

TENANT SELECTION PLAN

deFreese

Manor

November 2018



PROJECT PREFACE

Kountze Memorial, Inc. is a Nebraska based non-profit corporation. It owns and operates **deFreese Manor**, an apartment housing facility consisting of 50 units located in Omaha, Nebraska. The purpose of this housing is to provide housing for extremely low and very low income elderly and disabled individuals and families through the **Department of Housing and Urban Development's Section 202/8 program**.

GENERAL INFORMATION

Residency is open to all qualified eligible persons in accordance with the **Fair Housing Act** 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** which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from **HUD**. Also, **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**. Finally, the **HUD Equal Access Rule H2015-06** ensures housing is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity or marital status. **deFreese Manor** does not discriminate based upon age for any reason, excluding **HUD** program/project requirements.

deFreese Manor will make "reasonable accommodations" to individuals whose disabilities so require in accordance with **HUD** regulations and management policies. This includes the application process and residency period. For more information please refer to management's **Section 504 policy**.

A person, in order to be a tenant at **deFreese Manor**, must be capable of fulfilling the lease requirements. This means that the applicant must be able to meet all of his/her personal needs and be able to fulfill the lease obligations with or without assistance. **deFreese Manor** does not provide, nor has the authority to provide, any care or supervision services, does not accept or retain tenants who demonstrate any level of need for care and supervision services that cannot be provided by the tenant or aides supervised by the tenant, and does not promise or make available in the future any assistance with personal activities of daily living. **Management** will be happy to provide any applicant or tenant with a list of outside "providers" who deliver these services in the community.

All potentially 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**.

The local "**Section 8**" **Income Limits** apply to this property and applicants must meet specific income restrictions to be eligible for housing.

deFreese Manor reserves the right to alter their Tenant Selection Plan at any time. In such an event, management will provide applicants with ample notice.

PREFERENCES

deFreese Manor 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.

ADMISSIONS

Applicants will be considered on a first-received, first-reviewed basis, based on the date that the completed and signed application is received by management of **deFreese Manor**. Admission to

deFreese Manor is limited to those applicants whose income meets the "**Section 8 Very Low Income Limits** for this area.

40% of the **Section 8** units that turnover in a year, and are rented to applicants on the Waiting List, must be made available to applicants who meet the "extremely low" income (30% of median) limits. This is accomplished by renting every other available unit to an extremely low applicant/family, beginning with an extremely low applicant/family each year (please refer to **ELI Procedures** for more information).

To live at **deFreese Manor** an applicant must be:

- An eligible elderly individual or family (See **Definitions**); or
- An eligible disabled (handicapped) individual or family 18 years of age or older (See **Definitions**).

deFreese Manor will first assign units to in-place tenants who have a demonstrated need for a change in housing before offering units to an applicant on the Waiting List. This will be done in chronological order, based on the date of the notification of the site management of the new "Need." All current, in place tenants whose needs have changed will be housed and/or transferred before anyone on the Waiting List is housed.

PROCEDURES FOR APPLYING FOR HOUSING

All persons/families interested in applying for housing at **deFreese Manor** must comply with the following requirements to be "considered for housing"

- Applications may be picked up during the business hours Monday through Friday or requested via mail. Completed applicants may be returned during business hours in person. Allowances will be made for persons with mobility impairments or who live out-of-state.
- Applicant must list all family members who will reside in the unit.
- Applicant(s) must meet certain criminal report standards. A criminal report will be run on the applicant(s) by the **management** company.
- Show ability to meet financial obligations in a satisfactory manner, and on time.
- Provide good/acceptable references from all landlords, both current and previous, listed on the application and in credit bureau files.
- Show that the applicant has the ability to fulfill all the lease requirements (with or without care assistance) where applicable.
- Satisfactory housekeeping habits that will not jeopardize the health, security or welfare of other residents.
- Provide proof of citizenship for household members as well as social security numbers for all members of the family.

All of this information will be verified in accordance with program regulations and requirements. Applicants will be required to sign appropriate forms authorizing **management** to verify any and all factors that affect the applicant's eligibility or the rent that the applicant will pay. All of this information may be released by **HUD** to other Federal, State and Local Agencies.

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.

INTERVIEWS

When the applicant completes the original application, he/she will mail or deliver the completed application during regular business hours to the facility office. 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 may pay or subsidy, He/she may receive are verified: income, assets, family composition, etc. The applicant must be determined eligible to be offered housing.

As an applicant's name approaches the top of the Waiting List, or when an applicant is being offered housing, a formal interview will be scheduled. At that 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, per **HUD Regulations and Procedures**. In the absence of third party verification within 14 days after attempting third party verification, and no response being received, **management** will use "Review of Documents" to verify items/issues in accordance with the **HUD Handbook 4350.3**.

REGULAR WAITING LIST

Any applicant who appears to qualify after **deFreese Manor** 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. The applicant is informed of the approximate wait for a unit. It is the applicant's responsibility to report changes on the application to **deFreese Manor** in a timely fashion.

Any applicant on the Waiting List is required to contact **deFreese Manor** every six (6) months to update their information, by completing a revised application form when necessary. This contact must be done in the form of writing. **NO PHONE CALLS**. Contact may be initiated by **deFreese Manor** in the form of a routine letter/postcard, sent to all applicants on the Waiting List, requesting update information, asking if they wish to remain on the Waiting List and 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.

When the number of names/families on the Waiting List for any particular size exceeds the annual apartment turn over for that size unit, the Waiting List may be closed. A notice will be prominently posted in the Management/rental office or reception area, stating that the Waiting List is closed. When the Waiting list is to be reopened, notice of this will be placed in local newspapers, as well as notifications sent to appropriate social service agencies, (including, but not limited to elderly, mental health and community service agencies) stating when the Waiting List will be re-opened, as well as times and days that applications will be taken.

- If an applicant on the Waiting List is offered an apartment and refuses the offered apartment, he or she may remain on the Waiting List if the refusal is for a verifiable medical reason. Any other refusal reasons are considered valid reasons for refusal at **management's** discretion. If an applicant is otherwise eligible, but does not take a unit when it is available, that person will be moved to the bottom of the waiting list. In any event, a second refusal, for any reason other than one due to a disability, will cause the application to be rejected and the applicant's name removed from the Waiting List. This applicant may reapply in the future, at a time that applications are being taken.

- When a unit becomes available, in-place tenants requiring a different unit will be housed appropriately before we move in an applicant on the Waiting List. This allows **management** to treat current tenants 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 tenants whose housing needs have changed since admission.
- Applicants who are experiencing hardships due to health or financial reasons will not be moved from their original date on the waiting list if proper documentation is received by **management**.

ELI PROCEDURES

If **management** determines that following **deFreese Manor's** waiting list in standard chronological order may not (or will not) achieve the admissions necessary to meet the income-targeting requirement, then management must implement procedures that will ensure compliance.

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. 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, tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached.

REJECTION PROCEDURES

When an applicant is rejected by **management**, 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 state that the applicant has the opportunity to request a meeting with the **management** to discuss the rejection. The applicant will be further instructed to request the meeting in writing 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 **deFreese Manor** within fourteen (14) days of the date of the rejection notice. The requested meeting will be held by a staff member who was not involved in the initial decision to deny admission or assistance. Within five (5) business days of **management's** response or meeting, **management** must advise the applicant in writing of the final decision on eligibility. All of this material (original application, rejection letter, applicant's request for a meeting, summary of the meeting and the final decision) must be kept for three (3) years in confidential files.

UNIT SIZE STANDARDS AND GUIDELINES

- Minimum of one person per bedroom; maximum of two persons per bedroom.
- Children may share a bedroom with a (grand) parent. This is a family decision.

When assigning bedrooms:

- Every family member listed on 50059 or application is counted.
- Live in attendants and foster children are counted when determining bedroom size.
- Children who live in the unit 50% of the time may be counted.
- Children away at school, who live with the family when school recesses, may be counted.

deFreese Manor will accommodate the changing needs of the in-house tenants because of increases in the number of family members or changes in the family composition, before going to the Waiting List.

ACCESSIBLE UNITS

Because five (5) of the units at **deFreese Manor** have been architecturally altered for accessibility (to some degree), 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 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.

In the unlikely event that no applicant or family can be found that requires that unit type, a non-disabled elderly applicant or family can be housed there, (temporarily) only after signing a statement, that will become a lease amendment, that states that they will move, within 30 days, "at their own expense" when they are notified by **management**, in writing, that a non-handicapped unit is available.

TRANSFER POLICY

Management will allow in-house transfers, in the following situations:

1. A verifiable medical reason for different unit, including the need for a care attendant or an altered unit.
2. Transfer from unit due to renovation of previous unit.

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 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.

DEFINITIONS

Elderly Family

An Elderly Family includes but is not limited to:

1. Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
2. The surviving member or members of a family described in paragraph (1) living in a unit assisted under subpart E of this part (Section 202 loans) with the now deceased member of the family at the time of his or her death;

3. A single person who is 62 years of age or older; or
4. Two or more 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 or well-being.

Disabled Family

A Disabled Family includes but is not limited to:

1. Families of two or more persons the head of which (or his or her spouse) is a person with disabilities (handicapped);
2. The surviving member or members of any family described in paragraph (1) of this definition living in a unit assisted under subpart E of this part (Section 202 loans) with the deceased member of the family at the time of his or her death;
3. A single person with disabilities (handicapped person) over the age of 18; or
4. Two or more persons with disabilities (handicapped 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 or well-being.

Person with Disabilities

Such a person has a disability, as defined in 42 U.S.C. 423;

1. Any adult having a physical impairment that is expected to be of long, continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

Nonelderly Disabled (Handicapped) Family

A nonelderly disabled family means a disabled family in which the head of the family (and spouse, if any) is less than 62 years of age at the time of the family's initial occupancy of a project.

Project Eligible Nonelderly Disabled (Handicapped) Family

A nonelderly disabled person or family who is only eligible for housing through this program in an accessible unit and requires the accessibility features of that unit.

Live- In Care Attendant

A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:

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

A relative may be a **Live In Attendant** but must meet all of the above requirements, and sign a statement to that effect. **deFreese Manor** will verify this with a physician or recognized health care professional. The sole purpose of a **Live In Attendant** is to provide the tenant with support services and will not qualify for continued occupancy in the event the tenant vacates the unit. **deFreese Manor** may re-verify the need for a **Live In Attendant** when necessary.

PROOF OF CITIZENSHIP

All family members, regardless of age, must declare their citizenship or immigration status. **deFreese Manor** is required to verify with the **Department of Homeland Security (DHS)** the validity of documents provided by applicants. 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 either prorated assistance, continued assistance, or a temporary deferral of termination of assistance.

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.

Currently assisted families that have no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance are eligible for temporary deferral of termination of assistance. Please seek **management** for deferral policies.

PROOF OF SOCIAL SECURITY NUMBERS

Applicants must provide documentation of SSNs in order to be eligible for subsidy at **deFreese Manor**. Adequate documentation means a social security card issued by the **Social Security Administration (SSA)** or other acceptable evidence of the SSN. The head of household / spouse / co-head must disclose SSNs for all family members.

Acceptable Verification Documents

Most individuals should be able to verify all Social Security Numbers with a Social Security card. However, if the applicant or resident cannot produce the Social Security card for any or all non-exempt household members, the documents listed below, showing the household member's Social Security Number, may be used for verification.

- Original document issued by a federal or state government agency which contains the name, Social Security Number, and other identifying information of the individual.
- Drivers license with Social Security Number
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Social Security Administration benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

Further information regarding acceptable verification documents can be found in HUD Handbook 4350.3, REV-1 *Occupancy Requirements of Subsidized Multifamily Housing Programs*. <http://www.hud.gov/offices/adm/hudclips/handbooks/hsg/4350.3/index.cfm>

When an applicant has a SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided.

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.

Exceptions to Disclosure of Social Security Number

The Social Security Number requirements do not apply to:

1. Individuals who do not contend eligible immigration status. When applicants and residents 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, the owner will have each resident's Citizenship Declaration on file - whereby the individual did not contend eligible immigration status - to support exception to the requirements to disclose and provide verification of a Social Security Number.
2. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
 - The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
 - Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. An owner/agent must not accept a certification from the applicant stating they qualify for the exemption.
 - The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.

If **management** has determined that the applicant is otherwise eligible for admission into the property, but 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 its discretion, retain its 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.

Rejection of Documentation

Management must reject a document that:

- Is not an original document; or
- Is the original document but it has been altered, mutilated, or is not legible; or
- Appears to be a forged document (e.g., does not appear to be authentic).

The Management must explain to the applicant or resident the reason(s) why the document(s) is not acceptable and request the individual obtain acceptable documentation of the Social Security Number and submit it.

Actions Once Social Security Number is Verified

Once the individual's Social Security Number has been verified, deFreese Manor will follow the additional guidance related to destruction of records is available in HUD Handbook 2400.25, REV-2: *HUD Information Technology Security Policy*, dated October 1, 2008. The handbook is available online at:

www.hud.gov/offices/adm/hudclips/handbooks/admh/2400.25/index.cfm

The resident file should include the Household Summary Report from the EIV system which reports the status of the identity verification process and provides verification of the Social Security Number. Retaining the Household Summary Report in the resident file and destroying the copy of the Social Security Number documentation will minimize the risk of exposing the individual's Social Security Number. Owner/agents are encouraged to minimize the number of resident records that contain documents which display the full nine-digit Social Security Number.

Timeframe for Providing Social Security Numbers

Existing Residents

All residents, except those who are exempt, must disclose and provide verification of their Social Security Number at the time of their next interim or annual certification if:

- They have not previously disclosed a Social Security Number
- Previously disclosed a Social Security Number that HUD or the Social Security Administration determined was invalid; or
- Been issued a new Social Security Number.

Failure to provide this information will result in termination of tenancy. deFreese Manor may defer termination of tenancy and provide the resident with an additional 90 days to become compliant with the Social Security Number disclosure and verification requirements. The deferral is at the Management's discretion and must only be provided if failure to meet the Social Security Number requirements was due to circumstances outside the control of the resident and there is likelihood that the resident will be able to disclose and provide verification of the needed Social Security Number(s) by the deadline date. The head of household must be notified when EIV pre-screening or the Social Security Administration validation determines that a household member has provided an invalid Social Security Number. If a resident fails to provide a valid and verified Social Security Number, the household is subject to termination of tenancy in accordance with 24 CFR 5.218.

Notices to Residents and Applicants

Management must contact applicants to notify them of the change in Social Security Number requirements. The notice must inform applicants that they will have to disclose and provide verification of Social Security Numbers for all non-exempt household members before they can be admitted.

For existing residents, notice must be given to the head of household indicating Social Security Number documentation must be brought to the next certification meeting for all non-exempt household members who have:

- Not disclosed their Social Security Number
- Previously disclosed a Social Security Number that HUD or the Social Security Administration determined was invalid; or
- Been issued a new Social Security Number

In addition, if a resident request to add a new household member, deFreese Manor must provide a notice explaining the change in Social Security Number requirements. As with all notices to residents and applicants, limited English proficiency requirements apply. For additional information on LEP, refer to HUD's LEP web site at www.hud.gov/offices/fheo/promotingfh/lep.cfm

Penalties for a Resident's Non-disclosure of Social Security Number

deFreese Manor must terminate the **tenancy** of a resident and the resident's household if the resident does not meet the Social Security Number disclosure, documentation and verification requirements since the household is in non-compliance with its lease. There is **no** proration of assistance for those household members who are required to obtain a Social Security Number but who fail to disclose and verify their Social Security Number.

SCREENING\REJECTION CRITERIA

All applicants 18 years of age or older in a household will be screened for rental history, credit and criminal history, and general program eligibility prior to residency. 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 similar screening activities. Both live-in aides and new additions to the tenant household will be screened for drug abuse and other criminal activity. An application may be rejected for any one of the following reasons:

- ♦ The applicant is not elderly or disabled based upon program and project requirements.
- ♦ Submission of false or untrue information on the application, or failure to cooperate in the verification process.
- ♦ The applicant has a history of unacceptable or unsatisfactory credit or criminal history as reported by a credit agency or other organization. ***Please see Credit Criminal Screening Criteria for more information.***
- ♦ Negative reference from current or previous landlord, including but not limited to late rent, NSF (non-sufficient funds) checks, lease violations, evictions, etc.
- ♦ The household (including a **Live In Aide**) size is not appropriate for this unit. ***Please refer to Unit Size Standards & Guidelines.***
- ♦ Failure to sign designated or required forms and/or documents upon request.
- ♦ The applicant cannot pay the appropriate security deposit at move-in.
- ♦ This will not be the applicant's only residence and he/she will pay an assisted rent.
- ♦ The applicant has repeatedly (more than twice) been offered a housing unit and, for other than a verified medical reason, he/she has refused to take the unit offered.

- ♦ The applicant is not a Citizen, National or eligible non-Citizen (as defined by HUD).
- ♦ The applicant is not capable of fulfilling the lease agreement, with or without assistance.
- ♦ A negative criminal history as defined in the ***Criminal or Drug-Related Activity on page 13.***
- ♦ By HUD formula, the applicant cannot show a need for the subsidy assistance, (where applicable) or the household income exceeds the income limits.
- ♦ The applicant was unable to provide proof of SSNs as required by HUD and management policy.

ENTERPRISE INCOME VERIFICATION

EIV is a web based computer system containing employment and income information on individuals participating in HUD’s rental assistance programs. EIV is used at deFreese Manor for the verification of Existing Tenancy, Income, Employment history and current status of housing subsidy. All collectors and users of this information have been specifically trained and is an authorized user of this system which authenticates applicant and resident incomes through Social Security. This information is used to meet HUD’s requirement to independently verify your employment and/or income when you recertify annually for continued rental assistance

Additionally, it checks if an applicant is already receiving a federal housing subsidy. Information is gathered using EIV during the initial application process as well as during recertifications and during an interim recertification if necessary. Any printouts obtained using EIV will be destroyed in accordance with HUD Notice H 08-03.

deFreese Manor will use the EIV system at least annually to determine if you:

- Correctly reported your income
- Used a false social security number
- Failed to report or under report the income of a spouse or other household member
- Receive rental assistance at another property (at move in)

Violence Against Women Act Protections

1. deFreese Manor may not consider incidents of domestic violence, dating violence, stalking or sexual assault as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse. **deFreese Manor does not use preferential placements on wait list.**
2. deFreese Manor may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. deFreese Manor may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

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, no member of the tenant's family or household nor a guest or any other person visiting a tenant shall engage in criminal activity on or near the apartment complex, including drug-related criminal activity, or other criminal activity or drug and alcohol abuse that threatens the health and safety of the tenants or staff or hinders the peaceful enjoyment of the housing premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution or use of a controlled substance (as defined in **Section 102 of the Controlled Substance Act**). No tenant, no member of the tenant's household or family, nor any guest or other person shall engage in any act intended to facilitate criminal activity, drug-related activity on or near the apartment complex.

No tenant, nor members of the tenant's household or family will 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.

No tenant, nor members of the tenant's household or family will engage in the manufacture, sale or distribution of illegal drugs on or near the apartment complex or elsewhere.

No tenant, nor shall any member of the tenant's household or family, guest or other person, engage in acts of violence, including, but not limited to, the unlawful discharge of firearms on or near the apartment complex.

Since the 1990s, a number of states have legalized the use of marijuana specifically for medicinal purposes. More recently, some states have begun to broadly legalizing its use for recreational purposes. Regardless for the purpose for which legalized under state law , the use of marijuana in any form is illegal under the CSA and therefore is an illegal controlled substance under Section 577 of QHWRA.

Violation of the above provisions shall be a material noncompliance violation of the lease and good cause for termination of the lease. A single violation of any of these provisions shall be deemed a serious violation and material noncompliance with the lease. It is understood and agreed that a single violation shall be good cause for 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.

CREDIT & CRIMINAL SCREENING CRITERIA

Rental Approval:

1. If a prior landlord reported the applicant(s) damaged property or lease violations the applicant can be denied. This includes lease violations, disturbing the peace, harassment, poorhouse keeping habits, improper conduct or other negative reference against the household.
2. Any evictions within the past three (3) years rental activity is automatically grounds for denial. This includes any household members who have been evicted from Federally-assisted housing within the last three years 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.

3. We 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 one (1) NSF check 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, etc., will be grounds for denial.
5. Grossly unsanitary or hazardous housekeeping habits.
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.

Credit Approval:

1. Applicants with more than two (2) accounts in negative standing within the past two (2) years will be denied. Examples of negative standing are late payments, collections, bad credit status, etc.
2. Public records such as collections and judgments are included as negative accounts.
3. Each bankruptcy item or foreclosure proceeding within the past five (5) years is rated as the worst account and counted individually.
4. Federal and State Tax liens within the past three (3) years are counted as a negative account. Prior to the three (3) year period we may request proof of payment/release on any Lien over \$1000.00 that is still on the applicant's credit history.
5. Any amount showing owed to a prior management company can be grounds for denial. We reserve the right to ask for proof of payment.
6. Any other item(s) that appear on the credit report, which would reflect negatively on the applicant, will be reviewed and a decision will be made based on the date, source, and amount of the action.
7. Poor overall score on credit check, i.e., deFreese Manor will not accept any applicant whose overall score is less than 650.
8. Lack of credit history is not grounds for denial.

Criminal Background Check:

1. Any conviction within the past five (5) years for illegal drug use, manufacture or distribution of a controlled illegal substance is grounds for denial.

2. Any conviction within the past five (5) years 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.
3. 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 state Sex Offender Lifetime Registration program.
4. Any conviction for any activity including murder is grounds for denial.
5. Any other felony conviction within the past five (5) years.
6. Any household members who are currently engaging in illegal drug use is grounds for denial. This can included a pattern of illegal drug use that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
7. Any household member who has a pattern of alcohol abuse behavior may reasonable cause of interference with the health, safety, or right to peaceful enjoyment of the premises by other tenants is grounds for denial.

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.

**POLICY FOR NON-SMOKING (SMOKE-FREE)
@deFREESE MANOR – EFF SEPT 1, 2004
UPDATED NOV. 1, 2008**

deFreese Manor became **SMOKE-FREE** as of September 1, 2004. A few apartments were grandfathered per HUD regulations at that time. Since then all apartments have been added to the smoke free policy.

As of November 1, 2008, the entire deFreese Manor building (including balconies) is **SMOKE-FREE**

**POLICY FOR STUDENTS PER RULE 24 CFR 880,883
et al. 12.30.2005, 4.10.2006 and 8.2006
at deFreese Manor Eff. 12/31/2010**

Eligibility of Students Enrolled in an Institute of Higher Education Applying for Assistance under the Section 8 Program:

A student enrolled in an Institute of Higher Education as defined by the Higher Education Act of 1965-Amended 1998 will be deemed eligible for assistance if the student meets all other eligibility requirements, passes screening criteria and is:

- 1) Living with parents/guardian or
- 2) 24 or older or
- 3) A veteran of the United States armed services or

- 4) Married or
- 5) Has a dependent child or
- 6) Can prove independence of parents including
 - i) The parents did not claim the student on the most recent tax return and
 - ii) The student has lived independent of the parents for at least one year or meets the Department of Education's definition of an independent student
 - iii) Can legally sign a lease
 - iv) The student must show certification of the amount of financial assistance provided by parents or legal guardian.
- 7) Is disabled and was receiving assistance as of November 30, 2005 or
- 8) Has parents who are income eligible for the Section 8 program

Any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 from private sources or an institution of higher education (as defined under the Higher Education Act of 1965) shall be considered income to that individual. There are two exceptions to this income calculation requirement. No financial assistance that an individual receives under the Higher Education Act of 1965 from private sources or an institution of higher education (as defined under the Higher Education Act of 1965) shall be considered income if the student is:

- 1) Living with his/her parents/guardian or
- 2) A person 24 or older with dependent children