

RESIDENT
SELECTION
PLAN

*Section 811 Project Rental
Assistance (PRA) Program*

RIVIERA
APARTMENTS

RESIDENT SELECTION PLAN FOR
Section 811 PRA/TAX CREDIT UNITS
RIVIERA APARTMENTS

SECTION 1. INTRODUCTION.....3

SECTION 2. APPLICATION PROCESS.....3

SECTION 3. ELIGIBILITY CRITERIA.....4

SECTION 4. DETAILED SCREENING PROCESS.....4

SECTION 5. APPEAL PROCESS.....9

SECTION 6. OCCUPANY STANDARDS.....10

SECTION 7. ELIGIBILITY FOR CONTINUED OCCUPANCY, ANNUAL
RECERTIFICATIONS & REMAINING HOUSEHOLD MEMBERS.....10

SECTION 8. LEASE TERMINATION PROCEDURES.....12

SECTION 9. NOTICE REQUIREMENTS.....12

SECTION 10. RECORD KEEPING REQUIREMENTS.....12

SECTION 11. TRANSFER POLICY.....14

SECTION 12. THE VIOLENCE AGAINST WOMEN ACT
(VAWA).....15

SECTION 13. REASONABLE ACCOMMODATION POLICIES.....17

SECTION 14. PET POLICY..... 18

SECTION 1. INTRODUCTION

RIVIERA APARTMENTS is a 55-unit apartment complex located in Baltimore. The development will feature community spaces with fitness center, computer lab, a great room for community functions, outdoor spaces and property management offices. All rental units will be privately managed by Pennrose Management Company (the "Management Agent" or "Agent").

"Riviera Apartments," will provide a total of 55 units, including one-bedroom and two-bedroom units. Three (3) of these units will be units containing accessible features and certified by an architect as compliant with Uniform Federal Accessibility Standards (UFAS). Five (5) of the dwelling units at this property will be rented to households at or below 30% AMI and receive subsidized rent available through participation in the HUD Section 811 Project Rental Assistance (PRA) Program. Thirty-six (36) of the dwelling units will be rented to applicants at or below 60% AMI with rents restricted as required under the federal Low Income Housing Tax Credit (LIHTC) Program, and the remaining fourteen (14) units will be rented and affordable to applicants at or below 115% AMI.

SECTION 2. APPLICATION PROCESS

Procedures for Taking Applications and the Waiting List

Applications for units receiving Section 811 Project Rental Assistance (PRA) must be obtained through the Maryland Department of Disabilities (MDOD). The Maryland Department of Disabilities will identify Section 811 applicants for referral to the property in accordance with the requirements of the Section 811 PRA program, including the DHCD-approved Section 811 Tenant Selection Plan and the applicable provisions of this Resident Selection Plan. A copy of the DHCD approved Section 811 Tenant Selection Plan is available at the owner/agent's office or through MDOD at:

<http://dhcd.maryland.gov/HousingDevelopment/Documents/section811/TSP%20Section%20811DHCDAPPROVED-8-14-2015.pdf>

All applications for Section 811 PRA units are processed by the property and the Maryland Department of Disabilities (MDOD) in accordance with the Section 811 Resident Selection Plan. The owner/agent will communicate with applicants, MDOD and, as authorized, the applicant's case managers by using one or more of the following methods - First Class Mail, Phone, TTY, Email, In person, or by Fax (facsimile).

Waiting lists for the Section 811 Project Rental Assistance (PRA) units are maintained by the Maryland Department of Disabilities in accordance with the DHCD approved Tenant Selection Plan for Section 811.

In the selection of a household for a Section 811 PRA unit that is also a UFAS Unit, the Maryland Department of Disabilities (MDOD) shall refer and the Management Agent shall give preference to households that include a person with disabilities who can benefit from the accessible features of the UFAS Unit. If MDOD cannot identify a person who needs the features of the UFAS unit the Management Agent and MDOD will permit the UFAS unit to be occupied by an eligible

Section 811 applicant who does not have a disability-related need for a UFAS unit. When leasing an UFAS Unit to an applicant who does not have a disability-related need for a UFAS unit, the Management Agent and MDOD will require the applicant to agree to move following the MDOD referral of an eligible applicant who needs the accessible features of a UFAS unit. The requirement for residents who occupy a UFAS Unit, but do not need the features of a UFAS unit to move to a non-UFAS unit shall be incorporated into the resident's rental lease.

SECTION 3. ELIGIBILITY CRITERIA

Any information obtained in connection with screening for eligibility will be held in strict confidence by the Agent. Based on Federal Regulations, the owner/agent may not admit ineligible applicants. Therefore, these Eligibility Criteria for selection of applicants are consistent with HUD/ Project Rental Assistance (PRA) Section 811 eligibility criteria and the Low Income Housing Tax Credit Program as described in this DHCD-approved Tenant Selection Plan. All information reported by the household is subject to verification.

Questions pertaining to this selection criteria may be directed either to the owner/agent or, for Section 811 PRA requirements, Christina Bolyard with the Maryland Department of Disabilities (MDOD) at Christina.Bolyard@maryland.gov or 410-767-3647.

1. Applicants for housing must be a minimum of 18 years of age (or an emancipated minor) to enter into a Lease Agreement.
2. Applicants must agree to allow the owner/agent to check their credit history demonstrating the ability and willingness to repay debts on time. (Note: Lack of credit history alone will not be sufficient justification for rejection of an Applicant, and a referred applicant's ability to pay rent & credit history is not relevant to tenant selection because of the project-based rental assistance provided for each PRA unit).
3. Applicants must have acceptable references from current or prior landlords.
4. No application fee will be charged to any Applicant. No fee will be charged to any Applicant for credit or criminal background checks.

SECTION 4. DETAILED SCREENING PROCESS

Through the screening process, all Applicants must demonstrate the ability to comply with essential provisions of the lease in accordance with HUD and LIHTC requirements. Any information obtained by the Management Agent shall be kept strictly confidential and used as authorized under the Section 811 PRA Program.

1. All applicants must complete a rental application and provide the following information:
 - a. Photo ID
 - b. Birth certificate
 - c. Information regarding annual income and assets
 - d. Information regarding status as a full-time or part-time student
 - e. Information regarding household composition, including age
 - f. Social security numbers for all household members over the age of 6
 - g. Verification of citizenship and/or eligible non-citizen status

2. All Applicants must submit a separate release authorizing the Management Agent to perform the following screening steps:
 - a. Credit report checks
 - b. Prior landlord references
 - c. Criminal background investigations
3. Credit and Criminal background reports will be evaluated through a Third-Party Screening company and will follow the April 4, 2016 HUD Guidance.
4. All income, assets, child care and medical expenses will be verified via third parties.
5. If available, three consecutive years of Rental History will be verified

Credit Screening Criteria includes the following:

No application fee will be charged to Applicants. Credit Report will be pulled through Third-Party evaluator, who will submit a decision based upon specific criteria. Proof that applicant will be able to obtain utilities in his/her own name is required to be approved for Credit.

Consideration for approval will be given to credit reports with items, including but not limited to, the following:

- Medical Debts
- Student Loans
- Closed Bankruptcies
- Credit problems such as Collections, Charge-offs, Judgments and open Bankruptcies over 24 months or under \$500.00 will be considered.
- No outstanding housing bills to include rental payments, mortgages, and utilities.
- No more than 4 late rental payments within a 12-month period from any public or private landlord, to include damage charges.
- No Open Bankruptcies — must be discharged.
- No Collections, Charge-offs or Judgments under 24 months or over \$500.00.

Criminal Record screening criteria include the following:

A history of illegal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other residents and/or property can be considered reason for application rejection.

The owner/agent may reject applications if any household member's criminal history includes one or more of the following. Each rejection will be reviewed on a case by case basis and will take into consideration the nature, severity, and recency of the criminal conduct and will include review of patterns of or repeated criminal conduct.

Felonies

- Homicide/Murder
- Rape or Child Molestation
- Attempted Murder
- Attempted Rape or sex crime

- Threats against person(s) or harassment
- Destruction of property or vandalism
- Drug trafficking/use/possession
- Receiving stolen property
- Fraud
- Prostitution/solicitation
- Arson
- Any weapon Conviction
- Grand Theft

Qualified Sex Offenses are subject to Lifetime disqualification.

MISDEMEANOR CONVICTIONS:

‘Conviction of misdemeanor acts, which would be a condition to deny admission may include, but not be limited to the following:

- Disturbance of Peace / Disorderly Conduct
- Domestic Violence / Third Degree Assault
- Vandalism / Property Damage
- Brandishing a Firearm
- Stalking / Peeping Tom
- Indecent Exposure
- Sexual Exploitation of Children
- Internet Exploitation of a Child
- Harassment
- Prostitution
- Resisting Arrest
- Petty theft
- Possession of Marijuana under 8oz
- Possession of Controlled Substance

SINGLE RESIDENCE/SUBSIDY CRITERIA

Residents of units assisted through the HUD Section 811 Project Rental Assistance (PRA) Program must have only one residence and receive assistance only in that unit. A household is eligible for assistance only if the unit will be the household’s sole residence. This rule is meant to ensure that the government pays assistance for only one unit for a household and provides assistance to as many eligible households as possible with available funding.

Applicants MUST disclose if they are currently living in another property and receiving assistance. Failure to disclose receipt of dual subsidies may result in denial of subsidy for one or both of the apartments. Residents will then be required to pay unassisted, or market, rent for that period. The owner/agent uses the Existing Tenant Search Report in the Enterprise Income

Verification (EIV) system as part of the initial screening process for applicants seeking federal housing subsidies. The owner/agent uses the report to determine or confirm if the applicant or any member of the applicant's household are currently residing at another HUD-assisted Section 8 or Public Housing Authority location. Personal information on applicants for HUD-assisted housing will be entered by the owner/agent into the report to screen for and confirm current participation in HUD-assisted housing. In addition, the owner/agent will present each applicant for rental assistance a copy of the EIV and You and the Is Fraud Worth It? brochures. Receipt of the brochures will be documented in each resident's file upon admission.

The owner/agent will not knowingly assist applicants who maintain a residence in addition to the HUD-assisted unit. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

HUD regulations prohibit a resident from receiving subsidy for two or more units at the same time. Residents can only receive subsidy for one day for one unit. If, for any reason, a resident moves in to this property before moving out of another subsidized unit, the new resident will be required to pay the applicable LIHTC program rent until the move out from the previous property is complete. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

ELIGIBILITY OF STUDENTS ENROLLED AT AN INSTITUTE FOR HIGHER EDUCATION

Assistance shall be provided to any individual who is enrolled as a student at an institution of higher education [as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)] if any of the following criteria apply. A student who is otherwise eligible and meets screening requirements is eligible if the student:

1. Is residing with his/her parents/guardians receiving Section 8 assistance; or
2. Is living independent of his/her parents/guardians;
3. Is 24 years of age or older;
4. Is a veteran; or
5. Is married; or
6. Has a dependent child; or
7. Is disabled and was receiving Section 8 assistance as of November 30, 2005; or
8. Has parents who, individually or jointly, are eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f); or
9. Is regarded as vulnerable and homeless or at risk of homelessness.

For purposes of determining the eligibility of a person to receive assistance under Section 811, financial assistance received in excess of amounts received for tuition and other fees and charges under the Higher Education Act of 1965 from private sources (as defined by that Act) is counted as income to that individual. The owner/agent may make exceptions for a person over the age of 23 with dependent children or a person living with his/her parents.

The owner/agent before providing assistance will verify a student's independence from his or her parents to determine that the parents' income is not relevant for determining the student's eligibility for assistance by doing all of the following:

1. Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education's definition of "independent student;"
2. Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of "independent student;" and
3. Verifying income provided by a parent by requiring a written certification from the individual providing the support, and this certification is also required if the parent is providing no support to the student.

NOTE: Verification of a Student's Independence is not required if the student meets the definition of vulnerable youth.

In addition, properties regulated under Section 42 of the Internal Revenue Code (IRC) may not provide housing with or without assistance to households consisting entirely of fulltime students unless those households meet one of the following exceptions:

1. Household members are married and are entitled to file joint tax returns;
2. Any member of the household receives assistance under Title IV of the Social Security Act;
3. The household consists of a single parent(s) with child(ren) and both the parent and child(ren) are not dependents of a third party
4. Any member of the household is enrolled in a job training program;
5. Any member of the household was previously in foster care.

In addition to the screening criteria above, Applicants will be rejected for any of the following reasons:

1. Applicant or any adult member of the applicant's household does not sign and submit the consent forms as required in 24 CFR 5.230 for units assisted by HUD Section 811 Project Rental Assistance (PRA) Program or as required by the LIHTC program, the owner/agent must deny assistance and tenancy.
2. Applicant's household income is greater than the maximum income limits as published by HUD or as required by any such applicable requirements of the funding programs listed in Section VIII. 2 above.

Applicants may also be rejected for any of the following reasons:

1. Applicant's household size is incompatible with Riviera Apartments occupancy standards.
2. Applicant fails to respond to a request for verification of information or for additional information within a reasonable length of time.
3. Applicant provides false information on the application and/or during an application interview.

SECURITY DEPOSIT

Once an Applicant has successfully completed the screening process and desires to lease an available unit of the appropriate size, the Applicant will execute a lease agreement for the unit and provide the necessary security deposit. The amount of the security deposit is limited to no more than the Tenant portion of the rent or \$50, whichever is greater.

SECTION 5. APPEAL PROCESS

I. Rejection Notices

The Owner/Agent will promptly notify the applicant and the Department of Disabilities, in writing, of the denial of admission or assistance. The result of the eligibility determination will be sent to the head of household, as indicated on the application, via First Class Mail. The rejection notice will include:

- 1) The specifically stated reason(s) for the rejection
- 2) The applicant's right to respond to the owner/agent in writing or request a meeting within fourteen (14) calendar days to dispute the rejection
- 3) That persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process

Information about the results of the eligibility determination will NOT be provided over the phone, but will be provided to the applicant by email if available or US mail, with email copy to MDOD and the case manager.

I. Meetings with Applicants to Discuss Rejection Notices

Rejected applicants may request a meeting to discuss/appeal the denial. PMC will grant a reasonable accommodation, if there is the presence of a disability, to allow the applicant to participate in the appeal. Common reasons to appeal denial include:

- You believe the decision has been made in error
- You believe there are extenuating circumstances that should be considered
- You or a member of your household is a victim of abuse covered by the Violence Against Women Act and you feel your status as a victim contributes to the decision to reject – You will be required to complete and submit HUD Form 91066 to certify status as a victim
- You or a member of your household is a person with a disability, and you believe a reasonable accommodation would allow us to continue processing the application
- Your household was rejected because the application includes someone who is a registered sex offender and you wish to remove that household member

If an appeal meeting is requested within 14 calendar days, a person who was not involved in the initial decision to reject the application will conduct a meeting with the applicant to discuss the

rejection. The applicant may bring a representative of the applicant's choice to the appeal meeting.

If an applicant is clearly eligible and passes the screening guidelines, admission shall be authorized. Likewise, if the applicant is not eligible, or does not meet the screening requirements, rejection shall be authorized. PMC will advise the applicant, in writing, of the final decision within five (5) business days of the meeting.

SECTION 6. OCCUPANCY STANDARDS

The Occupancy Standards for Riviera are as follows:

Bedroom Size	Number of persons	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6

Exceptions to occupancy standards may be made at the sole discretion of the Agent with the approval of the Owner.

Exceptions to the maximum standard may be made in case of reasonable accommodations for a person with disabilities, emergencies, and at the discretion of the Agent with the approval of the Owner.

The waitlist for Section 811 units and transfers are managed by the Maryland Department of Disabilities. With limited exceptions, transfers among units are not permitted and vacant units will be filled from the MDOD Waitlist Registry. Exceptions shall be limited to situations that address a request for reasonable accommodation or for other emergency or significant housing or health need.

SECTION 7. ELIGIBILITY FOR CONTINUED OCCUPANCY, ANNUAL RECERTIFICATIONS & REMAINING HOUSEHOLD MEMBERS

A. Eligibility for Continued Occupancy

Residents who meet the following criteria will be eligible for continued occupancy at Residences at Riviera Apartments:

1. Qualify as a household as defined in this policy. (For purpose of continued occupancy remaining household members qualify as household. Remaining household members can also include court ordered emancipated minors under the age of 18.)
2. Are in full compliance with the Resident obligations and responsibilities as described in the dwelling lease.
3. Whose household members, age 6 or older, each have Social Security numbers, or have certifications on file indicating they have no Social Security number.

4. Who are citizens or have eligible immigration status. Every member of a Resident household must submit either evidence of citizenship or eligible immigration status as required or pay a pro-rated rent based on the number of ineligible members.

B. Remaining Household Members and Prior Debt

1. As a party to the lease, remaining household members (other than the head or spouse) 18 years of age or older will be responsible for arrearages incurred by the former head or spouse. The Agent will not hold remaining household members (other than head or spouse) responsible for any portion of the arrearage incurred prior to the remaining member attaining age 18.

C. Recertification

1. Regular recertifications. The Agent shall at least once a year, re-examine the incomes of all Resident families in accordance with the requirements of funding sources. The effective date of the annual recertification shall be the anniversary date of admission unless altered by Agent. The household must supply any information requested by the Authority or HUD for use in a regularly scheduled reexamination or interim reexamination of household income and composition in accordance with HUD requirements.
2. Zero Income. Persons reporting zero income will have their circumstances examined every 90 days until they have a stable income. Persons claiming zero income will also be asked to complete a household expense form. This form will be the first form completed in the annual recertification process. The form will ask Residents to estimate how much they spend on: food, beverages, transportation, health care, childcare, debts, household items, etc. Residents will then be asked how they pay for these items.
3. Recertification of the household composition will be conducted at least annually.

Recertification Procedures

- a. At the time of recertification, the head of household will be required to complete a recertification questionnaire and other forms as required.
- b. Employment, non-earned income, full-time student status, Social Security numbers, assets, and such other data as is deemed necessary will be verified, and all verified findings will be documented and filed in the Resident's folder. Income verifications must be current. (Within the past 90- 120 days of the interview).
- c. Verified information will be analyzed and a determination made with respect to:
 - Eligibility of the Resident as a household or as the remaining member of a household;
 - Unit size required for the household;
 - Rent the household should pay.

- d. Income shall be computed in accordance with applicable LIHTC and HUD/ Project Rental Assistance (PRA) Section 811 requirements.
 - e. Families failing to respond to the initial recertification appointment will be issued a final appointment. Failure to respond to the final request will result in the household being sent a notice of lease violation. Failure to comply will result in termination of the lease.
4. Action Following Recertification
 - a. A Notice of Rent Adjustment will be issued.
 5. Failure to Report Accurate Information

If it is found the Resident has misrepresented, or failed to report to Agent the facts upon which his/her rent is based so that the rent being paid is less than what should have been charged, the increase in rent will be made retroactive. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with the Riviera Apartments Section 811 lease.

SECTION 8. LEASE TERMINATION PROCEDURES

All lease terminations and evictions will be processed in accordance with the Riviera Apartments Section 811 lease.

SECTION 9. NOTICE REQUIREMENTS

No Resident shall be given a Notice of Termination without being told by Agent in writing the reason for termination. The Resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish. Certain actions are excluded from the Grievance Procedure, specifically; any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other Residents or Agent staff and employees; and any drug-related criminal activity on or off the premises.

Notice to resident shall be in writing and delivered to the Resident or an adult member of the Resident's household, and sent prepaid first-class mail or certified mail in accordance with the Section 811 lease requirements.

SECTION 10. RECORD KEEPING REQUIREMENTS

A written record of every termination and/or eviction shall be maintained by the Agent, and shall contain the following information:

1. Name of Resident, number and identification of unit occupied;
2. Date of the Notice of Lease Termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently;
3. Specific reason(s) for the Notices, with section of the lease violated, and other facts pertinent to the issuing of the Notices described in detail;
4. Date and method of notifying Resident;

5. Summaries of any conferences held with Resident including dates, names of conference participants and conclusions.

Administration

1. All screening and eviction procedures shall be administered fairly and in such a way so as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, disability or other legally protected groups, and not to violate one's right to privacy.
2. To the maximum extent possible, and permissible by law, the Agent will involve other community and governmental entities, in the promotion and enforcement of this policy.
3. This policy is posted on the Agent's Office bulletin board and with copies made readily available to Residents and participants upon request.

Screening of Applicants

In an effort to prevent future drug-related and other criminal activity, as well as other patterns of behavior that pose a threat to health, safety or the right to peaceful enjoyment of the premises by other Residents. Agent will endeavor to screen Applicants as thoroughly and fairly as possible. Such a screening will apply to any member of the household who is 18 years of age or older or who is an emancipated minor.

HUD Definitions

Drug related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug related criminal activity means on or off the premises, not just on or near the premises.

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any household member.

Standard for Violation

In accordance with Section 811 program requirements and lease, the Owner and Agent will deny participation in the program to Applicants and terminate lease to participants in cases where the Agent determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other Residents where Agent determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse that results in behavior that would otherwise constitute a lease violation.

The Owner and Agent will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous three (3) months.

"Engaged in or engaging in" violent criminal activity means any act within the past three (3) years by Applicants or participants, household members, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person of another, which did or did not result in the arrest and/or conviction of the Applicant or participant, household members, or guests.

The activity is being engaged in by any household member.

The existence of the above-referenced behavior by any household member or guest, regardless of the Applicant or participant's knowledge of the behavior shall be grounds for denial or termination of assistance, in accordance with Section 811 program requirements and lease.

In evaluating evidence of negative past behavior, the Agent will give fair consideration to the seriousness of the activity with respect to how it would affect other Residents, and/or likelihood of favorable conduct in the future which could be supported by the evidence of rehabilitation.

Drug Related and Violent Criminal Activity

Ineligibility if Evicted for Drug Related Activity: Persons evicted from Project Based Section 8, Indian Housing, Section 23 or any Section 8 Program because of drug-related criminal activity are ineligible for admission to the Section 8 Program for a three-year period beginning on the date of such eviction.

Participants will be terminated who have been arrested/convicted/evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last three (3) years prior to the date of the notice to terminate lease, and whose activities have created a disturbance in the building or neighborhood.

Applicants will be denied admission for life if they have been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed" on the premises of the Project Based Section 8 Community.

Admission will be denied for life to any household that includes any individual who is subject to a lifetime registration requirement under a State Sex Offender Registration Program.

If the household violates the lease for drug-related or violent criminal activity, the Agent will terminate tenancy.

In appropriate cases, the Agent may permit the household to continue in occupancy provided that household members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the Agent may consider individual circumstances with the advice of Juvenile Court officials.

Notice of Termination of Tenancy

In any case where the Agent decides to terminate tenancy to the household, the Agent must give the household written notice, which states:

- The reason(s) for the proposed termination
- The effective date of the proposed termination.
- The household's right, if they disagree, to request an Informal Hearing to be held before termination.
- The date by which a request for an informal hearing must be received by the Agent.

SECTION 11. TRANSFER POLICY

The waitlist for Section 811 units and transfers are managed by the Maryland Department of Disabilities. With limited exceptions, transfers among units are not permitted and vacant units will be filled from the MDOD Waitlist Registry. Exceptions shall be limited to situations that address a request for reasonable accommodation or for other emergency or significant housing or health need. Existing Residents must re-qualify for a new apartment assignment in accordance with established income and all other applicable criteria, including criteria of the Internal Revenue Service with respect to Low-Income Housing Tax Credits.

SECTION 12. THE VIOLENCE AGAINST WOMEN ACT (VAWA)

Protections Provided by VAWA

VAWA protects applicants, tenants and immediate family members of tenants who are victims of domestic, dating violence, or stalking from being denied, evicted or terminated from housing assistance based solely on criminal acts of domestic violence against them. Criminal acts of domestic violence against the victim shall not be considered "serious or repeated lease violations" or "criminal activity" that are grounds for termination of the lease or denial of housing assistance.

VAWA protections are available to both applicants for and recipients of housing assistance through the Section 811 PRA Program and the Low Income Housing Tax Credit Program.

Transfers

The Management Agent may bifurcate a lease (effect a "family split") to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of domestic violence, dating violence or stalking against family members or others without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant.

A Section 811 tenant who wants a transfer to protect their health or safety and who: a) is a victim under this Policy; b) reasonably believes that he or she was imminently threatened harm from further violence if he or she remains in the unit; and c) has complied with all other obligations of the Section 811 PRA Program and the Low Income Housing Tax Credit Program shall notify the Management Agent. The Management Agent shall notify the Housing Director of the Maryland Department of Health, the Department of Housing and Community Development and the Maryland Department of Disabilities of the transfer request.

VAWA does not limit the Management Agent's authority to honor court orders addressing rights of access to, or control of the property, including civil protection orders issued to protect the victim and address the distribution or possession of property among the household members in cases where a family breaks up.

Certification

The Management Agent or Section 811 program official may request certification from a resident to prove that he or she is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents of abuse are real. The Management Agent will review the certification and make a determination as to the viability of the claim.

A tenant or an immediate family member of a tenant claiming victim status under VAWA shall provide to the Management Agent:

1. Documentation signed and attested to by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse; and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation; OR
2. A federal, state, or local police record or court record.

Confidentiality

Information provided by an applicant, resident or participant about an incident or incidents of domestic violence, dating violence, or stalking involving that person or a member of the household will be held by the Management Agent in confidence and not shared without the consent of the person who provided the information, except that this information may be disclosed in an eviction proceeding or otherwise as necessary to meet requirements of law.

Management Agent's Right to Evict or Deny Assistance

Eviction for Reasons Other Than Domestic Violence: VAWA specifically preserves the Management Agent's right to evict or deny assistance to a victim of domestic violence for any reasons other than the criminal activity related to the domestic violence. Management Agent may also evict or terminate assistance to a person who engages in criminal acts including but not limited to acts of physical violence or stalking against family members or others.

Failure to Submit Certification: If the person claiming to be a victim within the protection of VAWA fails to deliver the certification within 14 business days after receiving the Management Agent's request for certification, he or she may lose the legal protections under VAWA.

Imminent and Actual Threat: VAWA specifically preserves the Management Agent's right to evict or deny assistance to any tenant or household member if the Management Agent can demonstrate an actual and imminent threat to other tenants, or those employed at or providing service to the property if that tenant is not evicted or denied assistance.

Notice to Applicants and Tenants

The Management Agent shall provide notice to applicants and tenants of their rights and obligations under VAWA.

Definitions

"Domestic violence" is defined as a felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is living with or has lived with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws.

"Dating violence" is 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 relationship
 - The frequency of interaction between the persons involved in the relationship.

"Stalking" means—

- to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or

- to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
- in the course of or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to—
 - that person;
 - a member of the immediate family of that person; or
 - the spouse or intimate partner of that person.

"Immediate family member" means, with respect to a tenant

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

SECTION 13. REASONABLE ACCOMMODATION POLICIES

The owner/agent is committed to complying with the Fair Housing Act and Section 504 of the Rehabilitation Act by ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities in connection with the operation of housing services or programs solely on the basis of such disabilities.

If an individual with a disability requests an accommodation or modification, the owner/agent will fulfill these requests, unless doing so would result in a fundamental alteration in the nature of the program or create an undue financial and administrative burden. In such a case, if possible, the owner/agent will offer an alternative solution that would not result in a financial or administrative burden.

- (1) The owner/agent informs all residents that, at any time, the resident or a person acting on behalf of the resident may make a request for reasonable accommodation or modification for an individual with a disability.
- (2) The Owner/Agent complies with all requirements for Reasonable Accommodation requests.
- (3) All applicants/residents are provided with a Reasonable Accommodation/Modification Request Form when requesting a reasonable accommodation or modification. The request will be accepted in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. A resident or applicant may submit the request in writing, orally, or use another equally effective means of communication to request an accommodation or modification.
- (4) Residents and applicants may contact the management office located within their property for information about requests.
- (5) The owner/agent will provide an initial reply to requests as quickly as possible, but no more than ten (10) business days from the receipt of the request unless the owner/agent explains the delay. Response may include but is not limited to:
 - i. Request Approval
 - ii. Request Denial
 - iii. Request for Additional Information or Verification of Need
- (6) The owner/agent will consent to or deny the request as quickly as possible. Unless the owner/agent explains the delay, the applicant/resident will be notified of the decision to consent or deny within no

more than five business days (5) after receiving all necessary information and documentation from the resident and/or appropriate verification sources. All decisions to grant or deny reasonable accommodations will be communicated in writing or, if required/requested, in an alternative format. Exceptions to the thirty (30) day period for notification of the owner/agent's decision on the request will be provided to the resident setting forth the reasons for the delay.

- (7) If the request for reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within ten (10) business days of the date of the written notification of denial. The appeal meeting will be conducted by a person who was not originally involved in the decision to deny.

SECTION 16. PET POLICY

Although pets are not permitted, the Owner and Management Agent shall reasonably allow animals that assist, support or provide service to persons with disabilities. This rule applies to animals that reside at Riviera Apartments and such animals that visit Riviera Apartments.