

McCann Village
Tenant Selection Plan
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TENANT SELECTION PLAN

McCann Village Apartments (641) 792.3018

1. Project Description & Mission

McCann Village Corporation is a non-profit Iowa corporation. It owns and operates McCann Village Apartments, a government financed and subsidized housing project which provides good, safe, sanitary and affordable housing. McCann Village is subject to Title VIII of the Civil Rights Act of 1968, Section 504 of the Rehabilitation Act of 1973 as amended, and the amendments of the Fair Housing Amendment Act of 1988. The purpose of these projects is to provide housing for *very low and extremely low* income eligible elderly individuals and families through the Department of Housing and Urban Development's Section 8, 202 Program covering 80 units at McCann Village. Individuals and families will qualify providing their income does not exceed the limits as governed by HUD and they meet all other applicable standards. Residency is open to *all* qualified eligible persons who will be admitted in accordance with the HUD-approved Affirmative Fair Housing and Marketing Plan (HUD Form 935.2). McCann Village Apartments accepts applicants, admits residents and employs staff without regard to race, color, creed, national origin, age, handicap status, familial status, religion, sex or sexual orientation or gender identity. McCann Village Apartments does not directly provide health related services by medical professionals, non-professional health or assistance care or personal service aides. However, an individual can make arrangements for outside services in order to meet the requirements of the lease.

The purpose of McCann Village is to provide affordable housing for low, very low and extremely low income elderly and those mobility impaired individuals over the age of 18 who require the benefits of an accessible unit.

2. General Information

FAIR HOUSING: Residence at **McCann Village** is open to all qualified eligible elderly and disabled persons in accordance with the **Fair Housing Act** and **HUD** which prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. Residency is also in accordance with **Title VI of the Civil Rights Act of 1964** that prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from **HUD**. Furthermore,

residency is open to all qualified eligible persons covered under HUD's protected classes of sexual orientation, gender identity, and marital status and in accordance with any State recognized protected classes. Finally, **Section 504 of the Rehabilitation Act of 1973** prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from **HUD**. All interested persons, applicants, residents and the general public will be given information on LEP (Limited English Proficiency) and asked if they need any translation assistance.

REASONABLE ACCOMMODATION: In keeping with **Section 504 of the Rehabilitation Act of 1973, McCann Village Apartments** will make "reasonable accommodations," including reasonable modifications for individuals whose disabilities so require, in accordance with **HUD** regulations and management policies. This includes the application process and residency period.

- An eligible elderly individual or family (See **Definitions**);
- An eligible disabled (mobility impaired) individual or family (see **Definitions**). This includes a nonelderly disabled family that is only eligible for housing in an accessible unit **and** requires the accessibility of the unit.

ACCESSIBLE UNITS: Because some of the units at McCann Village have been architecturally designed for accessibility, someone in the family must qualify as "needing" the **architecturally designed features to apply** for or receive a priority to live in these units. These units have wider doorways, easily reachable electrical and heating/air conditioning controls, **ADA Approved** commodes, extra grab bars and do not have cabinets underneath the bathroom sinks allowing for greater accessibility. An applicant requesting an accessible unit will be requested to verify his or her need with a medical practitioner or similar worker and will be accordance with **HUD Handbook 4350.3**.

APPLICANT/RESIDENT RESPONSIBILITIES: A person, in order to be a Resident at **McCann Village**, must be capable of fulfilling all lease requirements. This means that all applicants must be able to meet their own personal needs and be able to fulfill all lease obligations with or without assistance. **McCann Village** does not provide, and does not have the authority to provide, any personal services, medical care or supervisory services. **McCann Village** does not provide any assistance with personal activities of daily living. Should such assistance be needed by a resident, management will provide any applicant or resident with a list of third-party providers who deliver assisted living services in the community.

ELIGIBILITY: All potential eligible, qualified applicants will be considered in accordance with the marketing procedures of **HUD**. All applicants must comply with any applicable admissions requirements in **HUD Handbooks**.

INCOME LIMITS: The local **HUD Section 8 Income Limits** apply to **McCann Village Apartments**, and thus applicants must meet specific income restrictions to be eligible for residency. The facility will house extremely low income, very low income and low income elderly and disabled families, per program requirements. **HUD** updates Income Limits on an annual basis.

MCCANN VILLAGE APARTMENTS reserves the right to alter the **Tenant Selection Plan** at any time. In such an event, Management will provide applicants and residents with ample notice.

3. SMOKE-FREE FACILITY

McCann Village is a smoke-free environment. The purpose of the rule is to protect the health and safety of our residents and property. It is a violation of the House Rules for any resident, guest, visitor, contractor and/or staff persons to smoke, carry, inhale or exhale lighted cigarettes, pipes, cigars or any other tobacco product anywhere inside the building or outside on the campus. Those who do smoke must be outside the building at a minimum distance of 25 feet from any open window or in one's closed vehicle. Violations of the smoke-free policy can result in eviction as a violation of the House Rules.

4. PREFERENCES

PREFERENCES: **McCann Village Apartments** has permanently suspended **Federal Preferences**, in accordance with **HUD** directives. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change management's right to adopt and enforce Tenant Screening Criteria (please refer to **Extremely Low Income (ELI) Procedures** within this Plan for further information).

5. ADMISSIONS

APPLICATION PROCESS: Applicants will be considered on a first-received, first-reviewed basis, based upon the date that the completed and signed application is received and time and date stamped by management of **McCann Village Apartments**. Admission to **McCann Village** is limited to those applicants whose income meets the **Section 202/8 Income Limits**. **McCann Village** can admit persons who meet the extremely low income, very low income and low income levels. **HUD** publishes and releases income limits on an annual basis.

Effective June, 2000, a minimum of 40 percent of the Section 8 apartments that turn over in a year and are rented to applicants on the Waiting List, must be rented to applicants who meet the "extremely low" income (30 percent or less of median income) limits.

1. In order to meet the "extremely low" income targeting standards applicable to Section 8 apartments, applicants who meet the "extremely low" income limits may, from time to time, "jump" ahead on the Waiting List and be offered a unit even though one or more "very low" income applicants were placed on the Waiting List before the "extremely low" income applicant.

NOTE: **HUD updates the income limits annually. A copy of the current income limits is posted in the office.**

ELIGIBILITY: To live at **McCann Village**, a resident must be:

- An eligible elderly individual or family (See Definitions);
- An eligible mobility impaired individual or family (See Definitions). This includes a **project eligible nonelderly mobility impaired family**. A **project eligible non-elderly disabled family** is only eligible in an accessible unit **AND** requires the accessibility of the unit.

APARTMENT ASSIGNMENTS: McCann Village will first assign apartments to in-place residents who have demonstrated a need for a change in housing before offering units to an applicant on the Waiting List. An example would be a resident who moved into an accessible unit because that was the only unit available, and a non-accessible unit becomes available, thus freeing up the accessible unit for someone who requires the special architectural features of the unit. All current and in-place residents will be housed and/or transferred before anyone on the Waiting List is housed.

INDEPENDENT STUDENTS: HUD published a final rule implementing a new law that restricts individuals who are seeking **Section 8** assistance and are enrolled at an institution of higher education, and under the age of 24, not a veteran, unmarried and do not have a dependent child from receiving **Section 8** assistance. Such individuals are ineligible and verification of such status or the student is determined independent from his or her parents upon review and the parents are eligible for **Section 8** assistance. An eligible student must not be living with his or her parents who are receiving **Section 8** assistance.

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

- Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate or other program leading to a recognized education credential; “and”
- Is under the age of 24; “and”
- Is not married; “and”
- Is not a veteran of the United States Military; “and”
- Does not have a dependent child; “and”
- Is not living with his or her parents who are receiving Section 8 assistance; and
- Is not a person with disabilities, as such term is defined in 3(b)(3)€ of the United States Housing Act of 1937 (42 USC 1437a(b)(3)€ and was not receiving Section 8 assistance as of November 30, 2005; “and”
- Is not individually eligible to receive Section 8 assistance “or” has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance; and
- Holds a non-citizen student Visa and their non-citizen family members.

Note: Unless the student can demonstrate his or her independence from the parents, the student must be eligible to receive Section 8 assistance **and** the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance.

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, of his or her independence from parents. The student must:

- a. Be of legal contract age under state law;
- b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or** meet the US Department of Education's definition of an independent student;
- c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- d. Obtain a certification of the amount of financial assistance that will be provided by the parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

During the application process, management will appropriately screen applicants and households for eligibility under this final rule. An applicant who is a student and who does not meet the income eligibility requirements or jointly, do not meet the income eligibility requirements for **Section 8** assistance, are not eligible for **Section 8** assistance and will be prohibited from participating in the program. A student under the age of 24 who is not a veteran, unmarried, does not have dependent children and who is currently receiving **Section 8** assistance, if at recertification is determined to be ineligible, will have his or her assistance terminated.

**Students with disabilities receiving Section 8 as of November 30, 2005, are exempt from the Independent Student restrictions on receiving Section 8 rental assistance.

6. PROCEDURES FOR APPLYING FOR HOUSING

Application Procedure: All persons/families interested in applying for housing at **McCann Village** must meet with the following requirements to be "considered for housing." Applications may be picked up at the office of **McCann Village, 1105 E. 12th Street S., Newton, Iowa, 50208**, between the hours of 8:30 am and 4:30 pm, Monday through Friday. Applications may also be downloaded from the website at www.mccannvillage.com. Requests for applications to be mailed may be made in writing to the above address or by calling **641.792.3018** during the business hours listed above. Applications should be returned during business hours in person or via first-class mail. Allowances will be made for persons with disabilities or who live out-of-state. Applications will be date and time stamped and applications will enter the Waiting List in the chronological order of receipt.

The Applicant(s) must:

- List all family members who will reside in the unit.
- Meet certain criminal report standards. A criminal/sex offender registration report will be run on the applicant(s) by the management or contracted criminal report companies. The criminal report will be run on all adult (18 years of age or older) household members applying to live at **McCann Village Apartments** in accordance with **HUD Handbook 4350.3** (including all revisions). Applicant(s) must not have had an eviction for drug-related criminal activity, or display a pattern of abuse of alcohol that would interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, or are subject to a state lifetime sex offender registration program. No family member can have a conviction or adjudication other than acquittal for any sexual offense. **McCann Village Apartments** will also use the website at www.tenantdataservices.com to confirm that applicants and federal housing assistance recipients are not lifetime registered sex offenders. The check will be carried out with respect to Iowa and nationally (please refer to **Screening for Sex Offender Registration**).
- Demonstrate the ability to meet financial obligations in a satisfactory manner, and on time.
- Provide good references from all landlords, both current and previous, listed on the application and in credit bureau files.
- Demonstrate that the applicant has the ability to fulfill the lease requirements (with or without care assistance) where applicable. This includes the ability to pay the rent.
- Maintain satisfactory housekeeping practices that will not jeopardize the health, security or welfare of other residents.
- Provide requested **Declaration of Citizenship** for each household member, as well as social security numbers for every member of the family.

Verification: All of the above information will be verified in accordance with **HUD Regulations and Requirements**, as stated in the **HUD Handbook 4350.3** (including all revisions). Applicants will be required to sign appropriate forms authorizing management to verify all and any factors that affect the applicant's eligibility or the rent that the applicant will pay. **HUD** may release the information to other Federal, State or Local agencies. If the applicant fails to supply all necessary verification forms, information or meet the requests of the application process, or **McCann Village Apartments** cannot obtain verification of specific required information due to illegible forms/applications, the applicant will be rejected (please refer to the **Rejection Procedures** for further information).

Applicant Assistance: In the event the applicant is personally unable to complete the form, the applicant must provide the information to someone assisting in completing the form. The person assisting the applicant must sign and date the application, indicating that it was completed at the direction of the named applicant. ****If the applicant is a person with disabilities, management must consider extenuating circumstances where this would be required as a matter of reasonable accommodation.**

Bed Bugs: **McCann Village** recently adopted a bed bug prevention program. If applicants have had problems with these at their current residence, they **must** advise **McCann Village**

Apartments of this prior to being offered an apartment. **Please Note: This will not prevent the applicant from getting an apartment. However, McCann Village Apartments will not offer the applicant an apartment until he or she participates with any request on behalf of management to ensure all furniture has been properly treated to eliminate the presence of bed bugs. If an applicant has a problem and does not advise McCann Village and brings the problem into the building, the new resident may be in violation of his or her lease agreement/attachments. A resident's failure to report a problem will also be considered a violation of his or her lease agreement.**

7. INTERVIEWS

INITIAL ELIGIBILITY: The application is preliminarily reviewed upon receipt. The initial review will be for application completeness, to make sure that the application is legible and to initially determine if the applicant appears to qualify for the **Section 8/202 Program**. This in no way means that an applicant qualifies or is eligible. Eligibility can be confirmed only after all items which may have any bearing on the rent that the applicant must pay or subsidy he or she may receive is verified: income, assets, family composition, et cetera. The applicant must be determined eligible to be offered housing. Failure to meet for an interview or contact **McCann Village Apartments** will cause the removal of the application from the Waiting List.

FORMAL INTERVIEW: After an application is submitted, if the applicant is determined to be eligible, a formal interview will be scheduled. At the time the applicant is interviewed, all items on the application will be discussed and confirmed, and verification forms will be signed by the applicant authorizing management to verify all of these issues/items. Until all items are verified, eligibility cannot be determined, nor any housing offered. Management must make an attempt to verify all factors with "third party" written verification, as per **HUD Regulations and Procedures**.

ALTERNATE VERIFICATION: In the absence of third-party verification within 14 days after attempting/requesting third-party verification, and no response being received, management will use "Family Certification" to verify items/issues in accordance with the **HUD Handbook 4350.3** (including all revisions).

8. WAITING LIST

WAITING LIST PLACEMENT: Any applicant, who appears to qualify after **McCann Village Apartments** reviews the application, but before any information is formally verified, and for whom a unit is not currently available, will be placed on the Waiting List. All received applications are date and time stamped, and entered onto the Waiting List in the chronological order of receipt. The Waiting List includes identification of the need for units architecturally designed for accessibility. The applicant is informed of the approximate wait for a unit and/or placement position on the Waiting List. It is the applicant's responsibility to report changes on the application to **McCann Village** in a timely fashion.

ELIGIBILITY: Applicants who are placed on the Waiting List are apparently eligible at the time of application, based on local applicable income limits as published annually in the Federal

Register and information provided by the applicant. Verifications of income and other eligibility factors are only conducted at the time the applicant is called in for an interview and prior to move-in. Being placed on the Waiting List does not guarantee that an applicant will be deemed qualified for an apartment, as that determination can only be made after all screening and verification has been completed.

INCOME APPLICATIONS: Any applicant who fails to complete his or her application form in its entirety will result in the disqualification of the application. The application will not be processed.

APPLICANT RESPONSIBILITIES FOR INFORMATION UPDATES: Any applicant on the Waiting List is required to contact **McCann Village Apartments** in writing every twelve (12) months if the applicant decides to remain on the Waiting List. **NO PHONE CALLS.** Failure to do so will result in the removal of the application from the Waiting List. Contact may be initiated by **McCann Village** in the form of a routine letter/postcard, sent to all applicants on the Waiting List, requesting (1) Updated information; (2) Asking if they wish to remain on the Waiting List; and (3) Stating that if the letter is not responded to within fourteen (14) days, their name will be dropped from the Waiting List without further notice.

WAITING LIST STATUS: When the number of names/families on the Waiting List for any particular unit type exceeds the annual apartment turn-over for that size unit, the Waiting List may be closed. Management will advise potential applicants of the closure of the Waiting List and refusal to take additional applications. A notice will be prominently posted in the Management/Rental Office or Reception Area and in a local newspaper, stating the reason the Waiting List is closed and effective date of the closure. When the Waiting List is to be reopened, notice of this will be placed in the same local publication, as well as notifications sent to appropriate social services agencies stating when the Waiting List will be re-opened, as well as times and days the applications will be taken. This is done in accordance with the **Affirmative Fair Housing Marketing Plan (HUD Form 935.2a).**

WAITING LIST DETERMINANTS: The Waiting List may be closed again, to any further applicants, when the average wait for any apartment exceeds one (1) year. This wait is calculated by taking the average number of apartments that turnover monthly x 12 months = annual apartment turnover. Management will advise potential applicants of the closure of the Waiting List and refusal to take additional applications. A notice will be prominently posted in the Management/Rental Office or Reception Area and in a local newspaper, stating the Waiting List is closed and the effective date of the closure.

DEFERRAL OF PROCESSING AN APPLICATION: As an applicant's name approaches the top of the Waiting List, the applicant must proceed with the processing of the application within the required time frame. Any delay will result in the removal of his or her application from the Waiting List. An applicant can only defer the processing of his or her application for up to six (6) months on the basis of a verifiable medical reason. The applicant must contact management in writing during those six months if the medical condition persists. Failure to do so will indicate

that the applicant is no longer interested in housing at **McCann Village Apartments** and will result in the removal of his or her name from the Waiting List without further notice.

REFUSAL OF AN OFFERED APARTMENT: If an applicant on the Waiting List is offered an apartment and refuses the offered apartment (first offer), the application is removed from the Waiting List. The applicant may reapply in the future, at a time that new applications are being taken.

LEASE SIGNING & MOVE-IN: When an applicant is offered an apartment: If the applicant is receiving the same program subsidy, the applicant is given up to thirty (30) days to sign the lease and move into the apartment. If for any reason the applicant is unable to sign the lease and move into the apartment within the allowed time, the application will be dropped from the Waiting List. If the applicant does not move into the apartment after signing the Lease, **McCann Village** management will terminate the housing subsidy.

IN-PLACE RESIDENT HOUSING NEEDS: When a unit becomes available, in-place residents requiring a different apartment (see Transfer Policy), will be housed appropriately before any applicants from the Waiting List. This allows management to accommodate current residents having the greatest housing need prior to applicants on the Waiting List. In this manner, we are able to avoid displacing, through any action, current residents whose housing needs have changed since move-in. If a resident on the In-house Transfer Waiting List is offered an apartment and refuses the offered apartment, the resident is removed from the Transfer Waiting List. The resident may request a transfer in the future.

HARDSHIPS: Applicants who are experiencing hardships due to health or financial reasons will not be moved from their original date on the Waiting List even if proper documentation is received by management.

REMOVAL OF NAMES FROM THE WAITING LIST: Applicant names will be removed from the Waiting List for any of the following reasons:

- a) The applicant no longer meets the eligibility requirements for the property or program;
- b) The applicant fails to contact **McCann Village** in writing every 12 months to indicate his or her interest in retaining his/her placement on the Waiting List;
- c) The applicant fails to respond to a written notice within the required time frame;
- d) The applicant does not comply to the verification process in a timely manner;
- e) The applicant does not provide the required documentation in a timely manner;
The applicant **fails** to sign any and all documents in a timely manner, up to and including the lease;
- f) The applicant is offered an apartment and rejects the offer the first time;
- g) The applicant seeks deferral in the processing of the application for any other reason than a verifiable medical reason;
- h) Mail sent to the applicant's address is returned as undeliverable, unclaimed or not forwarded;

- i) The apartment that is needed – using family size as the basis – changes, and no appropriate size unit exists on the property;
- j) The applicant requests removal from the Waiting List;
- k) The applicant cancels his or her interest and decides not to proceed with the processing of the application.

9. EXTREMELY LOW INCOME (ELI) PROCEDURES

INCOME TARGETING REQUIREMENTS (SECTION 8 UNITS ONLY): If management determines that **McCann Village Apartments'** Waiting List, maintained in standard chronological order, may not (or will not) achieve the admissions necessary to meet the HUD income-targeting requirements, then management must implement procedures that will ensure compliance.

INCOME TARGETING REQUIREMENT PROCEDURE: Management will implement the procedure of alternating between the first extremely low-income (ELI) applicant on the Waiting List and the applicant at the top of the Waiting List, if necessary, to obtain adequate low-income families. To implement this method, management will select the first extremely low income applicant on the Waiting List (which may mean “skipping over” some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the Waiting List (regardless of income level) for the next available unit. As subsequent units become available, resident selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the Waiting List, so that the annual 40 percent target is always reached.

10. ENTERPRISE INCOME VERIFICATION SYSTEM (EIV)

APPLICANTS: HUD provides **McCann Village Apartments** with information about an applicant's current status as a HUD housing assistance recipient. **McCann Village Apartments** will use the Enterprise Income Verification System (EIV) Existing Tenant Search to determine if any applying household members are currently receiving HUD assistance elsewhere, this includes subsidy through the Multifamily Housing Division or Public & Indian Housing (PIH). Management will use this report at the time they are processing an applicant for admission. Management will discuss with the applicant if the report identifies that the applicant or a member of the applicant's household is residing at another location, giving the applicant the opportunity to explain any circumstances relative to his or her being assisted at another location. Management will follow up with the respective Public Housing Authority (PHA) or owner to confirm the individual's program participation status before admission, if necessary and depending on the outcome of the discussion with the applicant. Furthermore, management will retain the search results with the application, along with any documentation obtained as a result of contacts with the applicant and the PHA and/or owner at the other location.

If any applying household members fail to fully and accurately disclose rental history, the application may be denied based on misrepresentation of information.

TENANTS: McCann Village Apartments uses the EIV System to verify employment and income information of tenants receiving HUD rental assistance. Tenants are required to give consent to **McCann Village Apartments** for the release of information by signing the HUD forms 9887 and 9887A each year.

The Income Reports in **Enterprise Income Verification (EIV)** contain the social security numbers (SSNs), full dates of birth, last and first names and physical addresses of tenant families. This is all sensitive information that **MUST NOT** be handled carelessly. Therefore, **McCann Village Apartments** realizes that it must be careful not to share this information with anyone who is not authorized to have it.

Privacy Act of 1974552a (a) Definitions for purposes of this section – (1) the term “agency” means agency as defined in Section 552(f) of this title; (2) the term “individual” means citizen of the United States or an alien lawfully admitted for residence; (3) the term “maintain” includes maintain, collect, use or disseminate; (4) the term “record” means any item, collection or grouping of information.

EIV DATA may only be disclosed to:

- Management Agents
- Private Owners
- Service Bureaus
- Contract Administrators
- HUD Staff
- HUD Office of Inspector General (OIG) for investigative purposes
- Individual to whom the record pertains

EIV UNAUTHORIZED DISCLOSURE

- Must not disclose data in any way that would violate the privacy of the individuals
- **EIV Data** must not be disclosed (or re-disclosed) to any third parties

SANCTIONS

- Willful disclosure or inspection of **EIV Data** can result in civil and criminal penalties

Unauthorized Disclosure -- felony conviction and fine up to \$5000.00 or imprisonment up to five (5) years, as well as civil damages.

Unauthorized Inspection – misdemeanor penalty of up to \$1000.00 and/or one (1) year imprisonment, as well as civil damages.

11. REJECTIONS

Applicants may be rejected if they:

1. Are ineligible based on financial prerequisites or because they are not members of a group McCann Village is designed to serve.
2. Fail to meet McCann Village's Tenant Selection Criteria
3. Are unable to disclose and document social security numbers or execute a certification when numbers have not been assigned.
4. Fail to meet HUD's criteria.
5. Fail to allow a HUD-required criminal background history check in the state where McCann Village is located and where the applicant has been known to reside.

Some examples of the rejections listed above are as follows:

1. McCann Village is an "elderly" apartment community and the applicant is not 62 years of age or older or the applicant is under 62 years of age and is not mobility impaired.
2. The family income (using the HUD definition of income) is over the applicable income limits published by HUD.
3. Negative references from current and previous landlords.
4. Submission of false or untrue information on the application, or failure to cooperate in the verification process.
5. The household size, including live-in aides, is not appropriate for the size of the apartment.
6. Failure to sign designated forms or documents upon request.
7. The applicant has a pet that does not conform to management or HUD rules and regulations. Assistance animals are not considered pets.
8. This not the applicant's only residence.
9. The applicant is not capable of fulfilling the lease agreement, with or without assistance.
10. The applicant has a history of non-payment of rent or of being evicted for non-payment.
11. Any one conviction of a felony.
12. Any conviction for the use, distribution or manufacturing of, any controlled substance.
13. Any household in which any member currently engaged in illegal use of drugs for which McCann Village has a reasonable cause to believe that an applicant's or household 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.
14. Any household containing member(s) who have been evicted in the last three years from federally assisted housing for drug-related criminal activity.
15. Any household member who is subject to a state sex offender lifetime registration requirement in any state of the United States.
16. Any household member, if there is reasonable cause to believe that a 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. Screenings will be based on behavior, not the condition of alcoholism or alcohol abuse.
17. Anyone whose tenancy would constitute a threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others, or whose tenancy would interfere with their peaceful enjoyment of the premises.

18. Failure to submit certificate of proof of “preference status” upon request.
19. The applicant cannot pay the security deposit at move-in. It is important to remember that the applicant has rights during the entire process, and is to always be treated courteously and fairly. All criteria are to be applied equally to all applicants.

When Management rejects an applicant, the *applicant will be notified of this decision in writing*. This written statement, which will be sent in a timely fashion, will include the reason(s) for the rejection, and will state that the applicant has the opportunity to request a meeting with management representatives to discuss the rejection. The applicant will be further instructed to request the meeting within fourteen (14) days of the date of the rejection letter.

If the applicant wants to request a meeting, the applicant’s written request must be sent to McCann Village within 14 days of the application’s receipt of the rejection notice. The requested meeting will be held by management within a reasonable period of time (usually 5 to 7 days) and is to be held by a “disinterested” third party. After the meeting, the applicant is notified in writing within 5 calendar days whether or not the original decision has been changed. All of this material (original application, rejection letter, applicant’s request for a meeting and final determination) must be kept for three years, confidentially, in the files.

McCann Village does not allow for extenuating circumstances.

Section 504 of the Rehabilitation Act of 1973 prohibits McCann Village from discriminating against any applicant based on disability in any program or activity receiving federal financial assistance. The Fair Housing Act prohibits discrimination in housing and housing related transactions based on color, race, religion, sex, national origin, disability and familial status. It applies to housing, regardless of the presence of financial federal assistance from HUD. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

12. UNIT SIZE STANDARDS & GUIDELINES

OCCUPANCY STANDARDS: **McCann Village** has only one bedroom, one bathroom units. A minimum of one person is allowed for a one bedroom unit; maximum of two persons are allowed for a one-bedroom unit.

WHEN ASSIGNING UNITS: Every family member listed on the 50059 or application is counted. Live-in attendants or foster children are counted when determining bedroom size. Children who live in the unit 50 percent of the time may be counted. Children away at school, who live with the family during school recesses, may be counted. Management will not count children who are away at school and who have established residency at another address or location as evidenced by a lease agreement or other proof.

Minimum of one person per bedroom; maximum of two persons per bedroom.

APARTMENT CHANGE REQUESTS: Nine (9) units at **McCann Village** have been architecturally altered for accessibility for persons with mobility impairment disabilities. To obtain a priority for these units, someone in the family must qualify as “needing” the architecturally altered features to apply for or live in these units. This need must be verified with a medical practitioner. Units that have been altered in any way for a disabled person will be rented whenever possible to a family or individual needing that specific unit type, or the architectural features present in that unit. In all instances, “accessible” units shall be rented to a family or family with a member needing that type of unit. Due to the program type, these apartments are the only apartments younger, disabled applicants are eligible to apply for.

In the unlikely event that no applicant or family can be found that requires an accessible unit type, a non-disabled elderly applicant or family can be housed there.

13. TRANSFER POLICY

IN-HOUSE TRANSFERS: Management will approve all in-house transfers, in the following situations only:

- a) A **verifiable medical reason** requiring a different apartment or accessible unit, including the need for a 24-hour, live-in care attendant (this will be verified with a medical practitioner).
- b) Transfer from apartment due to renovation of previous apartment.
- c) A household that is living in a mobility-impaired apartment and does not require the features of that unit.
- d) **VAWA** request.

REASONABLE ACCOMMODATION: Requests for transfers that are based on a need for a reasonable accommodation will be provided priority over other requests. Transfers will be provided to persons who have a **medical or other verified need**, because of a disability, in the chronological order of requests received. All other transfers will be provided after requests for reasonable accommodations and will occur in chronological order by the date the request was received.

14. DEFINITIONS

ELDERLY FAMILY: An elderly family includes, but is not limited to:

- a) Families of one or more persons, the head of which is 62 years of age or older;
- b) The surviving member of a family described in paragraph (1) living in a unit assisted under subpart E of this part (Section 202) with the now deceased member of the family at the time of his or her death;
- c) A single person who is 62 years of age or older; or
- d) Two elderly persons living together or one or more such persons living with another person who is determined by HUD, based upon a licensed physician’s certificate provided by the family, to be essential to their care of well-being.

DISABLED FAMILY: A disabled family includes, but is not limited to:

- a) Families of one or more persons the head of which is a person with a mobility disability;
- b) The surviving member or members of any family described in paragraph (1) of this definition of living in a unit assisted under subpart E of this part (Section 202) with the deceased member of the family at the time of his or her death;
- c) A single person with mobility disabilities over the age of 18; or
- d) Two or more persons with mobility disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

PERSON WITH DISABILITIES: Such a person has a mobility disability, as defined under Section 8 statute:

- 1) A person with a mobility impairment that is expected to be of a long, continued and indefinite duration.

NON-ELDERLY MOBILITY IMPAIRED FAMILY: A non-elderly mobility impaired family means a family in which the head of the household is less than 62 years of age and mobility impaired at the time of the family's initial occupancy of a project.

PROJECT ELIGIBLE NON-ELDERLY DISABLED (MOBILITY IMPAIRED) FAMILY: A non-elderly disabled family means a family in which the head of the family (and partner, if any) is less than 62 years of age at the time of the families initial occupancy of a project.

INDEPENDENT STUDENT ELIGIBILITY: Determining the eligibility of students who are head or co-heads of household:

- a) The individual must be of legal contract age under State law;
- b) The individual must have established a household separate from parents or legal guardians for at least one year prior to the application for occupancy or the individual meets the US Department of Education's definition as an independent student;
- c) The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations;
- d) The individual must obtain a certificate of the amount of financial assistance that will be provided by parents, guardians or others signed by the individual providing the support. This certification is required even if no assistance will be provided. The financial assistance provided by persons not living in the unit is part of annual income that must be verified to determine eligibility and at annual recertification to determine rent.

INDEPENDENT STUDENT: To be classified as an independent student for Title IV aid, a student must meet one or more of the following criteria:

- a) Be at least 24 years of age by December 31 of the award year for which the aid is sought;
- b) Be an orphan or a ward of the court through the age of 18;
- c) Be a veteran of the U.S. Armed Forces

- d) Have legal dependents other than a partner (for example, dependent children or an elderly dependent parent);
- e) Be a graduate or professional student;
- f) Is not living with his or her parents who are receiving Section 8 assistance; or
- g) Be married.

No assistance shall be provided under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who:

- a) 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));
- b) Is under 24 years of age;
- c) Is not a veteran;
- d) Is unmarried;
- e) Does not have a dependent child;
- f) Is not otherwise individually eligible, or has
- g) Is not living with his/her parents who are receiving Section 8 assistance; and
- h) Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such Section 8 as of November 30, 2005.

****Students with mobility disabilities receiving Section 8, as of November 30, 2005, are exempt from the Independent Student restrictions on receiving Section 8 rental assistance.**

For purposes of determining the eligibility of a person to receive assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

Please refer to Appendix A of FR-5036-N-02 for further definitions pertaining to Independent Students and applicable eligibility.

LIVE-IN CARE ATTENDANT (AIDE): A person who resides with one or more elderly persons, near-elderly persons or persons with mobility 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 unit except to provide the necessary supportive services. (24 CFR 5.403)

A relative but not a spouse or partner may be a **Live-In Aide**, but must meet all the above requirements, and sign a statement to that effect. **McCann Village Apartments** will verify the need of the resident for a full-time, live-in aide with a physician or recognized health care professional. The sole purpose of a **Live-In Aide** is to provide the tenant with support services

and will not qualify for continued occupancy in the event the tenant vacates the unit. **McCann Village Apartments** may re-verify the need for a **Live-In Aide** when necessary.

The screening of **Live-In Aides** at initial occupancy and the screening of persons or **Live-In Aides** to be added to the tenant household after initial occupancy involve identical screening activities as applicants. **Live-In Aides** must be screened for drug abuse and other criminal activity, including lifetime registration as a sex offender, by applying the same criteria established for screening other applicants. Owner-established screening criteria must also be applied to **Live-In Attendants**.

To qualify as a **Live-In Aide**:

- a) The Owner must verify the need for a **Live-In Aide**. Verification should state that the **Live-In Aide** is needed to provide the necessary supportive services essential to the care and well-being of the person and must be obtained from the person's physician, psychiatrist or other medical practitioner or health care provider. Management will approve a **Live-In Aide** if needed as a reasonable accommodation in accordance with 24 CFR Part 8 to make the program accessible to and usable by the disabled person.
- b) Expenses for services provided by the **Live-In Aide**, such as nursing services (dispensing of medications or providing other medical needs) and personal care (such as bathing or dressing), that are out-of-pocket expenses for the tenant and where the tenant is not reimbursed for the expenses from other sources, are considered as eligible medical expenses. Homemaker services, such as housekeeping and meal preparation are not eligible medical expenses.
- c) Qualifies for occupancy only as long as the individual needing supportive services requires the aide's services and remains a tenant. The **Live-In Aide** will not qualify for continued occupancy as a remaining family member.
- d) Income of a **Live-In Aide** is excluded from annual income.
- e) An adult child is eligible to move into a **Section 202/8** project after initial occupancy only if they are essential to the care and well-being of the elderly parent(s). The adult child may be considered a live-in aide if all the requirements in the opening paragraph listed above apply and there is a verified need for a live-in aide.

ANNUAL INCOME: All amounts, monetary or not, which:

- a) Go to, or on behalf of, the family head or partner (or co-head) (even if temporarily absent) or to any other family member; or
- b) Are anticipated to be received from a source outside of the family during the 12-month period following admission or annual re-examination effective date; and
- c) Which are not specifically excluded (by regulation).

Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access. (24 CFR 5.609)

EXTREMELY LOW INCOME FAMILY: A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and

larger families, except that HUD may establish some ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes. (24 CFR 5.603)

VERY LOW INCOME FAMILY: A very low-income family is a family whose annual income does not exceed 50 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families. (24 CFR 5.603)

LOW INCOME FAMILY: A low-income family is a family whose annual income does not exceed 80 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families. (24 CFR 5.603)

15. PROOF OF CITIZENSHIP OR ELIGIBLE NON-CITIZEN STATUS

All family members, regardless of age, are requested to declare their citizenship or immigration status. U.S. citizens are requested to sign a Declaration of Citizenship document at the time of application. For U.S. citizens or U.S. Nationals, the evidence consists of a signed declaration of U.S. Citizenship or U.S. Nationality. Management will obtain verification of the declaration by requesting presentation of a U.S. Passport, U.S. birth certificate, employment authorization card or other appropriate documentation as provided by Section 214. For non-citizens under the age of 62, adequate evidence consists of a signed declaration of eligible immigration status, and one of the Section 214 eligible documents. For noncitizens under the age of 62, **McCann Village Apartments** is required to verify with the **Department of Homeland Security (DHS)** the validity of documents provided by applicants. Applicants who hold a noncitizen Visa are ineligible for assistance, as are any noncitizen family members living with a student.

Applicants must submit required documentation of citizenship/immigration status no later than the date the owner initiates verification of other eligibility factors. Because of the prohibition against delaying assistance to obtain verification of citizenship/immigration status, owners are advised to implement procedures to verify eligible immigration status in advance of other verification efforts.

Assistance in subsidized housing is restricted to the following:

- U.S. Citizens or Nationals; and
- Noncitizens who have eligible immigration status as determined by **HUD**

A mixed family – a family with one or more ineligible family members and one or more eligible family members – may receive pro-rated assistance, continued assistance or a temporary deferral of termination of assistance.

Spouses and children who are citizens may receive assistance. For example, a family that includes a noncitizen student married to a US Citizen is a mixed family.

Management may deny assistance to an applicant if the applicant submits evidence of citizenship and eligible immigration status on a timely basis, but **DHS** primary and secondary documentation does not verify eligible immigration status of a family member and the family does not pursue a **DHS** appeal or informal hearing rights, or the family pursues the **DHS** appeal but the final ruling is against the family member. Management will inform the applicant or family of this ruling and the family will have 30 days from the date of the management's notification to request an appeal of the **DHS** results. The family must make the request in writing directly to **DHS** and must provide management with a copy of the written request and proof of mailing.

If the applicant cannot supply the documentation within the specified timeframe, management may grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. Although the extension period may not exceed 30 days, management may establish a shorter extension period based on the circumstances of the individual case.

Management must inform the applicant in writing if an extension request is granted or denied. If the request is granted, management will include the new deadline for submitting the documentation. If the request is denied, management will state the reasons for the denial in the written response.

16. PROOF OF SOCIAL SECURITY NUMBERS

All applicant and tenant household members must disclose and provide verification of the complete and accurate social security number (SSN) assigned to them unless an individual meets an exception. Exceptions to disclose social security numbers are those individuals who do not contend eligible immigration status or tenants who were age 62 or older as of January 31, 2010, and whose initial determination of eligibility began before January 31, 2010. Failure to disclose and provide documentation and verification of SSNs will result in an applicant not being admitted or a tenant household's tenancy being terminated.

For new additions to a household, including a child or live-in aide, the participant must submit the new member's SSN at the time of request for assistance or at the time of processing the interim recertification of family composition.

- 1) Age Six or Older – When a tenant requests to add a household member who is age six or older, the documentation of the SSN for the new household member must be provided to the management at the time of the request or at the time of the recertification that includes the new household member is processed. Management must not add the new household member until such time as the documentation is provided.
- 2) Child Under the Age of Six:
 - a) With a SSN – When adding a household member who is a child under the age of six with a SSN, the child's SSN must be disclosed and verification provided at the time of

processing the recertification of family composition that includes the new household member.

- b) Without a SSN – If the child does not have a SSN, management must give the household 90 days in which to provide documentation of a SSN for the child. An additional 90-day period **must** be granted by management if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the tenant. Examples include, but are not limited to: delayed processing of the SSN application by the SSA; natural disaster; fire; death in the family, et cetera. During this time period, the child is to be included as part of the household and will receive all the benefits of the program in which the tenant is involved, including the dependent deduction.

A TRACS ID will be assigned to the child until the documentation of the SSN required is provided. At the time of the disclosure of the SSN, an interim recertification must be processed changing the child’s TRACS ID to the child’s verified SSN.

Applicants do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waiting list. However, applicants must disclose and provide verification of a SSN for all non-exempt household members before they can be housed.

When an applicant has a SSN, but does not have the required documentation, the applicant must submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided. Please note that until such time that the applicant and/or household can provide proof of SSN for all household members (unless an exception applies), the household is ineligible from receiving subsidy assistance.

If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit. The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at his or her discretion, retain his or her place on the Waiting List. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the Waiting List.

Individuals who have applied for legalization under the **Immigration and Reform Control Act of 1986** will be able to disclose the social security numbers, but unable to supply the cards for documentation. Social security numbers are assigned to these persons when they apply for amnesty. The cards go to the **Department of Homeland Security (DHS)** until the persons are granted temporary lawful resident status. Until that time, their acceptable documentation is a letter from the **DHS** indicating social security numbers have been assigned.

The SSN requirements do not apply to:

- a) Individuals who do not contend eligible immigration status:

Mixed Families: For projects where the restriction on assistance to noncitizens applies and where individuals are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In these instances, management will have the tenant's Citizenship Declaration on file whereby the individual did not contend eligible immigration status to support the individual not being subject to the requirements to disclose and provide verification of a SSN.

- b) Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.

When determining the eligibility of an individual who meets the exception requirements for SSN disclosure and verification, management will obtain documentation where the initial determination of eligibility was determined prior to January 31, 2010, that verifies the applicant's exemption status. This documentation must be retained in the tenant file.

Management must not accept a certification from the applicant stating he or she qualifies for the exemption.

17. VICTIMS OF DOMESTIC VIOLENCE

The Violence Against Women Reauthorization Act of 2013 (VAWA) protections apply to families (adults and children) applying for or receiving rental assistance payments and/or support through a number of HUD programs. The law protects victims of domestic violence, dating violence, sexual assault or stalking, as well as their affiliated family members generally, from being evicted or being denied housing assistance if the eviction or denial is based upon an incidence of violence that is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence, sexual assault or stalking that does not qualify as 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, sexual assault or stalking is not grounds for terminating the victim's tenancy. **McCann Village** 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.

McCann Village requires all residents sign the VAWA lease addendum, form HUD-91067, when they move in.

The 2013 VAWA Act required **HUD** to adopt a model emergency transfer plan to be used by **McCann Village**. The model plan must allow a victim (tenant) to transfer to another available and safe home under one of the **HUD** programs and must have reasonable confidentiality measures. If the tenant is unable to establish eligibility, **McCann Village** must provide the tenant with a reasonable amount of time to find new housing or establish eligibility under a different housing program. The plan must allow tenants who are victims of domestic violence, dating violence, sexual assault or stalking, to transfer to another available and safe dwelling under a covered housing program and must incorporate reasonable confidentiality measures.

The tenant can be granted a transfer only if the tenant requests one and either reasonably believes he or she is threatened with imminent harm from further violence if he or she remains in the unit or, if the tenant is a victim of assault that occurred on the premises during the 90-day period before the transfer request. Transfers are subject to the availability of other assisted housing and to all other **HUD** requirements being met.

McCann Village will provide tenants the option to complete the Certification of Domestic Violence, Dating Violence or Stalking, HUD Form 91066. The certification form may be made available to all eligible families at the time of admission or in the event of a termination or start of an eviction for cause proceeding, the certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) business days. McCann Village may extend this time period its discretion.

In lieu of the certification form or in addition to it, McCann Village will accept:

- a) A federal, state, tribal, territorial or local police record or court record; or
- b) Documentation signed by an employee, agent, volunteer of a victim service provider, an attorney or 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 under 28 USC 1746 to the professional's belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation. However, McCann Village is not required to demand that the applicant or tenant produce official documentation or physical proof of an individual's status as a victim of domestic abuse, dating violence or stalking in order to receive the protections of the VAWA. McCann Village may elect to provide assistance to the victim based solely on his or statement or other corroborating evidence. McCann Village will carefully evaluate abuse claims to avoid conducting an eviction based on false or unsubstantiated accusations.

McCann Village will be mindful that the delivery of the certification form to the victim via mail may place him or her at risk (e.g., the abuser monitors all the mail). Therefore, in order to mitigate risks, McCann Village will work with the victim in making acceptable delivery arrangements, such as inviting the tenant into the office to pick up the certification form or make other discreet arrangements.

The identity of the victim and all information provided to McCann Village relating to the domestic violence, dating violence or stalking must be retained in confidence by McCann Village and must not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is:

- a) Requested or consented to by the victim in writing;
- b) Required for use in an eviction proceeding; or
- c) Otherwise required by applicable law.

The HUD-approved certification form provides notice to the victim of the confidentiality of the form and limits thereof.

McCann Village will retain all documentation relating to the victim's domestic violence, dating violence or stalking in a separate file that is kept in a separate, secure location from the other tenant files.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or partner, by a person similarly situated to a spouse or partner of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 of the jurisdiction.

Dating Violence means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) 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; and the frequency of interaction between the persons involved in the relationship.

Sexual Assault means any nonconsensual sexual act proscribed by Federal, tribal or state law, including when the victim lacks capacity of consent.

Stalking means (A) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate; or to place under surveillance with the intent to kill, injure, harass or intimidate another person; and (B) 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.

Affiliated Family Member means, with respect to a person: (A) a spouse, partner, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any individual, tenant or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law so that the abusive tenant can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

18. SCREENING/REJECTION CRITERIA

All applicants 18 years of age or older in a household will be screened for rental history and criminal history, and general program eligibility prior to residency. This includes police officers or security personnel living on-site. The screening of live-in aides at initial occupancy, and the screening of persons or live-in aides will be added to the tenant household after initial

occupancy involves the same screening activities. Both live-in aides and new additions to the tenant household will be screened for drug abuse and other criminal history. An application may be rejected for any one of the following reasons:

- a) The applicant/family is not elderly;
- b) The applicant/family is not physically disabled (accessible apartments only);
- c) Submission of false, incomplete or inaccurate information on the application, or failure to cooperate in the verification process;
- d) The applicant has a history of unacceptable or unsatisfactory credit or criminal history as reported by a credit agency or other organization. This includes registration as a Sexual Offender. (Please see **Credit & Criminal Screening Criteria** for more information);
- e) Negative reference from current or previous landlord, including but not limited to, late rent, non-sufficient funds (NSF) checks, lease violations, evictions, et cetera;
- f) The household (including a **live-in aide**) size is not appropriate for a specific apartment; (Please refer to **Apartment Size Standards and Guidelines.**);
- g) Failure to sign designated or required forms;
- h) Failure to provide required documentation in a timely manner;
- i) The applicant cannot pay the appropriate security deposit at move-in;
- j) The applicant will be maintaining a separate 2nd residence and/or legal address;
- k) The applicant has been offered a housing apartment and has refused to take the apartment offered;
- l) The applicant is not a Citizen, National or eligible non-Citizen (as defined by HUD), and is unable to pay market rent;
- m) The applicant is not capable of fulfilling the lease agreement, with or without assistance;
- n) The applicant has a criminal history (as defined in **Criminal or Drug-Related Activity**);
- o) The applicant cannot show (by HUD formula) a need for subsidy assistance, where applicable, or the household income exceeds the **HUD** limits; and/or
- p) The applicant is unable to provide proof of social security numbers, as required by HUD and management policy.

19. CRIMINAL OR DRUG-RELATED ACTIVITY

Upon move-in, tenants sign leases requiring them to accept responsibility for the actions of individual household members, their guests or other persons on the premises with their consent. No tenant or member of the tenant's family or household, guest or other person visiting a tenant may engage in criminal activity on or near the apartment complex. This criminal activity includes drug-related criminal activity, other criminal activity or drug and alcohol abuse that threatens the health and safety of the tenants and staff or hinders the peaceful enjoyment of the housing premises. "**Drug-related criminal activity**" means the illegal manufacture, sale, distribution and/or use of a controlled substance (as defined in **Section 102 of the Controlled Substance Act**).

- a) No tenant or member of the tenant's household or family, or any guest or other person shall engage in any act intended to facilitate criminal activity, drug-related activity on or near the apartment complex;

- b) No tenant, or member of the tenant's household or family, or any guest or other person shall permit the dwelling unit to be used for, or to facilitate, criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, family or a guest;
- c) No tenant, or member of the tenant's household or family, or any guest or other person shall engage in the manufacture, sale or distribution of illegal drugs on or near the apartment complex or project site;
- d) No tenant, or member of the tenant's household or family, or any guest or other person shall engage in acts of violence, including but not limited to, the unlawful discharge of firearms and/or weapons on or near the apartment complex.

Violation of the above provisions shall be a **material noncompliance violation of the lease** and good cause for immediate termination of the lease. A single violation of any of these provisions shall be deemed a serious violation and material noncompliance of the lease. **It is understood and agreed that a single violation shall be good cause for immediate termination of the lease.** Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

20. RENTAL, CREDIT & CRIMINAL SCREENING CRITERIA

A. Rental Approval:

1. If a prior landlord reported the applicant(s) damaged property or had lease violations, the applicant can be denied. This includes lease violations, disturbing the peace, harassment, poor housekeeping habits, improper conduct or other negative reference against the household.
2. Any eviction is automatically grounds for denial. This includes any household members who have been evicted from Federally-assisted housing for drug-related criminal activity. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, management will review on a case-by-case basis. Individuals whose applications are denied because of eviction may appeal the denial.
3. Management may accept a rental history of no more than two (2) late payments of rent in a six (6) month period, with verification of all charges paid and no more than two (2) NSF checks in a one (1) year period. Anything beyond this specification can be grounds for denial.
4. Any evidence of illegal activity including drugs, gangs, weaponry, et cetera, will be grounds for denial.
5. Grossly unsanitary or hazardous housekeeping habits can be grounds for denial.

6. Any debt balance owing to a prior management company or housing complex will need to be paid prior to move-in.
7. Lack of rental history is not grounds for denial.

B. Credit Approval:

1. A credit report shall be obtained for each applicant for admission.
 - i. An applicant with a FICO score of 500 and over will be approved.
 - ii. An applicant with a FICO score below 500 may be approved on the following conditions: a) the FICO report shows no prior rent delinquencies.
 - iii. An applicant with a FICO score of 500 and lower will be declined.
2. Notwithstanding an applicant's credit score:
 - i. If the credit report shows that the applicant was delinquent in payment of rent during a prior occupancy, the applicant may be requested to explain the delinquency and to provide documentation that payment was made. Failure to provide a satisfactory explanation or evidence of payment made may be grounds for denial.
 - ii. Any other item(s) that appear on the credit report that reflect negatively on the applicant will be reviewed and a decision will be made based on date, source and nature of the action.

C. Criminal Background Check:

Any conviction for illegal drug use, manufacture or distribution or a controlled illegal substance which would pose a direct threat to the health, safety and well-being of the property, staff and/or residents is grounds for denial.

Any conviction for any crime of violence, fraud, theft or other crime which establishes that the applicant's tendency might constitute a direct threat to the health or safety of other individuals or result in the substantial physical damage to the property of others is grounds for denial.

Any conviction for any activity concerning sexual abuse or assault is grounds for denial. This includes, but is not limited to, any member of the household who is subject to a registration requirement under a nationwide sex offender registration program. (Please refer to "**Screening for Sex Offender Registration**").

Any household member who is currently engaging in illegal drug use is grounds for denial. This can include a pattern of illegal drug use that may interfere with the health, safety or right to peaceful enjoyment of the premises by other tenants.

Any household member who has a pattern of alcohol or prescription drug abuse that may interfere with the health, safety or right to peaceful enjoyment of the premises by other tenants is grounds for denial.

D. Screening for Sex Offender Registration

1. Pursuant to 24 CFR SS 5.856 and SS 5.905, **McCann Village Apartments** must perform criminal background checks during the application stage to determine if an applicant or a member of an applicant's household is subject to a lifetime registration requirement under any State sex offender registration program. Criminal background checks must be performed in all 50 States. Failure to accurately respond to any question during the application process is cause to deny the family admission.
2. If the processes described above reveal an applicant's household includes an individual subject to any State lifetime sex offender registration, **McCann Village Apartments** will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, **McCann Village Apartments** will deny admission to the family.
3. If **McCann Village Apartments** discovers that a household member was erroneously admitted (the household member was subject to a lifetime sex offender registration requirement in any of the 50 States at admission and was admitted after June 25, 2001), **McCann Village Apartments** must immediately pursue eviction or termination of assistance for the household member.

NOTE: All applicants in a household will be processed as one approval or denial for an apartment. If any one of the applicants has negative rental history, negative credit history or negative criminal history, all applicants will be denied.

Appendix I

McCann Village Apartments

Section 504 Compliance Policy on Reasonable Accommodation

McCann Village Apartments is an equal opportunity housing provider and does not discriminate against applicants, tenants and any other members of our disabled community.

It is the policy of **McCann Village Apartments** to provide reasonable accommodations to residents whose disability requires a change or exception to our usual policies and/or procedures. Such accommodations are made to enable the tenant to fully use and enjoy his or her apartment and all public spaces of **McCann Village Apartments**. The same policy applies to all tenants who request and document/certify the need for requested structural modifications.

The procedure for tenants to request a reasonable accommodation/modification is as follows:

1. The tenant submits a request to **McCann Village Apartments** stating the reasonable accommodation needed and being requested.
2. If the tenant's disability status and/or need for requested accommodation is not readily apparent, the tenant will be requested to sign the appropriate third-party verification forms that management will mail to the verifier identified by the tenant as a third-party professional who is knowledgeable about the tenant's disability related needs.
3. If verification occurs when the verification form is returned from the third party professional, management will notify the tenant in writing of the determination concerning the request.
4. The tenant may be asked to complete additional forms necessary to implement the accommodation. For example, if the tenant is requesting an assistance or service animal, he or she will need to sign the lease addendum form that describes the responsibilities of maintaining an animal on this property.
5. If the tenant requires the services of a live-in aide, both the tenant and the caregiver are required to sign a Live-in Aide Agreement.
6. If the request for an accommodation is to be denied, a representative of management will meet with the tenant explaining the reason for the denial. Alternate means of meeting with the tenant's needs will be explored.

A request for a reasonable accommodation and/or structural modification may be denied if the reasonable accommodation places an undue administrative and financial burden on **McCann Village Apartments**.

Appendix II
McCann Village Apartments
Presidential Disaster Declaration

A Presidential Declared Disaster (PDD) is defined as a “major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.). FEMA recommends that the President declare a major disaster or emergency and coordinates all relief efforts.”

All HUD-related properties in a PDD area may not be impacted. The number of properties that require special disaster assistance due to a PDD will be in addition to normal servicing of the regular portfolio.

Appendix III
McCann Village Apartments
Business Relationship

The relationship between a landlord and resident is a business relationship. A courteous and businesslike attitude is required from both parties. We reserve the right to refuse rental to anyone who is verbally abusive, swears, is disrespectful, makes threats, makes discriminatory comments, appears to have been drinking or taking drugs, is argumentative or in general displays an attitude at the time of the unit showing and application process that causes management to believe we would not have a positive business relationship. If any applicant or any member of the applicant household/family demonstrates unprofessional behavior, such as yelling or using profanity in the presence of the management team, the applicant will be denied. If the applicant or any member of the applicant’s family exhibits threatening behavior, appears intoxicated or attempts to intimidate the staff, the applicant, the applicant’s family and other members of the applicant’s entourage will be required to leave the property and the applicant will be denied.

Appendix IV

McCann Village Apartments

Abandonment of the Unit

Management will consider a unit abandoned if management has not received notification of any extended absence and management believes the unit has been unoccupied for thirty (30) or more consecutive days. At this time management will take appropriate action to recover possession of the abandoned unit, in accordance with state and local laws.

If management considers an apartment to be abandoned, management will enter the apartment to conduct an emergency inspection. Management subsequently will attempt to notify the resident in writing that it considers the apartment abandoned. The notice will be sent via certified mail to the apartment's site address.

If the resident does not respond to the management's written notice within fifteen (15) days of the date of the notice, management reserves the right to reclaim the apartment and pursue any appropriate legal action, including but not limited to, instituting eviction proceedings.