



Resident Selection Plan
for
Section 811 Project Rental Assistance Program

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I. PURPOSE AND GENERAL PROVISIONS

The RESIDENT SELECTION PLAN (the Plan) for Section 811 PRA describes relevant policies and procedures for the selection of residents pursuant to applicable laws, policies and regulations. The Plan supplements the general Tenant Selection Plan for Maryland Section 811 PRA program and may not include all of the policies and procedures affecting the selection of residents for Section 811 units. The general Tenant Selection Plan may be found at http://dhcd.maryland.gov/HousingDevelopment/Documents/section811/AmendedTSPSection811D_HCDApproved.pdf. The Plan is designed to promote fairness and uniformity in the selection of Residents and to preclude the admission of Applicants whose habits and practices may reasonably be expected to have a detrimental effect on the Residents', staff or property environment.

Non-discrimination

It is our policy to promote equal housing opportunity and to establish practices that do not subject any person to discrimination, including discrimination based on race, color, religion, sex, handicap/disability, familial status, national origin, sexual orientation, gender identity, marital status, or other basis prohibited by local, state or federal law.

Limited English Proficiency

Limited English Proficient (LEP) persons are persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English and may be entitled to language assistance. It is our policy to ensure that LEP persons have reasonable and meaningful access to all services.

Policies to Comply With 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 Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status. The owner/agent complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance. The owner/agent complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Reasonable Accommodations/Modifications

In accordance with Fair Housing Laws, the Agent encourages Applicants and Residents with disabilities to request reasonable accommodations and modifications if such an accommodation is necessary to afford an individual with a disability equal use and enjoyment of an apartment, including public and common area spaces.

Violence Against Women and Justice Department Reauthorization Act (VAWA)

VAWA protects victims of domestic violence, dating violence, sexual assault, or stalking, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence is reported and confirmed. Agent, responding to an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking that could potentially have an impact on a tenant's participation in the housing program, may request that an individual complete, sign and submit the HUD certification form within 14 business days of the request. Alternatively, in lieu of the certification form or in addition to it, Agent may accept (i) a federal, state, tribal, territorial, or local police record or court record or (ii) documentation signed and attested to by a professional (employee, volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance.

Unacceptable Behavior During Application Process

Any Applicant that is threatening, abusive in language or actions, or is belligerent to management staff, Residents or guests during application will not be considered for acceptance to the Community.

II. ELIGIBILITY REQUIREMENTS

Applicants will be referred to the property by the Maryland Department of Disabilities (MDOD) and must meet the eligibility requirements for the Section 811 Program. These requirements cannot be waived, nor are they subject to mitigating circumstances. An Applicant for admission must meet all statutory eligibility requirements for admission to the housing program(s) that govern that apartment.

A. Income Eligibility

1. The Applicant must be income eligible. An income eligible household is a household whose annual income does not exceed the applicable household income limit for the household size in the area as published periodically by HUD. The Applicant must meet the income limits of Section 42 of the Code in accordance with the Tax Credit Regulatory Agreement. The Agent will seek third party verification in conformance with the Tax Credit Regulatory Agreement and IRS requirements, this may include tax returns.
2. An Applicant must (i) meet all income requirements, (ii) otherwise comply with all requirements of the Tax Credit Program and the HUD Section 811 Program; and (iii) satisfy the screening standards as set out in the Plan.
3. This community has 87 apartments. Eleven (11) apartments fall under the HUD Section 811 Project Rental Assistance program. The Section 811 apartments are set at 30% AMI.
4. Maximum income limits will be based on the published HUD income limits.

B. Student Eligibility

1. Tax Credit Student Rule: A household that consists entirely of full-time students (as defined in the tax credit Code) is not eligible. However, this exclusion does not prevent an apartment from being occupied by (i) an individual who is (A) student and receiving assistance under Title IV of the Social Security Act, or (B) enrolled in a job training program receiving assistance under the Workforce Investment Act or under similar Federal, State, or Local Laws, or (ii) entirely full-time students if such students are (A) single parents and their children are not dependents of another individual, or (B) married and are entitled to file a joint Federal income tax return, or (C) were previously under the care and placement responsibility of a foster care program.
2. HUD Student Rule: The student must be 24 years of age or older to qualify or meet one of the following exceptions: If under 24 years of age, the student may qualify if they are married OR have a dependent child, OR are a veteran of the US military OR the student is disabled and receiving Section 8 as of 11/30/2005 OR the student is living with his/her parents who are receiving section 8 assistance OR the student is individually eligible to receive section 8 assistance AND has parents (individually or jointly) who are income eligible to receive section 8 assistance. Student must demonstrate independent status.

C. Household and Apartment Size Criteria

1. In selecting an apartment size for the Applicant, no more than two persons plus one infant under the age of 24 months will be permitted to occupy a bedroom. Agent will balance the need to avoid overcrowding with the objective of maximum utilization of space, as per the minimum occupancy standard illustrated below:

| Number of Bedrooms | Number of Persons | Number of Persons |
|--------------------|-------------------|-------------------|
| | <i>Minimum</i> | <i>Maximum</i> |
| 1 | 1 | 2 |
| 2 | 2 | 4 |

2. The Applicant household may select any apartment size for which the household qualifies. For the purpose of determining apartment size at move-in, Agent will count all full time members of the household, all children anticipated to reside in the apartment, live-in aides, and children who are away at school but live with the household during school recesses. Agent will not provide additional bedroom space for permanently institutionalized household members, or visitors.
3. Households with a person with a disability may occupy an apartment with an additional bedroom in the event that such bedroom is needed either for a live-in aide or for medical reasons. Written, medical verification from the qualified 3rd party must be provided documenting the need for the live-in aide or the medical reasons for the extra bedroom. The existence of a live-in aide must be reported to and approved by the Agent. All live-in aides must be screened for criminal history. Each live-in aide must sign an agreement and must abide by all Community rules. Live-in aides are not considered to be remaining members of a tenant household, and therefore must move upon tenant household vacating the apartment. This provision is applicable for both admission and continued occupancy.
4. In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, the Agent will make reasonable accommodations or modifications for individuals with disabilities (Applicants or Residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden.

D. Other Eligibility Qualifications.

1. The head, co-head of the Applicant household must have the ability to enter into a legally binding contract as provided by the state and local laws with respect to contracts for the rental of housing.
2. Rental assistance cannot be duplicated. A Resident cannot have project based rental assistance and Resident based rental assistance.
3. The apartment applied for by the Applicant must be the Applicant's primary residence.
4. The Applicant(s) must fill out an application. If Applicant is unable to complete the application due to a medical or other reason, this must be communicated to the Agent so that appropriate steps can be taken to ensure all persons interested in applying for an apartment are able to do so.

III. SCREENING CRITERIA

In making any determination with respect to an Applicant for admission, the Agent shall not reject such Applicant unless a preponderance of the information available demonstrates that such Applicant, if admitted, would be likely to interfere with other Residents in such a manner as to diminish their enjoyment of the Community, adversely affecting their health, safety or welfare, or the physical environment. All Applicants will be screened through an electronic, non-discriminatory credit and qualification system. The Agent will enter the Applicant's information into a third-party Resident screening software system in order to determine compliance with credit, criminal and sex offender status requirements in an objective manner. Applicants screened receiving a "Decline" would render the Applicant ineligible. Relevant information respecting habits or practices to be considered for each Applicant in making such determinations is as follows:

- A. Criminal history
- B. Record of being a registered sex offender
- C. Credit history
- D. Existing Tenant Search (EIV)
- E. Landlord Reference
- F. Mitigating Circumstance

A. Criminal History

1. Agent will conduct a criminal background screening including sex offender screening on each adult member of an applicant household. An adult means a person 18 or older or a person

convicted of a crime as an adult under federal, state, or tribal law. We will also conduct a criminal screening on a Live In Aide (“LIA”).

2. If agent identifies Disqualifying Criminal Records with respect to any adult member of an applicant household, agent will conduct an individualized assessment and inform the applicant of that Disqualifying Criminal Record by letter (the “Notification Letter”). The Notification Letter will identify the disqualifying criminal record.
3. The Notification Letter will inform the applicant that (a) he/she may present verifiable written evidence of mitigating circumstances, and (b) in the absence of any such evidence of mitigating circumstances, the application may be denied.
4. The Notification Letter will describe the procedure for the applicant to offer any evidence of mitigating circumstances and that the response must be received by us within a specified period.
5. Agent will consider any written reliable evidence of mitigating circumstances presented by an applicant within the time period stated in the Notification Letter. In considering that evidence, we may decide
 - a. The evidence of mitigating circumstances is reliable and sufficient to show that the applicant or its family members are suitable for housing or
 - b. The evidence of mitigating circumstances is not reliable and/or is not sufficient to show that the applicant or its family members are suitable for housing (a “Negative Decision”).
6. If no response is received within the time period stated in the Notification Letter, agent will issue a notice of denial. If a Negative Decision is made, agent will issue a notice of denial to the applicant, which will state the specific reason for denial, enclose any information we used to make that determination and inform the applicant that he or she may request an informal hearing to contest the decision pursuant to the “Appeal of Rejection” section below.

Disqualifying Criminal Records

- Agent will deny admission to a household if a member is subject to a registration requirement under a state sex offender registration program. Only evidence of factual error will be considered as mitigating circumstances.
- Agent will deny admission to a household if a member has been convicted of manufacturing or distributing of a controlled substance. Only evidence of factual error will be considered as mitigating circumstances.
- If the applicant’s past criminal activity was proven to be the consequence of acts of domestic violence, dating violence, or stalking against him or her, we will not deny admission.

Appeal of Rejection

The applicant may appeal this decision using our grievance procedure.

B. Record of being a registered sex offender

Persons subject to a lifetime sex offender registration requirement are not eligible for residency. If at any point during residency any household member becomes subject to a lifetime sex offender registration requirement and/or if a household member was erroneously admitted and is subject to a lifetime sex offender registration requirement, the specific household member is no longer be eligible for residency.

C. Credit

If Agent rejects an application based upon the report from the third-party Resident screening software program, the Applicant(s) will be provided with the cause for rejection and given the name of the credit bureau which performed the credit check.

D. Existing Tenant Search (EIV)

Authorized EIV users will use the EIV system to verify income at recertification of current residents. All information obtained from the EIV system will be held in strict confidence and secured from unauthorized users.

E. Landlord Reference

If applicant was medically institutionalized, a landlord reference is not required. Agent will collect landlord references from last two (2) places of residences or from last three (3) years, whichever is more inclusive.

F. Mitigating Circumstances

In instances where unfavorable information would cause an Applicant household to fail to meet the screening criteria, Applicant may present mitigating information to management for review. Sources of information may include, but are not limited to, the Applicant (by means of interview), landlord, employers, household social workers, parole officers, court records, drug treatment centers, clinics physicians or police departments where warranted by particular circumstances and as allowable by law. Presenting mitigating circumstances does not guarantee admission.

IV. APPLICATION PROCESS

A. An application fee for the Section 811 applicants is not required.

B. MDOD will refer applicants for the Section 811 apartments.

C. Each Applicant for admission must submit a completed signed application. Adequate procedures will be developed to obtain, verify, and protect confidentiality of information with respect to each Applicant. Information relative to the acceptance or rejection of an Applicant on eligibility or suitability grounds, or the grant or denial of any applicable preference, will be documented and placed in the Applicant's file.

D. Application Selection Procedures

1. MDOD reviews and refers applications and determines priority for Section 811 apartments.

2. Agent reviews and approves applications in accordance with this Resident Selection Plan and Section 811 Program requirements.

3. An Applicant for admission to an apartment who receives an adverse eligibility or suitability determination, or denial of preference, if any, will be offered an opportunity for informal review, consisting of an opportunity to meet with a person or persons designated by the Agent, other than the person who made the original determination.

E. Wait Lists

1. MDOD maintains the waitlist for Section 811 apartments.

V. ACCESSIBLE APARTMENTS

A. Certain apartments are designed for persons with mobility, sight or hearing impairments. These apartments will be designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

B. Preference for occupancy to these apartments will be given to households with household members with a disability who require the modifications of facilities provided in the apartments.

C. Households that do not require these apartments will not be offered these apartments until all eligible Applicants who do require these apartments have been considered.

D. Accessible apartments will be offered and accepted by non-disabled Applicants only with the understanding that such Applicants must accept a transfer to a non-accessible apartment at a later date if a person who requires an accessible apartment applies for housing and is determined eligible.

VI. FINAL ELIGIBILITY

A. Interview/Screening Stage for all Applicants

1. Each Applicant household member age eighteen (18) and older will be required to sign all applicable forms. It is the responsibility of the Applicant to provide complete and accurate information in a timely manner when requested. It is also the Applicant's responsibility to supply the Agent with complete names, addresses and telephone numbers of all verifying agencies (banks, landlords, child care providers, health insurance carriers, etc.). Failure of an Applicant to provide necessary information in a timely manner at the time of an interview

appointment may result in rejecting the application for housing. The following forms may require completion by each Applicant household (specific forms will vary depending upon the household composition, sources of income, household allowances, and category of apartment):

- a. A complete current application;
 - b. Authorization for Release of Information;
 - c. Applicable Verification Forms;
2. Applicants will be required to document the following information for all household members at the time of the interview:
- a. Social Security numbers (if applicable);
 - b. Originals or copies of birth certificates;
 - c. Documentation of legal custody of minors, or evidence that the child/children will reside with the Applicant.

B. The Interview

1. The program requirements, verification procedures and penalties for submission of false and/or incomplete information will be explained to each Applicant during the application interview. Such penalties may include eviction, fines and imprisonment.
 - a. All adult household members must present a photographic identification card at the interview session. The card will be photocopied and held in the Applicant file.
2. All household members will be required to disclose and document their Social Security numbers.
3. Applicants submitting false information, omitting or misrepresenting information will be grounds for rejection of the application.
4. A final decision on their eligibility cannot be made until all verifications are complete.
5. Upon Request, Applicants will be given a blank copy of the current lease agreement and Community rules in effect at the time of request.

D. Completion of Application Process

1. Upon completion of the application process, all Applicants will be informed of the determination of eligibility.
2. If the application is accepted, the written communication will include instructions regarding the next step in the move-in process.
3. If the application is rejected the written communication will include the specific reason(s) for the rejection and the steps the Applicant may take (if so desired) to appeal the decision in accordance with and pursuant to the grievance procedures.
4. If at any time during the processing of an application for housing, information indicates that an individual member of the household does not meet one or more of the conditions governing eligibility for admission, including income guidelines, household composition guidelines, credit history or criminal background history, is verified, or if at any time the Agent determines that the information supplied on the application or a person's declaration is false, application will be rejected.

VII. DECISION DETERMINATION

- A. Once the verification process is complete the Applicant will be contacted and informed of either acceptance or rejection.
- B. Once an Applicant has been accepted for residency, the Applicant will be contacted when an appropriate apartment is available for occupancy. Each Applicant will also be provided with information regarding the total amount due upon move-in (first month's rent and security deposit).
- C. The approved Applicant will receive a move-in appointment. The procedures to be followed at this appointment are set out in the section titled MOVE-IN/LEASE SIGNING.
- D. If an Applicant chooses to have their application withdrawn, they must notify the community and MDOD.

VIII. REJECTION PROCEDURES

Written Notification.

Each rejected Applicant will be given written notice thereof, by US Mail. The rejection notice will indicate the reason(s) for the rejection, and stating that, the Applicant may appeal the rejection. The notice will advise the Applicant that they have fourteen (14) calendar days of receipt of the notice to respond, in writing, or request to meet with the Agent to discuss the notice. If the Applicant requests such a meeting, it must be in writing. The Agent will give the Applicant a reasonable opportunity prior to such meeting to review the information used by the Agent in reaching an adverse decision and will send a final, written decision to the Applicant within five (5) business days following the Applicant's meeting. If after the review, Agent's decision is reversed the application will continue to be processed.

IX. MOVE-IN/LEASE SIGNING

A. Review of Lease and Community Rules

Once an Applicant is approved for housing, an appointment will be scheduled for all adult members of the household to review and sign all documents. The Resident lease, Community rules, annual income review requirements, grievance procedures, maintenance service procedures will be reviewed with all adult household members. Signatures will be obtained on the lease agreement and other required documents.

B. Payments Required Upon Move-In

Prior to receiving keys to the apartment and taking possession of the new apartment, the Resident must pay the first month's rent (or prorated rent) and the full security deposit. These payments must be in the form of a bank check or money order only.

C. Move-in Inspection

All Residents at the property will receive a move in inspection form that records the condition of their specific apartment at the initiation of their lease term. This form will be used as a basis to determine the amount of damage charges, if any, which must be assessed against the Resident for unusual wear and tear, at the time of lease termination.

X. TRANSFERS

Unit transfers are offered for certified medical reasons or accessibility. Transfers will be coordinated through the Maryland Department of Disabilities. Residents requesting a transfer will submit a written request to the leasing office and to the Maryland Department of Disabilities. Transfer requirements must be met prior to a transfer being approved.

XI. DEFINITIONS

1. Agent: The managing agent, employees and/or Owner as applicable.
2. Applicant: A person or household who is applying for admission to an apartment in the Community.
3. Community: The land, property, buildings, facilities, parking areas owned by Owner.
4. Household Number: The number assigned to an application when the Agent receives the application. The household number acts as a permanent identifying number for the Applicant, for the entire period in which the application is valid. The household number does not indicate placement or position on a wait list but is a number assigned in the property management software system.
5. Disabled Household: A household whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.
6. Head Of Household: The household member who is legally responsible for the household. Both the head and spouse or other responsible adult (if any) shall sign the lease.
7. Live-In Aide: A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- a. Is determined to be essential to the care and well-being of the persons;
 - b. Is not obligated for the support of the persons; and,
 - c. Would not be living in the apartment except to provide the necessary supportive services.
7. Over-Housed Household: A Resident household with more bedrooms than required for the number of members in accordance with the standards set in the Plan.
 9. Under-housed Household: A Resident household with an insufficient number of bedrooms for the number of persons in the household, in accordance with the standards set in the Plan.