



## **Tenant Selection Plan**

### **PROJECT ELIGIBILITY REQUIREMENTS**

To apply for Project based Section 8 housing assistance, applicants must be qualified under the income limits established by the U.S. Department of Housing and Urban Development (HUD), for the type of development, and for the size and type of unit available. Being eligible, however, is not an entitlement to housing. In addition, every applicant must meet the resident selection criteria. The resident selection criteria are used to demonstrate the applicant's suitability as a resident using verified information on past behavior to document the applicant's ability, either alone or with assistance, to comply with the rules governing tenancy. The applicant will be judged on current and past behavior and practices related to tenancy and not on any attribute or behavior that may be imputed to a particular group or category of persons of which an applicant may be a member.

### **PROJECT-SPECIFIC REQUIREMENTS**

All family members who are 18 years of age or older are required to sign consent and verification forms. All information reported by the family is subject to verification. The unit must be the family's sole residence. The owner must not provide assistance to applicants who will maintain a residence in addition to the HUD assisted unit. Under no circumstance may any resident benefit from more than one subsidy. When processing the application the property will conduct an Existing Resident Search through the Enterprise Income Verification (EIV) System to verify the applicants and/or other household members are not currently residing in subsidized housing. Applicants must agree to pay the rent required by the program under which they will receive assistance.

### **CITIZENSHIP REQUIREMENTS**

Assistance in subsidized housing is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status as determined by HUD. All family members, regardless of age, must declare their citizenship or immigration status. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student. Non-citizen applicants will be required to submit evidence of eligible immigration status at the time of application and will be verified through the U.S. Immigration & Customs Enforcement, Systematic Alien Verification for Entitlements (SAVE) Program.

### **SOCIAL SECURITY NUMBER REQUIREMENTS**

Each member of an applicant's household; except those who do not claim to have eligible immigration status or persons who were 62 or older and whose initial determination of eligibility was prior to January 31, 2010, must disclose and provide documentation of Social Security Numbers (SSN) before the household may be housed. All SSN's for an applicant's household must be verified using appropriate documentation before the household can be admitted into the project. However, they do not need to disclose their SSN in order to be placed on the waiting list.

### **INCOME LIMITS**

HUD establishes and publishes income limits annually based on family size for each county in the United States based on the median income of the geographic area. The family's annual income must not exceed program income limits. Income limits for this property are listed below:

***Very Low-Income Limit:*** The annual household income less than or equal to 50% of the median income for households in the area in which the property is located.



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***Extremely Low-Income Limit:*** The annual household income less than or equal to 30% of the median income for households in the area in which the property is located.

Owners must make at least 30 percent of the assisted units that become available each year (project's fiscal year) available for leasing to families whose income do not exceed 30 percent of the area median income (extremely low-income) at the time of admission. If the owner actively marketed at least 30 percent of the annually available units to extremely low-income families but was unable to fill all of the units with families meeting the requirement, the owner is permitted to rent to other eligible families after a reasonable marketing period has expired.

The methodology Foothills Regional Housing has chosen to fulfill this obligation is to alternate between the first six (6) extremely low-income families on the waiting list and the first four (4) otherwise eligible families. It is possible that applicants of a higher income that are also higher on the waiting list will be skipped over to achieve income-targeting. When this occurs, Foothills Regional Housing will make a notation on the waiting list to indicate that an applicant was skipped over to achieve the 30% income-targeting rule.

### ACCEPTING APPLICATIONS AND PRE-APPLICATIONS

Pre-Applications are available by mail, email, fax, or in person at 7490 W. 45<sup>th</sup> Ave Wheat Ridge, CO 80030. All household members 18 years and older, must complete a pre-application. Staff will assist any applicant who might have trouble completing the pre-application form. An application fee does not apply. The pre-application will ask for household information, previous housing history, employment and education information, and any other information relevant to the community. All members of the household shall be listed on the pre-application form. Every pre-application must be completed in its entirety and signed or it will be returned and require the missing information.

Foothills Regional Housing will contact pre-applicants on the waiting list by first class mail. If the applicant does not respond within 7 business days of date of the letter, the offer will be extended to the next applicant on the waiting list. Applicants who can show a good reason for failing to contact Foothills Regional Housing within a reasonable time beyond the time originally given will be allowed to retain their position in the waiting pool. Applicants who fail to respond in a timely manner for reasons that are related to a disability shall remain on the waiting list and their application will retain its original date. The reasonableness of the rejection will be determined by the owner and will so be documented with the applicant's application for housing.

Should the applicant reject the offer, the applicant shall be given a second offer of a suitable vacancy as soon as one becomes available. Should the applicant reject the second offer, the applicant will be removed from the waiting list unless the applicant can verify that a hardship exists or that there are mitigating circumstances. Applicants who can show that the unit was rejected for reasons that were related to a disability, shall remain on the waiting list and their application will retain its original date. The reasonableness of the rejection will be determined by the owner and will so be documented with the applicant's application for housing.

Once an applicant is selected from the waiting list and accept the offered unit they will be required to complete a second more detailed application/certification. Various documents will be requested including identity, income, asset, various benefits, and verifications. For specific items that may be requested please reference.....

### APPLYING PREFERENCES

Foothills Regional Housing does not apply any preferences to waiting list selections as they are done on a first come first serve basis and meet all other eligibility criteria.



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NOTE: In developments originally designed for elderly families\* *“Elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. 24 C.F.R. § 5.403.”* owners may, at any time, elect to give preference to elderly families subject to the requirements in Section 883.704a of the Federal Register. \*Elderly families, for this notation, refers to families whose heads of household, their spouses or sole members are 62 years or older.

### REQUIRED DRUG-RELATED OR CRIMINAL ACTIVITY CRITERIA

Applicants will be rejected if any of the following apply: (The same criteria regarding criminal history applies to live-in aides also).

- Any household member who has been evicted from Federally-assisted housing for drug-related criminal activity, for three years from the date of eviction. 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 (e.g., the household member no longer resides with the applicant household) the Owner may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use. During the admissions screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided. The Owner determines that there is reasonable cause to believe that a household member’s illegal use (or a pattern of illegal use) of a drug or abuse (or pattern of abuse) of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Screening standards must be based on behavior, not the condition of alcoholism.)
- Any member of the household is subject to a lifetime registration requirement or is currently registered under a state sex offender registration program.
- Any member of the applicant’s household has been convicted of the manufacture of methamphetamine on the premises of federally subsidized housing (lifetime).
- Violent criminal activity which indicates a pattern of violence that may threaten the safety of residents or staff. Violent criminal activity *includes* sex crimes and crimes against children. Any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or any employee who is involved in the housing operations.
- Unlawfully obtaining government assistance.

### APPLICANT SCREENING CRITERIA

All applicants age 18 or older will be screened for suitability prior to residency. Screening criteria will be applied consistently to all applicants, consideration of extenuating circumstances will be considered in the screening process. Your credit record must currently be satisfactory. Foothills Regional Housing will consider extenuating circumstances when screening applicants with disabilities or medical bankruptcy. You must have satisfactory rental references from at least two prior landlords or for at least the last two years.

### PROCEDURES FOR REJECTING INELIGIBLE APPLICANTS

If an applicant is denied admission to the property they will receive a written notice stating the reason (s) for the rejection. The applicant has the right to respond in writing or request a meeting to dispute the rejection within 14 (fourteen) days of the notice. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process. If admission is denied because criminal background screening indicates the applicant provided false information; the entity making the determination must provide the subject of the record



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and the applicant a copy of the information the action is based upon. The subject of the record and the applicant have the opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

### OCCUPANCY STANDARDS

1 bedroom units	2 bedroom units	3 bedroom units	4 bedroom units
1 - 3 persons	2 – 5 persons	3 – 7 persons	4 – 9 persons

The owner is required to establish reasonable occupancy standards that will assist as many people as possible, without overcrowding, and minimize vacancies. Owners must comply with all reasonable state and local health and safety restrictions regarding the maximum number of persons permitted to occupy a unit. In the absence of such restrictions, overcrowding is deemed to occur when the total number of persons in the unit exceeds two persons per habitable sleeping room. Additional persons may be allowed when a habitable sleeping room provides at least 50 square feet per person. A habitable sleeping room is any room except the following: kitchen, bathroom, hallway; or dining room. No more than two persons may occupy a bedroom provided there is sufficient square footage in the bedroom to meet local standards. If local standards permit, the living room may be considered a habitable sleeping room, therefore, increasing the overall occupancy level.

### UNIT TRANSFER POLICIES, INCLUDING SELECTION OF IN-PLACE RESIDENTS VERSUS APPLICANTS FROM THE WAITING LIST WHEN VACANCIES OCCUR

Foothills Regional Housing will consider a transfer from unit to unit or from community to community under the following circumstances: overcrowding or an approved reasonable accommodation request. Transfer requests will be placed on an in-house waiting list, in the order of the date & time they are approved. Current tenants requiring a unit transfer based on level of care or incompatibility will be given preference over applicants and those on the waiting list. Current tenants requesting a unit transfer for any other reason will be added to the waiting list of applicants. The security deposit collected at move in will remain in effect regardless of the change in income or TTP.

### SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR HOUSING ACT AND OTHER RELEVANT CIVIL RIGHTS LAWS AND STATUTES

The property adheres to the Fair Housing Act and Federal Civil Rights Laws. We will not discriminate against applicants or residents based on race, color, national origin, sex, age, disability, religion or familial status. In compliance with Section 504 regulations, we will take reasonable, nondiscriminatory steps to maximize the use of accessible units by eligible individuals whose disability requires the accessibility features of a particular unit. We will consider extenuating circumstances in the screening process for applicants with disabilities, where required as a matter of reasonable accommodation.

### OPENING AND CLOSING THE WAITING LIST FOR THE PROPERTY

In order to maintain a balanced application pool, Foothills Regional Housing may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. Foothills Regional Housing will also update the waiting list by removing the names of those who are no longer interested in or no longer qualify for housing. Foothills Regional Housing may close the waiting list if the list reaches 200 families and the program is fully leased. Closing the waiting lists, restricting intake or opening the waiting lists will be publicly announced in the same or similar manner in which Foothills Regional Housing advertises for rental. During the



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period when the waiting list is closed Foothills Regional Housing will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

### ELIGIBILITY OF STUDENTS TO RECEIVE SECTION 8 ASSISTANCE

Student eligibility requirements apply to applicants enrolled at an institution of higher education who are under 24 years of age, unless the applicant is a student who is living with his/her parents who are applying for Section 8 assistance. Students who are 24 years of age or over, married, a veteran of the US Military, have a dependent child *or* is a person with disabilities, as defined in section 3(b)(3)(F) of the United States Housing Act of 1937 (42 USC 1437a (b3E)) that was receiving Section 8 assistance as of November 30, 2005 qualify. If the applicant is legal contract age and is not claimed as a dependent on their parent(s) or guardian(s) latest tax return or meets the criteria from at least one of following questions, they qualify:

- Will you be at least 24 years old by December 31 of the current year?
- Have you established a household separate from parents or legal guardians for at least one year prior to application for occupancy?
- Were you an orphan or a ward of the court through the age of 18?
- Are you a veteran of the U.S. Armed Forces?
- Do you have legal dependents other than a spouse?
- Are you a graduate or professional student?
- Are you married?

The student must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

- If the applicant is claimed on their parent(s) or guardian(s) latest tax return or does not meet the criteria from at least one of above questions; they must meet eligibility requirements for Section 8 assistance and their parents, individually or jointly, must be income eligible for section 8 assistance.

### THE ENTERPRISE INCOME VERIFICATION SYSTEM (EIV)

In an effort to ensure the right assistance is provided to the right people. The Department of Housing and Urban Development (HUD) has provided managers with access to a new verification database called the Enterprise Income Verification System (EIV). EIV provides information about project-based and tenant-based HUD assistance recipients. This database is also used to verify certain types of reported incomes with records maintained with the Social Security Administration, Department of Health and Human Service (HHS) as well as the National Database of New Hires. HHS provides information about current and past employment and unemployment income information. As an Applicant and possible Resident of Foothills Regional Housing, HUD mandates that you be informed about this new system. By signing HUD form 9887, you authorize HUD and Foothills Regional Housing to use data obtained through computer matching with other agencies to verify your income in order to establish eligibility.

### ACCESSIBLE UNITS OR REASONABLE ACCOMMODATIONS

Applicants requiring the features of an accessible unit; i.e., a disabled family, shall be offered an accessible unit, of appropriate bedroom size, before applicants not requiring the accessible features regardless of the disabled family's position on the waiting list. If the disabled family is the next applicant on the waiting list and the available unit, of appropriate bedroom size, is not an accessible unit, management will make the available unit accessible (for the



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disabled family to rent) to the greatest extent possible pursuant to Section 504 of the Rehabilitation Act of 1973, as amended.

### **VAWA PROTECTIONS**

The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy of a victim who is protected from acts under the domestic or family violence laws of the jurisdiction.

The Landlord 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.

The Landlord 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.

### **UPDATING THE WAITING LIST**

The waiting list is maintained in a chronological order (based on date and time a completed application is received) for each property. If you are placed on the waiting list, it will be important that you update us with any changes in your household. Such changes are as follows: change of address, phone number, household size or members, income, and an indication of if you wish to remain on our waiting list or not. The Owner will contact applicants every six months; the applicant is required to respond to remain on the waiting list. If the applicant fails to respond, the Owner will assume the applicant is no longer interested and we will remove the name from the waiting list.

### **NOTIFICATION OF CHANGES IN THE RESIDENT SELECTION PLAN**

Management shall review and/or update the Tenant Selection Plan annually to ensure that it reflects current operating practices, program priorities and HUD requirements. Foothills Regional Housing shall make copies of the Tenant Selection Plan available to the public, including Applicants and residents of the Development, upon request. A copy of the Tenant Selection Plan shall be made available at the Foothills Regional Housing’s Main Office 7490 West 45<sup>th</sup> Street, Wheat Ridge Co 80033.

### **ASSIGNING UNITS WITH ORIGINALLY CONSTRUCTED DESIGN FEATURES FOR PERSONS WITH PHYSICAL DISABILITIES**

Units accessible to the mobility, visual and/or hearing impaired shall be used by individuals that need the special features of the unit. Owners may lease these units to individuals who do not need the special features when no current resident or no one on the waiting list needs such a unit. The housing provider must, however, have a lease provision that requires the individuals to transfer to another suitable unit when someone can document the need for the special features of the unit.

### **CHARGES FOR FACILITIES AND SERVICES**





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Owners must not collect any money from tenants at initial occupancy other than rent and the maximum HUD-allowed security deposit and/or pet deposit unless they receive HUD approval to do otherwise.

### **SECURITY DEPOSIT REQUIREMENTS**

The amount of the security deposit established at move-in does not change when a tenant's rent changes. The tenant is expected to pay the security deposit from his/her own resources, and/or other public or private sources. The security deposit is refundable. An applicant may be rejected if he/she does not have sufficient funds to pay the deposit. HUD requires collection of a security deposit at the time of the initial lease execution. The required security amount is equal to the greater of \$50 or the TTP/Total Tenant Payment, from the HUD 50059 form. At the time of the initial execution of the Lease, the Property manager must collect a security deposit that equals the assessed first month's rent.

The Property manager shall place the security deposit in an interest-bearing account and allocate the interest to the tenant annually. In order to receive a refund of the security deposit, a tenant must provide the Property Manager with a forwarding address or arrange to pick up the refund, otherwise security deposit refunds will be sent to the tenants last known address via First Class mail within 30-days after the move-out date the Property manager shall either refund the full security deposit or provide the tenant with an itemized list of any unpaid rent, damages to the unit, and the cost for repair and/or cleaning the unit. If the Property manager fails to provide the list to the tenant within 30 days the tenant is entitled to, a full refund of the tenant's security deposit plus accrued interest.

### **UNIT INSPECTIONS**

#### ***Before Move-In***

Before executing a lease, the Property manager and tenant must jointly inspect the unit. After the Property manager conducts a unit inspection, the inspection form must indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary and in good repair. If cleaning and repair is required, the Property manager must specify on the inspection form the date by which the work will be completed. This date should not exceed 30-days after the effective date of the lease. Both the Property manager and the tenant must sign and date the inspection form. The inspection form must include the statement, "The unit is in decent, safe and sanitary condition". The tenant has 5 days to report any additional deficiencies to the Property manager to be noted on the move-in inspection form. The move-in inspection form must be made part of the lease, as an attachment to the lease.

#### ***At Move-Out***

All tenants or their authorized representatives are encouraged to accompany the Property manager on the move-out inspection. This will help resolve or any disagreements regarding damages to the unit. If no one is available and the tenant is unable to participate, the Property manager may do the inspection alone or with an accompanying staff. All keys and/or building access cards must be turned in at the end of the move-out process.

### **ANNUAL RECERTIFICATION REQUIREMENTS**

The Property Manager will conduct Annual Re-certifications for all tenants. In order to be re-certified all tenants must meet with the Property Manager and supply all information requested regarding his/her income, assets, and expenses. Household members are also required to report other factors that may affect the determination of adjusted income. The rent and assistance payments will be recomputed, if applicable, based on the information gathered. The tenant must sign consent forms, and the Property manager must obtain third-part Verification.



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### INTERIM RECERTIFICATION REPORTING POLICIES

The Property manager shall process an Interim Re-certification if there has been a change (s) since the last re-certification that may affect the TTP or tenant rent and assistance payment for the tenant. To ensure that assisted tenants pay rents commensurate with their ability to pay, tenants must supply information requested by the Owner or HUD for use in an interim recertification of family income and composition in accordance with HUD requirements. All tenants must notify the Owner when: a family member moves out of the unit or the family proposes to move a new member into the unit. An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment; or the family's income cumulatively increases by \$200 or more per month.

### LIMITED ENGLISH PROFICIENCY (LEP)

For persons who do not speak English as their primary language and those who have a limited ability to speak, read, write, or understand English; we will make reasonable efforts to provide language assistance. We will arrange to provide forms relating to tenancy in a language that is understood by the individual. We will make every effort to obtain oral interpretation and written translation services if deemed necessary.

\_\_\_\_\_  
Owner/Owner Agent for Landlord                      Date

\_\_\_\_\_  
Resident    Date

\_\_\_\_\_  
Resident    Date

\_\_\_\_\_  
Resident    Date