

**TENANT SELECTION PLAN  
HENDERSONVILLE HOUSING**

**Managed by:**

**HENDERSONVILLE HOUSING AUTHORITY**

**203 N. Justice Street**

**Hendersonville, NC 28739**

**(828) 692-6175**

**EFFECTIVE: 10-1-2020**



## **Introduction**

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the HUD Occupancy handbook – 4350.3 Rev.1, Change 4, and the Rental Assistance Demonstration (RAD) Final Rule. The Tenant Selection Plan sets forth procedures for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements.

### **Right to Apply**

No person may be refused the right to apply for housing unless the development's waiting list is closed for a particular unit size or type, and notice of the closed waiting list has been posted. For further information on closing of waiting list, see the Waiting List section below.

### **Statement of Non-discrimination**

It is the policy of Hendersonville Housing Authority (hereinafter referred to as Management), to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing including, The Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, HUD's Equal Access Rules, and all other relevant State Laws. In furtherance of this policy:

Management will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, sexual orientation, familial status, disability, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. Management will affirmatively market the property as specified in its Affirmative Fair Marketing Plan.

### **Applicants with Disabilities and Reasonable Accommodations**

Management will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities (as defined in the above listed Acts or any subsequent legislation) who require such changes to have equal access to any aspect of the application process or to the development and its programs and services; e.g., arrange for sign language interpreters or other communication aides for interviews during the application process.

**Improving Access to Services for Persons with Limited English Proficiency (LEP)**

Management will take affirmative steps to communicate with persons who need services or information in a language other than English. These services will be provided for applicants and tenants who do not speak English and who have a limited ability to read, write, speak, or understand English. These services may be provided by I Speak cards, interpreter services, staff members, telephone relay services, volunteers, family members, written materials translated into other languages, and/or competent oral translations of documents.

**1. Project Eligibility Requirements**

**A. Project-Specific Requirements:**

<b>Covered Properties:</b>
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The above-listed properties formerly received rental subsidy through a Public Housing ACC Contract. The properties were converted to Section 8 PBRA under the Rental Assistance Demonstration (RAD) Program effective 10-1-2020.

**B. Citizenship Requirements**

By law, assistance in subsidized housing is restricted to the following:

- (1) U.S. citizens or nationals; and
- (2) Non-citizens who have eligible immigration status as determined by HUD.

All family members, regardless of age, at admission must declare their citizenship or immigration status. U.S. citizens must sign a declaration of citizenship.

Noncitizens (except those aged 62 and older) must provide a signed declaration of eligible immigration status, a signed verification consent form and submit one of the HUD-approved DHS documents verifying their immigration status or sign a declaration that they do not contend eligible immigration status. Noncitizens aged 62 and older must sign a declaration of eligible immigration status and provide a proof of age document.

Management will utilize the Multifamily Systematic Alien Verification for Entitlements (SAVE) System to verify the validity of documentation provided by non-citizen applicants.

Management will follow all Section 214 regulations in providing applicants with due process if the applicant appeals the SAVE System results.

Please note: Management will not delay a family's assistance if the family submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, Management will offer the family a unit. However, Management will only provide assistance to the family members determined to be eligible and to those family members that submitted their immigration documents on time. If any family members do not provide the required immigration documentation, then the assistance for the family will be prorated.

A mixed family is a family with one or more ineligible family members and one or more eligible family members, and may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance. Mixed families qualify only for pro-rated assistance in accordance with HUD regulations.

Applicants who hold a non-citizen student visa are ineligible for assistance as are any non-citizen family members living with the student. However, spouses and children who are citizens may receive assistance.

### ***C. Social Security Number Requirements***

All applicant and tenant household members, including live-in aides, by the time of move-in, must disclose and provide verification of the complete SSNs, with the exception of (1) those who do not contend eligible immigration status (2) tenants who were aged 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010, and (3) children under the age of six (6) years old when a SSN has not been assigned and the child was added less than six months from move-in. For children in this category, the head of household will have 90 days from the date of admission to provide verification of the child's SSN. The timeframe may be extended to 180 days for extenuating circumstances. This provision also applies to participating families when adding a child under the age of six (6) years old to the household.

Failure to disclose and provide documentation and verification of SSNs as required will result in an applicant not being admitted or the tenancy of a current resident being terminated.

**D. Sole Residence Requirement**

A family is eligible for assistance only if the unit will be the family's sole residence. Management shall not provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit.

**E. Prohibition Against Double Subsidies**

Under no circumstances may any tenant benefit from more than one of the following subsidies: Rent Supplement, RAP, Section 202 PAC, Section 202 PRAC or Section 811 PRAC, or project-based Section 8 housing assistance, including Section 202/8, or any Public and Indian Housing (PIH) rental assistance program. Tenants must not receive assistance for two units at the same time. In addition, tenants must not benefit from Housing Choice Voucher assistance in a unit already assisted through project-based Section 8, Rent Supplement, RAP, Section 202 PAC or Section 202 PRAC and Section 811 PRAC, or Public Housing.

All applicants must disclose on their application if they are currently receiving HUD housing assistance. Management will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

This prohibition does not prevent a person who is currently receiving assistance from applying to another property. However, the assisted tenancy in the unit being vacated must end the day before the subsidy begins in the new unit.

Management will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

**F. Eligibility of Students for Assisted Housing under Section 8**

Management must determine a student's eligibility at move-in, annual recertification, initial certification, and at the time of an interim recertification if the family reports that a household member is a student.

Section 8 assistance shall not be provided to any individual who:

- Is enrolled as a full or part-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
- Is under the age of 24, and
- Is not a veteran, and
- Is not married, and
- Is not a person with disabilities, and was not receiving assistance as of November 30, 2005; and
- Does not have a dependent child, and
- Is not living with his or her parents who are receiving Section 8 assistance, or

- Is individually ineligible for section 8 assistance or has parents who are, and individually or jointly, ineligible for assistance; and
- Is not eligible as an independent student as defined by U.S. Department of Education, and
- Has not established a separate household from parents for at least one year prior to the application date or has not been claimed as a dependent by parents pursuant to IRS regulations.

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 and fees (as defined by the institution) is included in annual income, except if the student is over the age of 23 with dependent children, or is living with his or her parents who are receiving assistance or has parents who are income eligible.

### **G. Consent and Verification Forms**

Each family head, spouse, or co-head, regardless of age, and all other household members who are at least 18 years of age must sign and date the HUD-required consent forms, HUD 9887, Notice and Consent for the Release of Information to HUD and to a PHA, and form HUD 9887-A, Applicant's/Tenant's Consent to Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance.

The release forms must be signed at initial certification and each annual recertification. All adult members regardless of whether they report income must sign and date these forms annually.

In addition, all adult members of an applicant or resident family must sign individual consent and verification forms authorizing management to verify family income and other applicable eligibility factors; e.g., disability status, criminal history.

If the applicant or resident, or any adult member of the household does not sign and submit the consent forms as required, Management must deny assistance and admission to the entire family. For current residents, the assistance will be terminated, and the family will be charged market rent.

### **H. Resident Screening Criteria**

Residents must meet the required tenant screening criteria outlined in Section 3 (F), below for criminal and past rental history.

## 2. Income Limits

Pursuant to the Section 8 PBRA and RAD regulations, Management shall comply with the following income limit requirements:

Income Limit Universe: Section 8 (pre-1981)

Income Limit Category: Low-Income Limit (80%)

Income Limit Area: Asheville, NC HUD Metro FMR Area

## 3. Waiting List and Tenant Selection

### A. *Accepting Applications*

1. **Application Forms** – Management will initially utilize a pre-application form to obtain information to determine an applicant's apparent eligibility for assistance. A formal application form will be executed by the applicant prior to admission to the property.
2. Pre-application forms will be distributed and accepted in the manner(s) indicated below:

In Person       By Mail (as a reasonable accommodation)

The pre- application form:

- Collects all the necessary information to determine program eligibility;
- Provides the opportunity to state the need or desire for an accessible unit;
- Provides the opportunity to apply for a waiting list preference;
- Lists all members of the household, including live-in aide;
- Includes a self-certification as to the accuracy of all information contained in the pre-application form;

Every pre-application must be completed and signed by the head of the household and spouse as applicable. All household members 18 years or older must sign a release to conduct criminal background checks, and landlord history references. Live-in aides must sign a release for a criminal background check.

Management will process pre-applications as follows:

- a. **Review for completeness** – Prior to listing on the applicant on the waiting list, pre-applications will be reviewed for completeness. Incomplete applications will be rejected, returned to the applicant and will not be evaluated until all required information has been provided.

- b. Preliminary determination of program ineligibility** - Completed pre-applications will be reviewed for income eligibility and compliance with any project specific eligibility requirements such as age or disability. Applications determined ineligible, pursuant to program guidelines, will be rejected in accordance with procedures outlined herein.
  - c. Waiting list placement** - Once a fully completed pre-application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the development, the applicant will be placed on the property's waiting list. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's name advances to the top of the waiting list. The applicant will be placed on the waiting list, by date of receipt of the application, within the correct preference category and bedroom size.
- 3. Notification of Decision on Application Status** – Management will send a written response to each applicant of the status of their application. The response will be mailed not more than thirty days from the date of receipt. The notice will include:
- Result of the preliminary determination of eligibility;
  - Time it may take before the applicant will be offered assistance estimated at six months to a year.
  - Notice that the applicant is responsible for reporting changes in address, phone number, and preference status;
  - Where applicable, the applicant's qualification for a preference(s) for admission, and
  - A statement that the applicant has the right to meet with Management to discuss the determination made with respect to the application.

***B. Applying Preferences and Income Targeting Requirements***

Management will select families based on the following local preferences within each bedroom size category.

***PREFERENCES***

The Hendersonville Housing Authority will select families based on the following preferences within each bedroom size category based on our local housing needs and priorities:

- A. Elderly/disabled families who either live or work or have been hired to work in Henderson County. The residency preference will not have the purpose or effect of delaying or otherwise denying



admission to the program based on the race, color, ethnic origin, gender, religion, disability, age, or familial status.

- B. Applicants where the head, spouse, or sole member is working. This preference also includes elderly/disabled families who do not live or work in Henderson County.
- C. All other applicants.

**“Work or Working: Where the head, spouse or sole member is employed by a third party for at least the minimum wage.”**

**Homeless Priority:** Within each of the three preference categories listed above, preference is given to Applicant families, otherwise eligible, who meet the definition of homeless. “Homeless” is defined as any individual or family who:

- Lacks a fixed, regular and adequate nighttime residence, AND
- Is living in a homeless shelter (or temporary housing provided by an agency serving the homeless) at the time of application as well as at the time of selection. The applicant must be living at a homeless shelter (or other temporary housing shelter provided by an agency serving the homeless) that is controlled in whole by an agency that has a current Memorandum of Understanding on file with the Hendersonville Housing Authority. An applicant family must also be referred by such agency. Referrals in this regard must be accompanied by an official certification by the referring agency as the homeless status of the applicant.

The Homeless Priority cannot be claimed by:

- An individual or family who is residing with relatives or other individuals; or
- An individual or family who has created a homeless situation for the sole purpose of obtaining the priority. Creating a homeless situation includes, but is not limited to:
  - Purposely setting fire to existing shelter
  - Being evicted from a rental unit for violation of the lease
  - Voluntarily moving from an otherwise suitable unit.

An applicant family, who qualifies for the Homeless Priority will receive only one offer for a public housing unit. If this offer is refused, the homeless priority is void, and the applicant will be ranked in the preference category for which they qualify without the Homeless Priority points.

Based on the above preferences, all families in preference A will be offered housing before any families in preference B, preference B families will be offered housing before any families in preference C.

The residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, age, or familial status.

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

Notwithstanding the above, families who are elderly or disabled will be offered housing before other single persons.

### ***Priorities for Accessible or Adaptable Units***

As applicable, persons with mobility, visual, or hearing impairments, or households containing at least one person with such impairment, will have priority for units with the required accessible features.

NOTE: Current residents of this site requiring accessible/adaptable units shall have priority over applicants requiring the same type unit. Where persons without disabilities are moved into physically accessible units, they shall do so only after agreeing to move to a unit with no such design features at their expense should an applicant or current resident require an accessible unit of the type currently occupied by the persons without disabilities.

(See Section 5-Unit Transfer Policy.)

### ***Income Targeting Requirements for the Section 8 Program***

Management shall follow the statutory requirement that at least 40% of newly-admitted families in any fiscal year are families whose annual income is at or below 30% of the Area Median Income (extremely low income).

To ensure that this requirement is met, Management shall quarterly monitor the incomes of newly-admitted families and the income of families on the waiting list. If it appears that the requirement will not be met, Management will skip higher-income families on the waiting list until the Income Targeting requirement is met.

If there are not enough extremely low-income families on the waiting list, Management will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirements.

### ***C. Applicant Screening Criteria***

The Tenant Selection Plan sets forth the essential requirements of tenancy and the grounds on which tenants may be rejected. Rejection of an applicant is

appropriate where Management has a reasonable basis to believe that the tenant cannot meet these essential requirements, summarized as follows:

- a) Acceptable history of meeting financial obligations, paying rent and other charges such as utility payments in a timely manner. Such history will be evidenced by two occurrences of past due payments.
- b) Acceptable history of caring for their rental unit and avoiding damaging the unit and common areas, and using facilities and equipment in a reasonable way such as to avoid creating health or safety hazards;
- c) No history of interference with the rights of others and damaging the property of others;
- d) No history of engaging in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff;
- e) No history of engaging in activity on or near the premises that involves illegal use of controlled substances, abuse of alcohol, or weapons;
- f) No history of engaging in any criminal activity on or off the premises that would be detrimental to the safety and well-being of residents should it occur on the premises, and
- g) Acceptable history of complying with necessary and reasonable rules and program requirements of the housing provider.

**D. *Mandatory Denial of Admission***

An applicant and the applicant household shall be disqualified for a unit for any of the following reasons:

- a) Any household member who has a history of previous evictions due to lease violations or non-payment of rent within the past three years;
- b) Any household member who owes a debt to a Public Housing Authority, Housing Choice Voucher Program, or any other federally funded housing program;
- c) Any household member who has been evicted from a federally-assisted property for drug-related criminal activity or violent criminal activity will be denied for five years from the date of eviction.
- d) Any household member who is currently engaging in illegal drug use. Currently engaging in illegal drug use is defined as any conviction for possession within the past 24 months from the date of the arrest;
- e) Any household member that has been convicted of methamphetamine production on the premises of a federally-assisted property. This will result in

a lifetime ban;

- f) Any household member with a history of other criminal convictions in the past five years that threatens the health, safety, and right to peaceful enjoyment by other residents or the health and safety of staff or agents of the owner;
- g) Management's determination that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol could interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;
- h) Management's determination that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;
- i) Any household member who is subject to a State lifetime registration requirement under the state sex offender registration program. This will result in a subject lifetime ban.

**E. Other Grounds for Denial of Admission**

- a) The applicant, or household member, has a history of disturbance of neighbors in a prior residence or behavior, which if repeated by a tenant, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units.
- b) The applicant, or a household member, has caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by a tenant, would have a material adverse effect on the housing development or any unit in such development.
- c) The applicant or a household member has displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant, would pose a substantial threat to the health or safety of the tenant or other tenants or would adversely affect the decent, safe and sanitary condition of all or part of the housing.
- d) The applicant or household member in the past five years has engaged in criminal activity, or activity in violation of state laws, which if repeated by a resident, would interfere with or threaten the rights of other residents (or the health and safety of the owner, employees, contractors, subcontractors, or agents of the owner) to be secure in their persons or in their property or with the rights of other residents to the peaceful enjoyment of their units and the common areas of the housing development.
- e) The applicant has a history of non-payment of rent and such non-payment, if repeated by a tenant, would cause monetary loss.

- f) The applicant has a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant of housing, would be detrimental to the housing development or to the health, safety, security or peaceful enjoyment of other tenants.
- g) The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application within 14 days.
- h) The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application or a prior application submitted within the last three years and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- i) The applicant, or a household member, has directed abusive or threatening behavior which was unreasonable and unwarranted towards a management agent's employee during the application process or any prior application process within three years.
- j) The applicant does not intend to occupy housing, if offered, as his/her primary residence.
- k) The applicant or household member is a current illegal user of one or more controlled substances as defined in all applicable State and Federal laws. A person's illegal use or possession of a controlled substance within the preceding 24 months shall create a presumption that such person is a current illegal user of a controlled substance, but the presumption may be overcome by a convincing showing that the person has permanently ceased all illegal use of controlled substances. This disqualification of current illegal users of controlled substances shall not apply to applicants for housing provided through a treatment program for illegal users of controlled substances.
- l) The applicant or household member has been convicted of other criminal activity within the past five years including violent criminal activity that has the potential to endanger the health, safety, and welfare of other residents and staff. Examples include but are not limited to murder, rape, child abuse or molestation, aggravated assault, weapons and/or explosives violations, and arson.
- m) The applicant or household member has been convicted within the past five years for drug related criminal activity including the manufacture, sale, distribution or possession with intent to manufacture, sell, or distribute a controlled substance.

## ***Consideration of Mitigating Circumstances***

Management may consider whether the appropriate household member has completed a supervised drug or alcohol rehabilitation program and may require documentation of the successful completion of the rehabilitation program. Management may also require an applicant to exclude a household member when the member's past or current actions would prevent the household from being eligible.

As to other grounds for denial of admission, this plan provides for the consideration of mitigating factors that rebut the presumption that an applicant will be unable to meet the requirements of tenancy. Among the factors that should be considered are:

- the severity of the potentially disqualifying conduct;
- the amount of time that has elapsed since the occurrence of such conduct;
- the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the housing development and its common areas if the conduct recurred;
- the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
- the likelihood that the applicant's behavior in the future will be substantially improved;
- if the applicant is a victim of domestic violence, dating violence, sexual assault, or stalking and thus protected under the VAWA policy (See Paragraph G).

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

## ***F. Screening Procedures***

Management will secure background information from the following sources for all adult household members to obtain information regarding an applicant's ability to meet the essential requirements of tenancy:

- A rental history check of all adult family members;
- Criminal background history check. Management will obtain criminal history reports on all adult family members (and live-in aid if applicable) as part of the tenant selection process at no cost to the applicant.

NOTE: The fact that an applicant or tenant was arrested for a disqualifying offense shall not be treated or regarded as proof that the

applicant or tenant engaged in disqualifying criminal activity. The arrest may, however, trigger an investigation to determine whether the applicant or tenant has engaged in the disqualifying criminal activity. As part of its investigation, Management may obtain the police report associated with the arrest and consider the reported circumstances of the arrest.

Management may also consider any statements made by witnesses or the applicant or tenant not included in the police report; whether criminal charges were filed; whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal; and any other evidence relevant to determining whether the applicant or tenant engaged in disqualifying activity. The standard shall be a preponderance of evidence indicating that the applicant participated in the disqualifying activity.

- Records check of a state and national mandatory lifetime sex offender registration. A check of the State's lifetime sex offender registration program for all adult household members, including live-in aides.
- Verification of income either from a present employer, an appropriate agency, a financial institution or other appropriate party.
- Verification of a disability from a medical professional when the applicant requests a modification to a unit, eligibility for a preference based on disability status, or a reasonable accommodation when the need for such accommodation is not evident. Inquiries concerning a person's disability or disabilities in this regard will be limited to verification of a disability and the need for an accommodation or the qualification for a program.
- EIV Existing Tenant Search to determine if the applicant or a household member is residing in another HUD-subsidized unit. This report will be run prior to move-in. If the report indicates that member(s) of the applicant household are residing in another subsidized unit, the agency will be contacted and a move-out date determined.

The screening process will be administered uniformly to all applicants without regard to race, color, religion, national origin, sex, disability, or familial status. If an applicant is denied housing based on either criminal history or sex offender registration, the applicant will be provided copies of the reports and given an opportunity to dispute the accuracy of the information before the denial or eviction is finalized.

### ***Protection for Victims of Domestic Violence***

The Violence Against Women Reauthorization Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibits owners from denying an applicant or

terminating a tenant in any federally funded housing program on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant or tenant otherwise qualifies for admission or continued occupancy, regardless of sex, gender identity or sexual orientation.

**Definitions** (as defined in VAWA)

The term “**Domestic Violence**” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with who the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim.

The term “**Dating Violence**” means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors;
  - The length of the relationship;
  - The type of the relationship; and
  - The frequency of interaction between the persons involved in the relationship.

The term “**Sexual Assault**” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

The term “**Stalking**” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s individual safety or the safety of others;  
or
- Suffer substantial emotional distress.

The term “**Immediate Family**” member means:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage.

**Permissible Documentation and Submission Requirements**



In response to a written request to the applicant or participant from Management, the applicant or tenant may submit, as documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, any one of the following forms of documentation where it is at the discretion of the tenant or applicant which one of the following forms of documentation to submit:

- The certification form described in § 5.2005(a)(1)(ii); or
- A document:
  1. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse;
  2. Signed by the applicant or tenant; and
  3. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under § 5.2003; or
    - i. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
    - ii. At the discretion of Management, a statement or other evidence provided by the applicant or tenant.

The applicant must submit the required documentation with her or his request for an informal review or must request an extension in writing at that time. If the applicant so requests, and at Management’s discretion, Management will grant an extension of 10 business days, and will postpone scheduling the applicant’s informal review until after it has received the documentation, or the extension period has elapsed. If after reviewing the documentation provided by the applicant Management determines the family is eligible for assistance, no informal review will be scheduled, and Management will proceed with admission of or continued occupancy of the family.

### ***Confidentiality Requirements***

All information provided to the owner regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking, must be retained in confidence and may neither be entered into any shared database nor

provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law. The VAWA documentation will be maintained in a separate file folder from the tenant file, and properly secured.

### ***Notification of Rights Under VAWA***

HUD Form 5380, Notice of Occupancy Rights Under the Violence Against Women Act and HUD Form 5382, VAWA Certification Form will be provided to applicants/residents at the time of admission, applicant rejection, and proposed termination of tenancy.

### ***H. Prohibited Screening Criteria***

Management will not screen applicants for eligibility on the basis of the following:

- a) Physical Examinations. Management will not require physical examinations or medical testing as a condition of admission;
- b) Meals and Other Services. Management will not require tenants to participate in a meals program that has not been approved by the Regulatory Agency;
- c) Donations or Contributions. Management will not require a donation, contribution or membership fee as a condition of admission. Owners may not require any payments not provided in the lease.
- d) Disability Status. Except as provided in accordance with the HUD regulations, it is unlawful to make an inquiry to determine if an applicant for a dwelling unit, a person intending to reside in that dwelling unit after it is rented or made available, or any persons associated with the applicant, has a disability or handicap, or to make inquiry as to the nature or severity of an identified disability or handicap.

### ***I. Rejecting Ineligible Applicants***

#### ***Key Requirements***

##### Prohibition of discrimination in the denial of tenancy or rental assistance:

Management will not discriminate against an applicant based on race, color, religion, sex, national origin, familial status, or disability.

Prohibition of denying assistance to victims of domestic violence, dating violence or stalking: VAWA protects victims of domestic violence, dating violence or stalking, as well as, their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant's

status as a victim is not a basis for denial of rental assistance or for denial of admissions, if the applicant otherwise qualifies for assistance or admission.

Prompt notification: Management will promptly notify the applicant in writing of the denial of admission or assistance in accordance with the property's Grievance Procedures.

### ***Conditions for Rejection of Applications***

The application will be rejected if:

The applicant does not meet the eligibility requirements for the property;

The applicant is unable to disclose and verify SSNs for all household members at move-in (except those who do not contend eligible immigration status, applicants who were 62 or older on January 31, 2010 and whose initial determination for eligibility was begun before January 31, 2010, and children under the age of six whereby no SS number has been assigned).

The applicant does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887/9887-A).

The applicant has characteristics that are not appropriate for the specific type of unit available or has a family of a size not appropriate for the unit sizes available.

The household includes family members who did not declare citizenship or non-citizenship status, or sign a statement electing not to contend noncitizen status.

The applicant does not meet Management's required screening criteria.

### ***Notification of Applicant Rejection***

If Management determines that the applicant does not meet the criteria for receiving assistance or is not eligible for a claimed preference, Management will promptly provide the applicant with written notice of the adverse determination. The notice will contain a brief statement of the reasons for the denial and state that the applicant has 14 days from the date of the notice to request an informal hearing to review the decision. The notice will also state that persons with disabilities may request reasonable accommodations to participate in the hearing process. The applicant may exercise other rights if the applicant believes that he/she has been discriminated against on the basis of race, color, religion, sex, handicap, familial status, or national origin.

# 1. Occupancy Standards

Generally, dwelling units are to be leased based on a maximum of two persons per bedroom as follows:

<b>Bedroom Size</b>	<b>Number of Persons</b>	
	<b>Minimum</b>	<b>Maximum</b>
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

General guidelines used to determine proper bedroom size assignment for each family are as follows. Exceptions to the occupancy standards will be reviewed on a case-by-case basis. These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero-bedroom units will only be assigned to one-person families.

In determining bedroom size assignment, Management will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children currently under a 50% or more joint custody decree, children who are temporarily away at school, foster children or children who are temporarily in foster care.

In addition, the following considerations may be taken in determining bedroom size assignment:

- Children of the same sex will share a bedroom;
- Children of the opposite sex with both under the age of six years old will be assigned a bedroom;
- Adults and children will not be required to share a bedroom;
- Live-in aides will be assigned a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A family may request a smaller unit size than the guidelines allow so long as generally no more than two people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for three years or until the family size changes, whichever may occur first.

- A family may request a larger unit size than the guidelines with a verification from a medical professional of the need.

### ***Single Person Unit Assignment Restriction***

A single person will not be permitted to occupy a unit with two or more bedrooms, except for the following persons:

1. A person with a disability who needs the larger unit as a reasonable accommodation;
2. A displaced person when no appropriately sized unit is available;
3. An elderly person who has a verifiable need for a larger unit;
4. A remaining family member of a resident family when no appropriately sized unit is available.

## **5. Unit Transfer Policy Within the Same Development**

In filling vacant units, Management shall first offer current residents on the Transfer List, the option to relocate to another unit in the development, provided such residents meet one of the following transfer conditions:

- A unit transfer due to a change in family size;
- A unit transfer due to a change in family composition;
- A unit transfer due to a deeper subsidy being available;
- A unit transfer for a medical reason certified by a doctor;
- A unit transfer based on the need for an accessible unit; or
- A unit transfer based on the VAWA Emergency Transfer Policy.
- Where persons without disabilities move into a physically accessible unit, they shall do so only after agreeing to move to a unit with no such design features at their expense within 30 days of notification should an applicant or current resident require an accessible unit of the type currently occupied by the persons without disabilities.

Management shall maintain a formal Transfer List for current residents pursuant to these conditions. When a vacancy occurs, Management shall determine if a transfer is warranted from the internal transfer list before proceeding to the general waiting list to select an applicant for the vacant unit.

When Management determines that a transfer is required, the Model Lease for Subsidized Programs states that the tenant:

- May remain in the unit and pay the HUD-approved market rent; or
- Must move within 30 days after the owner notifies the family that a unit of the required size is available within the property.

Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. However, if a tenant is transferred as a reasonable accommodation due to a household member's disability, then Management shall pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden. Upon approval of the transfer, residents must complete their move within ten calendar days.

## **6. Fair Housing and 504 Policies**

It is the policy of Management to promote equal opportunity and non-discrimination in compliance with, but not limited to, the Fair Housing Amendments Act of 1988, 42 U.S.C.A. §§ 3601-3620, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. § 794 et seq., The Americans with Disabilities Act of 1990, 42 U.S.C.A. §§ 12101-12213, Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, the Age Discrimination Act of 1975, 42 U.S.C.A. §§ 6101-6107, Executive Order 11,063, HUD Equal Access Rule, and all relevant State Laws.

In carrying out this Tenant Section Plan, Management will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, sex, sexual orientation, familial status, disability, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. Management will also affirmatively market to the public in accordance with the Affirmative Fair Marketing Plan.

### ***Applicants with Disabilities and Reasonable Accommodations***

Management will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities who require such changes to have equal access to any aspect of the application process or to the development and its programs and services. Management will, for example, arrange for sign language interpreters or other communications aides for interviews during the application process.

Management complies with all state and federal laws requiring housing providers to make reasonable accommodations or changes to these rules, procedures and housing units or properties, if such changes are necessary to enable a person with a disability to have equal access to and enjoyment of the unit, properties and other facilities or programs.

Reasonable accommodations will be made during the application process and during an individual's participation in the program; provided the accommodation does not present an undue financial or administrative burden. Any accommodation or change must be necessary for the individual to have equal access and enjoyment of the housing and programs, not just be desirable.

Management will consider suggested accommodations from the individual and determine whether the request is reasonable from a financial and administrative point of view. If such accommodation is not deemed reasonable, Management will work with the individual to provide an alternative accommodation that would meet their disability needs. Requests may be denied if the request poses an administrative or financial burden on the property.

### ***504 Modification Requests***

Any 504 Modification Request and supporting documentation must be submitted in writing and will be reviewed by the Executive Director. An answer will be provided in writing within 10 working days, unless there is a problem getting all the information needed or a longer time is agreed upon.

If the request is denied, the reason will be explained to the applicant/resident and other feasible options which do not present a financial and/or administrative burden, or otherwise pose a fundamental alteration to the nature of the housing program may be explored. All questions or grievances concerning reasonable accommodations requests or denials should be directed to:

504 Coordinator: Dianna Brow, ED  
Hendersonville HA  
203 N. Justice St.  
Hendersonville, NC  
(828) 692 - 6175

### ***Procedures for Assigning Accessible Units***

Units with originally constructed design features for persons with physical disabilities will be assigned as follows:

- Transfers within the project will take precedence over new applicants.
- New applicants requiring accessible features will be offered such units in the order of their standing on the waiting list, determined by date and time the application was received.

## **7. Opening and Closing the Waiting List**

Management will administer a global waiting list for all RAD properties in accordance with the following procedures:

If an applicant is eligible for tenancy, but no appropriately sized unit is available, Management will place the family on the waiting list for the project. Persons needing handicapped accessibility may apply for a standard unit, as well as an accessible unit, at their discretion.

The waiting list at a minimum will include the date and time the applicant submitted the application, the name and address of the head of household, the annual income level, identification of the need for an accessible unit, preference status and unit size. Waiting lists will be organized by type of unit, applicant preference, and date and time of application within each preference category.

The waiting will be maintained electronically and will be available on a computerized report. A printed copy of the waiting list will be generated on at least a monthly basis and maintained for a minimum of three years.

Each applicant will be placed on the waiting list chronologically according to the date of the completed application within the applicable preference categories.

The waiting list may be closed for a specific unit size(s) if the projected turnover rate indicates that an applicant would be unable to obtain a unit within one year. Management will advertise the waiting list closing in the local paper covering Hendersonville, NC, and post a notice on the property's bulletin board and at the Central Office.

When an applicant pool is no longer adequate, Management shall advertise the reopening of the waiting list in the local newspaper, and as otherwise required by the Affirmative Fair Housing Marketing Plan. The notice will contain the date the waiting list will reopen and instructions how to apply. The notice will be posted on the property's bulletin board and at the management office.

## **8. When Applicant Information Changes**

Applicants are responsible for informing Management in writing of any changes in address, telephone number, household composition, and preference status. If mail is returned due to an applicant's failure to provide a correct mailing address, the application will be removed from the property's waiting list.

## **9. Updating the Waiting List**

The waiting list will be updated periodically as deemed necessary by Management. Every household on the waiting list will be mailed a notice requiring a response within a fixed period if the household wants to remain on the list. If a household returns the letter in a timely fashion and the household composition has not changed, it will remain on the list as before.

If a household returns the letter in a timely fashion and the household composition or preference status has changed, the family may be assigned to the waiting list for a different sized unit, or preference category, but the original application date will be retained.



If a household's letter is returned by the US Post Office as "undeliverable," the manager will remove the household from the waiting list – so noting on the applicant's waiting list computer record. The returned letter will be retained in the applicant's file; or

If there is no response from the household in the allotted time, the applicant will be removed from the waiting list.

To be reinstated to the waiting list, the applicant must then request and submit a new application during the time the waiting list is open.

In the event an applicant has requested an alternate form of communication, the above information will be communicated to the applicant in the format requested.

## **10. Leasing Process**

### ***Offer of Available Units***

When a unit becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for that apartment type. The applicant will be mailed a letter stating that the applicant has three working days to contact Management to complete the full application process. If the applicant fails to respond within the required timeframe, the application will be cancelled, and the apartment will be offered to the next applicant on the waiting list.

Upon offer of an apartment, the applicant shall have an opportunity to inspect the apartment along with management and to sign a rejection or acceptance of offer form.

Upon acceptance of the offer, the applicant will then be assigned a deadline for move-in. Before the end of this period, the applicant must complete all outstanding preoccupancy requirements such as , establishment of utility services (if applicable), leasing interview, and lease execution. Normally, this deadline will be within five working days of the offer acceptance but may be extended by Management as a reasonable accommodation.

Failure to complete the move-in requirements within the assigned period will result in withdrawal of the offer and deactivation of the application.

If an applicant refuses the first offer AND there is another unit available not otherwise obligated that is ready for occupancy, the applicant will be given a second offer. If an applicant rejects the second offer, the application will be removed from the waiting list.

### ***Prior to Move-In/Tenant Interview***

Prior to taking occupancy, Management will meet with all residents of the apartment and explain at a minimum the following topics:

1. Security Deposits and refunds
2. Use of the EIV System after move-in
3. Annual Recertification process
4. Interim Recertification process
5. Unit inspections
6. House Rules
7. Transfer Policy
8. Section 8 student eligibility rule
9. Violence Against Women Act/VAWA Emergency Transfer Plan
10. Reporting requirement for income increases of \$200 or more per month
11. Reporting changes in household composition
12. Unit rent and other charges
13. HUD Model Lease/Addendums
14. Pet Policy
15. Grievance Procedure

### ***Leasing of Dwelling Unit***

The head of household and all adult household members are required to execute the HUD Model Lease/VAWA Addendum and all other HUD-approved addendums. A copy of the lease will be provided to the lessee and the original will be filed as part of the permanent records established for the family.

## **11. Charges for facilities and services**

**Application and screening fees** – There are no fees for application or screening for any subsidized unit.

**Damages** – Residents will be charged for damage to property caused by carelessness, misuse, or neglect on the part of the tenant, household member, or visitor in accordance with the property's List of Charges. The tenant is obligated to reimburse management for damages within 30 days after the tenant received a bill from management.

**Late payment of rent** – Rent is due on the first day of each month with a grace period of five (5) days. A late fee will not be charged until the sixth day of the month. If the rent is paid on the sixth day there will be a \$5 fee due. Late fees will accrue at the rate of \$1 for each day thereafter not to exceed 30 days.

**Lock-outs & lost keys** – All residents will be charged \$11.25 for lost keys plus a \$15.00 service charge during business hours and \$35.00 for lock-outs after 10: p.m. .

**Returned checks** – A fee equal to the amount charged by the bank for the second occurrence of returned checks.

## **12. Security Deposit Requirements**

Prior to move-in all new residents with leases effective after the RAD conversion will be charged a one-time refundable security deposit equal to the Total Tenant Payment at move-in or \$50.00 whichever is greater. Upon request, Management may offer the applicant a Payment Agreement for the Security Deposit to be paid in not more than three payments. The deposit will be refunded within 30 days after the resident has moved out minus charges for damages greater than normal wear and tear or unpaid rent. Management will provide the tenant with a detailed listing of items deducted from the security deposit within 30 days of vacating the unit.

## **13. Unit Inspections**

Upon move-in, new residents with leases effective after the RAD conversion will inspect the apartment together with Management and shall make note of any deficiencies in the unit. The inspection form will be used again upon move-out and the resident will be charged for any damages beyond normal wear and tear except items noted at move-in inspection.

All units are inspected a minimum of once per year for housekeeping, damage and general repair. Residents will be notified at least 48 hours in advance of an inspection. In addition, residents must submit (upon 48-hour notification) to inspection by government and/or program officials.

## **14. Annual Recertification Requirements**

- A.** To ensure that assisted tenants pay rent commensurate with their ability to pay, HUD requires the following:
1. Management must conduct a recertification of family income and composition at least annually by the annual recertification anniversary date.
  2. Tenants must supply the information requested by executing the Recertification Application and must provide all requested supporting documentation.
  3. Tenants must sign consent forms and asset declaration forms each year.

4. Management must use the EIV Income Report as third-party verification of income from sources available on EIV; i.e., Social Security benefits, wages, Unemployment benefits.
  5. Management must obtain third-party verification of income sources not reporting data in EIV; i.e., Child Support, alimony, pensions, VA benefits, income from assets, gifts, valuation of assets and all other sources of income.
  6. Residents may provide documentation of other eligible factors used in determining allowances in the family's TTP; e.g., medical expenses, handicapped expenses, and child care payments.
- B.** Management must send Recertification Reminder notifications to residents to meet with management beginning at 120 days prior to the annual recertification anniversary date. If the tenant does not respond, a Second Reminder Notice will be sent at 90 days prior to the annual recertification anniversary date. If the tenant again fails to respond, a Third Reminder Notice will be sent to the tenant at 60 days prior to the annual recertification that includes a 60-day notice to terminate assistance. If the tenant fails to respond by the 10<sup>th</sup> day of the 11<sup>th</sup> month prior to the recertification anniversary date, the tenant will be charged market rent until such time as he or she complies with the recertification requirements.
- C.** If the tenant complies with the annual recertification process, Management must provide at least a 30-day written notice of any rent increase. If the tenant does not report in a timely manner, the requirement to provide a 30-day notification of rent increase is waived.
- D.** At annual recertification, an Initial Notice of Recertification will be provided to the resident indicating the reporting requirements and deadlines for the next annual recertification.
- E.** Residents who do not comply with the recertification requirements in a timely manner or fail to provide requested documentation may be subject to a rent increase, charged market rate rent and/or evicted, unless there are verified medical reasons or other extenuating circumstances that apply.

## **15. Interim Recertification Reporting Policy**

- A.** Residents must notify Management within 10 days of the occurrence of the following:
1. A family member moves out of the unit;
  2. The family proposes to move a new member into the unit;
  3. An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment;
  4. The family's income increases.

- B.** Residents may request an interim recertification due to any changes occurring since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant. Changes a tenant may report include:
- C.**
1. Decreases in earned income or benefits;
  2. Increases in allowances such as medical expenses or child care;
  3. Other changes affecting the TTP, such as a family member who attains the age of 62, or a family member becoming disabled.
- D.** When reporting changes in income and/or family composition, the resident must execute a Declaration Form and list current information for all household members. The resident must provide all requested documentation to substantiate the change.
- E.** When proposing to add a new household member, Management will apply screening criteria to all adults (including live-in aides) for drug related criminal activity, other criminal activity, State sex offender registration, and EIV Existing Tenant Search before approving the move-in.
- F.** The proposed household member must disclose and provide verification of their SSN (including live-in aides). New household members (except live-in aides) must provide information regarding all sources of income, execute the Ethnic Racial Data Form, Declaration of Citizenship and provide proof of age. The head of household may execute these documents for minor children. Adults must sign the HUD 9887/9887A Consent Form.
- G.** If the tenant complies with the interim reporting requirements, rent changes must be implemented as follows:
- Rent Increases – If the tenant’s rent increases because of an interim adjustment, Management must give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day notice period.
  - Rent Decreases – If the tenant’s rent decreases, the change in rent is effective on the first day of the month after the date of action that caused the interim certification.
- H.** If the tenant does not comply with the interim reporting requirements, and Management discovers the tenant failed to report changes as required, the effective date of the change is as follows:

- Rent Increases - Management will implement any resulting rent increase retroactive to the first of the month following the date that the action occurred.
- Rent Decreases – Any resulting rent decrease must be implemented effective the first rent period following completion of the recertification.

## 16. **RAD REQUIRED RESIDENT PROCEDURAL RIGHTS**

### a. Termination of Tenancy and Assistance

The termination procedures for RAD properties require that owners provide adequate written notice of termination of the lease which shall not be less than:

A reasonable period of time, not to exceed 30 days;

- If health or safety of other tenants, owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
- In the event of any drug-related or violent criminal activity or any felony conviction; or
- In the case of nonpayment of rent the notice period will be 14 days.

### b. Termination of Assistance

In all other cases, the requirements at 24 CFR 880.607, the Multifamily HUD Model Lease, and other HUD multifamily administrative guidance shall apply.

### c. Grievance Process

In addition to program rules that require that tenants are given notice of covered actions under 24 CFR Part 245 (including increases in rent, conversions of a project from project-paid utilities to tenant-paid utilities, or a reduction in tenant paid utility allowances, etc.), the following procedural rights will apply with the requirements of section 6 of the Act in conjunction with the Grievance Procedure. RAD properties require that:

- Residents be provided with notice of the specific grounds of the proposed owner adverse action, as well as, their right to an informal hearing with the owner;
- Residents will have an opportunity for an informal hearing with an impartial member of the owner's staff within a reasonable period of time;

- Residents will have the opportunity to be represented by another person of their choice, to ask questions of witnesses, have others make statements at the hearing, and to examine any regulations and any evidence relied upon by the owner as the basis for the adverse action. With reasonable notice to the owner, prior to the hearing and at the residents' own cost, the resident may copy any documents or records related to the proposed adverse action; and
- The owner must provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action, and the evidence the owner relied upon as the basis for the adverse action.
- The owner will be bound by decisions from these hearings, except if the (1) hearing concerns a matter that exceeds the authority of the impartial party conducting the hearing, or (2) the decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
- If the owner determines that it is not bound by a hearing decision, the owner must promptly notify the resident of this determination, and the reasons for the determinations.

# **ACKNOWLEDGEMENT OF RECEIPT**

**THIS IS TO CERTIFY THAT I HAVE RECEIVED A COPY OF THE**

**HENDERSONVILLE HOUSING AUTHORITY**

**TENANT SELECTION PLAN.**

\_\_\_\_\_  
**SIGNATURE OF HEAD OF HOUSEHOLD**

\_\_\_\_\_  
**DATE**