot be contacted, the offer will be canceled and the unit will be offered to the next applicant on the Waiting List.
  - ii. In that event, the first applicant will be sent a letter requesting confirmation of their interest in remaining on the Waiting List.
  - iii. If the applicant replies affirmatively, their application will retain its position on the Waiting List.
  - iv. The applicant will be advised at that time that if another unit becomes available and they cannot be reached, their name will be removed from the wait list.

### **B. Initial and Renewal Leases**

- a. Applicants will be required to sign a lease for the program under which they are being admitted, in accordance with Figure 6-2 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1.
- b. The initial lease term and any renewal lease terms will be determined in accordance with Figure 6-3 of the handbook.

### **C. Determination of Security Deposit**

- a. Security deposit amounts will be determined in accordance with Figure 6-6 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1. The deposit is one month's TTP or \$50 (Whichever is greater).

### **D. Pet Deposit (if applicable)**

- a. Pet deposit amounts will be determined in accordance with Figure 6-7 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-1
  - i. The pet deposit will not exceed \$300, per HUD rules.
  - ii. No deposit will be required for the assisted animal of a disabled applicant.

### **E. Failure to Move in On Time**



- a. If an applicant fails to move in on the agreed date, the applicant will be contacted to determine if extenuating circumstances exist.
  - i. If Property Management determines that extenuating circumstances do exist, and the applicant cannot immediately move into the property, the application will be returned to its current spot on the waiting list, and the unit will be offered to the next household on the Waiting List.
  - ii. If Property Management does not find that there are extenuating circumstances, the application will be removed.

### **XIII. Unit Transfers**

#### **A. Requests from Tenants**

- a. Once an applicant has become a Tenant, a transfer of units may be warranted.
  - i. If a Tenant has an increase/decrease in family size that makes them no longer eligible under the occupancy standards or has a medical/health condition that warrants a larger unit or a unit that has special design features for a person with disabilities, a transfer may be requested.
  - ii. All transfer requests must be made in writing and must state the reason for the request.
  - iii. The request will then be forwarded to Property manager/owner for final approval.

#### **B. Placement on Transfer Waiting List**

- a. If Property Management approves a request for a transfer to a different unit, and there is no current unit available, the Tenant will be placed on the property transfer waiting list.
- b. Tenants needing transfers due to medical reasons must have a written physician's statement and will receive priority.
- c. All transfers including Tenants who must be transferred due to overcrowding will be done so after the medical transfers have been completed.

#### **C. Procedures for Filling Vacancies**

- a. If a request for a transfer to a different unit is approved, the Tenant agrees to pay all transfer costs prior to the move.
- b. Costs may include damages that are beyond normal wear and tear.
- c. However, if a Tenant at a HUD assisted property is transferred as an accommodation to a household member's disability, then Property Management may be obligated to pay the costs associated with the transfer as discussed under Section 504 of the Rehabilitation Act of 1973 and Chapter 2 of HUD Handbook 4350.3 REV-1.

#### **D. Priorities for Filling Vacancies**

- a. Property Management will fill its vacant units with current Tenants awaiting transfers before applicants from the Property Management waiting list.
- b. Unit transfers that are required by management will take priority.

**XIV. Marketing**

- A. Property Management enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, national origin, marital status, actual or perceived sexual orientation, age, ancestry, source of income, medical condition, or any other arbitrary basis. Whenever additional applicants are needed to fill available units, advertising will be carried out in accordance with the approved Affirmative Fair Housing Marketing Plan (AFHMP).

**XV. FWHS Properties**

- A. FWHS owns and manages Project Based Rental Assistance and Low Income Housing Tax Credit Properties in the DFW Metro area. Please see [www.fwhs.org](http://www.fwhs.org) for a current list of properties.