

## **TENANT SELECTION PLAN**

### **Home Yard Cottages**

#### **PREFACE**

Home Yard Cottages is professionally managed by Kiemle Hagood. The purpose of this community is to provide housing for low-income individuals/families through the Low-Income Home program. All adults age 18 and over in each applicant family must sign all required verification documents prior to move-in and annually thereafter. All information reported by the family is subject to verification.

**Non-Discrimination:** Home Yard Cottages accept applications, admits residents and employs staff without regard to race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income or disability. We do not discriminate on the basis of disability status in the admission, or access to, or treatment, or employment in our programs and activities.

#### **PROGRAM ELIGIBILITY REQUIREMENTS**

To live at Home Yard Cottages you must be:

1. Income-qualified. In order for an applicant to be eligible for occupancy, the applicant family's annual income must not exceed the applicable income limit, which is published annually by the City of Spokane and can be found at their website <https://www.hudexchange.info/programs/home/home-income-limits/>. Income limits are based on family size and the annual income the family receives. The income limits for Home Yard Cottages are:

Very Low-Income	30% of Median Income
Low Income	50% of Median Income

A household can switch to a higher or lower income/rent limit based on the household's income at recertification. Ask the community manager for specific information.

2. Student Eligibility. Households consisting entirely of full-time students are permitted to occupy HTF units if:
  - I. Receiving assistance under Title IV of the Social Security Act (e.g., TANF)
  - II. Previously under the care and placement responsibility of the local county children services agency (i.e., foster care)
  - III. Enrolled in a government-sponsored job training program
  - IV. Married and eligible to file a joint income tax return
  - V. A single parent household with at least one dependent child where the parent is not the dependent of another individual and the child is only a dependent of the resident or the other non-resident parent.

## **APPLICATION PROCESS**

An applicant(s) must submit a completed and signed waitlist application to the Community Manager of the community for which the applicant is applying. An application must include the social security numbers for all household members. It must also include the signatures for all applicant family's members who are 18 years of age or older.

There is a waiting list for the project, the applicant's name, date and time of the receipt of the application, annual income level, type and size of unit required will be recorded in chronological order on the waiting list. In order to remain on the waiting list, the applicant is required to contact the Community Manager of the property for which he/she applied at least once every six months.

Once the applicant has reached the top of the waitlist and a unit is available, a complete application will need to be completed along with a Release and Authorization form and must be signed by all adult applicants and submitted. This gives consent to Management to check criminal background, previous rental history, run a credit report and verify current employment.

If an applicant refuses to complete any required paperwork throughout this process, the applicant may be denied.

## **REASONS FOR REJECTING INELIGIBLE APPLICANTS**

- The household does not meet the income requirements.
- The applicant is unable to disclose and document SSNs of all household members.
- The household has characteristics that are not appropriate for the specific type of unit available at the time or isn't an appropriate size for the units that are available. The applicant will remain on the waiting list until an appropriate unit becomes available.
- The applicant household does not meet #5 of the Eligibility Requirements listed above regarding the eligibility of students enrolled in an institute of higher education to receive assistance (Section 8); or,
- The applicant does not meet the screening criteria.

## **SCREENING CRITERIA**

Good Rental History:

- At least six (6) contiguous months' recent valid, verifiable rental history with no related parties. Application will not be rejected for no rental history at all but the criteria for credit and public records will be more heavily weighted.
- Rent paid on time; no more than (2) late payments within the six-month period.
- No past due balances owed for rent, other rental charges, utilities, damages, etc.
- At least six (6) months with no lease violations.
- All applicants must disclose if they are currently receiving HUD housing assistance. Kiemle Hagood will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

The Owner/Agent will use the Existing Tenant Report to determine if the applicant or any member of the applicant household may be receiving HUD assistance. Kiemle Hagood will follow-up with the respective PHA or Owner/Agent to confirm the individual's program participation status before admission.

Screening reports will be run on all applicants 18 years of age and older by an outside professional screening company. There are no screening report fees charged to the applicant(s).

## **Rejection Criteria:**

### **A. Drug Abuse & Criminal Activity**

- Any household containing a member(s) who was evicted in at least the last three years from federally assisted housing or non-federally assisted housing for drug-related criminal activity; only two exceptions are as follows:
  - 1) The evicted household member has successfully completed an approved supervised drug rehabilitation program, or;
  - 2) The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
- A household in which any member is currently engaged in illegal use of drugs or for which Management has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety and right to peaceful enjoyment of the property by other residents;
- Conviction involving the illegal manufacture or distribution of an uncontrolled substance, involving the illegal use of a controlled substance, or involving felony activities and/or numerous gross misdemeanors within at least the last three years.
- Currently an illegal user of a controlled substance or Management determines that there is reasonable cause to believe that a household member's illegal use or a pattern or an illegal use of a drug may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. (Examples of evidence of illegal activities may include a conviction record, former landlord references, etc.);
- Any household member who is subject to a state sex offender lifetime registration requirement.
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.
- Violent criminal activity.
- Other criminal activity that threatens the health, safety and right to peaceful enjoyment of the property by other residents or the health and safety of management, employees, contractors, subcontractors or agents of the owner; or,
- We do not automatically deny applicants based on criminal conviction history. If an applicant with a criminal conviction on their record otherwise meets our qualification standard, we will

interview the applicant regarding the circumstances relating to such conviction and post-conviction.

- Any household containing a member who has any active warrants.

#### B. Poor Previous Rental History

- Outstanding monies owed to previous landlord(s), (e.g., rent, damages, other);
- Previous evictions from federally funded and/or non-federally funded housing and/or unlawful detainers within at least the last three years; or,
- Violation of lease and/or house rules, such as, poor housekeeping habits, a history of disruptive behaviors, failure to cooperate with applicable recertification procedures, termination of assistance for fraud.

#### ❖ **An exception may be made as long as the applicant has met all of the following requirements:**

- ✓ Payment arrangements have been made with the landlord to whom the monies are owed. A letter from the landlord or collection agency stating the accepted payment arrangements must be submitted to Kiemle Hagood along with proof that payments are being made in accordance with the agreed upon arrangements (proof must include the applicant is current in making the payments).
- ✓ Applicant must either provide proof of completion of in a Renter Responsibility Class/Program or be near completion and provide a recommendation letter from the program director.

#### ❖ **An exception may also be made if the applicant is a domestic violence victim, which required the applicant to get out of a lease early and left owing a balance for rent and/or damages.**

- The applicant must present written verification of their situation. This may take the form of a valid order for protection or a record of reporting the incident(s) of domestic violence/assault/stalking to a “qualified third party”, such as law enforcement officers, state court employees, healthcare professionals, licensed mental health professionals, clergypersons, or crime victim/witness program advocates.

#### C. Derogatory Credit History

- An open bankruptcy; or
- Outstanding balances owed to previous landlords and utility companies.
- Unpaid NSF checks.
- Other debts including but not limited to credit cards, student loans and unpaid fines.

#### ❖ **An exception may be made as long as the debt has not been accrued in the previous 3 years.**

- Medical bills are not counted toward derogatory credit history.

If an applicant does not meet the above criteria, the applicant will be notified in writing of the rejection and reasons for the rejection. The applicant will then have 14 days to respond in writing or to request a meeting to discuss the rejection. Management may consider extenuating circumstances in evaluating information obtained during the screening process.

### **OCCUPANCY STANDARDS**

- Two persons per bedroom, plus one person.

	<u>*Minimum Persons</u>	<u>Maximum Persons</u>
Studio	1	1
1 Bed	1	3
2 Bed	2	5
3 Bed	3	7

\*An exception may be made with an approved reasonable accommodation request.

### **UNIT TRANSFER POLICIES**

When vacancies become available, in-place residents who are on an in-house waiting list and require unit transfers based on the following reasons will be given priority over applicants on the waiting list.

1. A unit transfer for a reasonable accommodation to a household member's disability or for medical reasons as certified by a health care provider.
  - The Request for Reasonable Accommodation forms must be completed and submitted to the Community Manager. Forms available from Management upon request.
2. A VAWA Emergency Transfer.

When an appropriate type or sized unit becomes available, the resident will be contacted in writing and required to move within thirty days of the written notification.

Unit transfers for any other reason are subject to a \$150 transfer fee.

When a resident transfers from one unit to another within the same apartment complex he/she is expected to completely move out of the previous unit by the fourth day after he/she moved into the new unit. The resident will be notified of this when he/she turns in his/her 30-Day Notice to move.

### **SECURITY DEPOSITS FOR RESIDENTS TRANSFERRING TO ANOTHER UNIT**

- A. When a resident transfers to a new unit:
  1. The security deposit in the old unit will be refunded minus any charges for damages above normal wear and tear to the unit and any unpaid rent.

2. The tenant will be charged a new security deposit based on the requirements in the HUD Occupancy Handbook paragraph 6-15. The deposit must be paid at the time of the lease execution.

## **EQUAL PROTECTION**

- (a) A determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the Federal Housing Administration shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status, and
- (b) No owner or administrator of HUD-assisted or HUD-insured housing, approved lender in an FHA mortgage insurance program, or any other recipient or sub-recipient of HUD funds may inquire about the sexual orientation or gender identity of an applicant for, or occupant of, HUD assisted or HUD-insured housing for purposes of determining eligibility or otherwise making such housing available. However, permissible inquiries into sex are permissible for temporary, emergency shelter with shared sleeping areas or bathrooms, or to determine the number of bedrooms to which a household may be entitled.

The rule also revises HUD's generally applicable definitions at 24 CFR 5.100:

- (a) The term "family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
  - (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
  - (2) A group of persons residing together, and such group includes, but is not limited to:
    - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family).
    - (ii) An elderly family.
    - (iii) A near elderly family.
    - (iv) A disabled family.
    - (v) A displaced family; and
    - (vi) The remaining member of a tenant family.
- (b) The term "gender identity" means actual or perceived gender-related characteristics.
- (c) The term "sexual orientation" means homosexuality, heterosexuality or bisexuality.

## **VIOLENCE AGAINST WOMEN ACT**

The Violence Against Women (VAWA) protections apply to families applying for or receiving rental assistance payments under the project-based Section 8 program. This notice is applicable to all OWNER/AGENTS participating in the following project-based Section 8 programs under the United States Housing Act of 1937 (42 U.S.C. 1437):

- New Construction.
- State Agency Financed.
- Substantial Rehabilitation.
- Loan Management Set-Aside (LMSA).
- Property Disposition Set-Aside (PDSA).
- Section 202 Projects With Section 8 Assistance (Section 202/8).

- Rural Housing Section 515 Projects With Section 8 Assistance. (RHS Section 515/8).

The law protects victims of domestic violence, dating violence, stalking or sexual assault, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence that is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim's tenancy. Kiemle Hagood may bifurcate a lease in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit.

Kiemle Hagood responding to an incident of actual or threatened domestic violence, dating violence, stalking or sexual assault that could potentially have an impact on a tenant's participation in the housing program may request in writing that an individual complete, sign, and submit within 14 business days of the request, the Certification of Domestic Violence, Dating Violence or Stalking Form HUD 91066. Kiemle Hagood may extend this time period at their discretion.

Alternatively, in lieu of the certification form or in addition to it, Kiemle Hagood may accept a) a federal, state, tribal, territorial, or local police record or court record or b) documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence, stalking or sexual assault or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence, stalking or sexual assault has signed or attested to the documentation. If the certification or other supporting documentation is not provided within the specified timeframe, the landlord may begin eviction proceedings.

Kiemle Hagood is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, stalking or sexual assault in order to receive the protections of the VAWA. Kiemle Hagood, at their discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

Should it be determined that physical abuse caused by a tenant is clear and present, the law provides Owners/Agents the authority to bifurcate a lease i.e., remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law.

It is possible for someone lawfully occupying the unit, who is also a victim, to be evicted or removed from the home. If the victim commits separate criminal activity, a landlord may evict them for engaging in crime. Furthermore, if a victim poses "an actual and imminent threat to other tenants or those employed at or providing service to the property," they could be evicted, despite the VAWA.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, stalking or sexual assault against another household member, an interim recertification should be processed reflecting the change in household composition.

In accordance with the Violence Against Women Act (VAWA), Kiemle Hagood allows tenants who are victims of VAWA crimes to request a VAWA Emergency Transfer from the tenant's current unit to another unit. The tenant/applicant is responsible for paying for any expenses associated with the move.

Applicants who qualify for the following preferences will be placed on the preferred waiting list ***based on the date and time the completed rental application is received.***

These applicants will be placed next.

- Verified need for an accessible unit
- Verified need for a reasonable accommodation
- Verified medical need
- Imminent Threat (including Homeless, Involuntarily Displaced and VAWA Emergency Transfer)

Kiemle Hagood must retain all documentation relating to an individual's domestic violence, dating violence, stalking or sexual assault in a separate file that is kept in a separate secure location from other tenant files.

## **REASONABLE ACCOMMODATIONS**

In federally assisted projects, it is unlawful for an owner/manager to refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford an individual with a disability or disabilities (as defined by the federal law) equal opportunity to use and enjoy a dwelling unit, including public and common use areas. The "Request for Reasonable Accommodation" forms are included in the initial rental application packet or upon request from the Community Manager. The request forms must be given to the Community Manager at move-in or any time during occupancy. Once the existence of a disability/disability has been verified through third party verifications, the Property Manager will approve the request, if it is considered administratively and financially feasible.

## **LIVE-IN AIDE/ATTENDANT POLICY AND PROCEDURES**

**Definition:** A Live-In Aide/Attendant is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities, and who:

1. Is determined to be essential to the care and well-being of the person(s);
2. Is not obligated for the support of the person(s); and
3. Would not be living in the unit except to provide the necessary supportive services.

While a relative may be considered to be a Live-In Aide/Attendant, they must meet the above requirements, especially the last.

1. **Policy:** The Live-In Aide/Attendant qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a tenant, and; may not qualify for continued occupancy as a remaining family member. A Live-In Aide cannot remain in the unit should the resident that requires care no longer be there for whatever reason.



The Owner/Management Agent has the right to evict a Live-In Aide Attendant who violates any of the house rules.

### **Procedures for Moving in a Live-In Aide/Attendant:**

1. The individual requiring a Live-In Aide/Attendant must complete the “Live-In Care Giver Verification” forms and give them to the Community Manager.
2. The Live-In Aide/Attendant must pass a criminal background check in accordance with the criteria listed above in the Tenant Selection Plan.
3. The Live-In Aide/Attendant must sign the Live-In Attendant Addendum.
4. The Live-In Aide/Attendant must sign a copy of the current house rules and abide by them.

### **POLICY FOR OPENING AND CLOSING THE WAITING LIST**

If Kiemle Hagood decides to no longer accept applications and close the waiting list, they will publish a notice to that effect in a publication likely to be read by potential applicants. The notice will state the reasons for Kiemle & Hagood’s refusal to accept additional applicants. When Kiemle Hagood decides to open the waiting list and accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same publications) as the notification that the waiting list was closed. The notification will state the rules for applying and that applications will be processed in chronological order by the date and time received.

### **PROCEDURES FOR MAINTAINING AND UPDATING THE WAITING LIST**

A manual waiting list is used to record the date and time the applicant submitted the application, the name of the head of household, annual income level, type and size of unit required. The applicant must decide which list(s) he/she chooses to be on. As units become available, applicants are contacted in chronological order.

The waiting list will be updated at least semi-annually to ensure that applicant information is current and that any names that should no longer be on the list are removed.

Should the household composition change while on the waiting list which results in the applicant needing to be on a different unit size wait list, a new wait list application will need to be submitted and the applicant will be placed on the new waiting list based on the date of the new determination of family composition.

### **REMOVAL OF NAMES FROM WAITING LIST**

Applicants will be removed from the waiting list when any of the following occur:

- The applicant no longer meets the eligibility requirements.
- The applicant fails to respond to a written notice for an eligibility interview.

- The applicant is offered and rejects two units in the property.
- Mail sent to the applicant's address is returned as undeliverable.
- The unit that is needed, using family size as the basis, changes and no appropriate size unit exists in the property.
- Applicant fails to contact the property every six months.

### **REINSTATING APPLICANTS TO THE WAITING LIST**

If an applicant is removed from the list and subsequently management determines that an error was made in removing the applicant, the applicant will be reinstated at the original place on the waiting list.

### **COLLECTION OF THE SECURITY DEPOSIT**

The entire security deposit must be paid at the time of the initial lease execution at the time of move-in. The security deposit required for this project is the total tenant rent. The security deposit is refundable. An applicant may be rejected if he/she does not have sufficient funds to pay the full deposit.

The security deposit must be paid with a check or money order separate from the payment of the first month's rent.

### **PETS AND ASSISTANCE ANIMALS**

Pets are allowed at Home Yard Cottages with fees. Service/assistive animals are not considered pets. In order to have a service/assistive animal, the Request for Reasonable Accommodation forms must be completed and submitted to the Community manager for verification of disability and need for the animal. Other forms of acceptable verification include doctors letters. No pet deposit is charged for a service/assistive animal.

### **ANNUAL RECERIFICATION REQUIREMENTS**

To ensure that assisted tenants pay rents commensurate with their ability to pay, HUD requires the following:

- Owners must conduct a recertification of family income and composition at least annually by the tenant's recertification anniversary date.
- Tenants must supply information requested by the owner or HUD for use in a regularly scheduled recertification of family income and composition in accordance with HUD requirements.
- Tenants must sign consent forms, and owners must obtain third-party verification of the following items and document them in the tenant file:
  - a. Reported family annual income.

- b. The value of family assets.
- c. Expenses related to deductions from annual income; and
- d. Other factors that affect the determination of adjusted income.

**SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR HOUSING ACT AMENDMENTS OF 1988 AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

The owners and Kiemle Hagood, the managing agent, of this project do not discriminate on the basis of disabled status in the admission of access to, or treatment or employment in, federally assisted projects, programs and activities. Nor do they discriminate on the basis of race, color, religion, sex, disability, familial status, national origin, perceived sexual orientation, gender identity or marital status in the admission or access to, or treatment or employment in, it's federally assisted programs and activities. Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in any program or activity receiving (HUD) federal financial assistance. Complaints regarding alleged violations of Section 504 regulations should be addressed in writing to the 504 Coordinator for Kiemle Hagood.

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