



**BRANSON WALK**

**TENANT**

**SELECTION**

**PLAN**



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## INTRODUCTION

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by the HUD Occupancy handbook – 4350.3 Rev.1, Change 4, and the Rental Assistance Demonstration (RAD) Final Rule. The Tenant Selection Plan sets forth procedures for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements.

## ELEMENTS OF THE TENANT SELECTION PROCESS

**A. Right to Apply:** No person may be refused the right to apply for housing unless the development's waiting list is closed for a particular unit size or type, and notice of the closed waiting list has been posted. *For further information on closing of a waiting list, see the Waiting List section.*

**B. Statement of Non-discrimination:** It is the policy of Branson Walk (hereinafter referred to as Management), to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing including, The Fair Housing Amendments Act of 1988, 42 U.S.C.A. §§ 3601-3620, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. § 794 et seq., The Americans with Disabilities Act of 1990, 42 U.S.C.A. §§ 12101-12213, Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, the Age Discrimination Act of 1975, 42 U.S.C.A. §§ 6101-6107, Executive Order 11,063, and all other relevant State Laws. In furtherance of this policy:

Management will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, sex, sexual orientation, familial status, disability, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. Management will affirmatively market the property as specified in its Affirmative Fair Marketing Plan.

The Final Rule published as *Equal Access to Housing in HUD Program -- Regardless of Sexual Orientation or Gender Identity ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status. The Marietta Housing Authority will comply with this rule and state and local laws that provide the same or similar protections.*

**C. Applicants with Disabilities and Reasonable Accommodations:** Management will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities (as defined in the above listed Acts or any subsequent legislation) who require such changes to have equal access to any aspect of the application process or to the development and its programs and services; e.g., arrange for sign language interpreters or other communication aids for interviews during the application process.

**D. Improving Access to Services for Persons with Limited English Proficiency (LEP):** Management will take affirmative steps to communicate with persons who need services or information in a language other than English. This may include interpreter services and/or written materials translated into other languages.

## PROJECT ELIGIBILITY REQUIREMENTS

### A. Project-Specific Requirements:

Branson Walk is a ranch style residential property located at 419 Aviation Road, Marietta, GA. This project includes 25 units in the Johnny Walker community located on Thurman Court in Marietta, GA. These properties formerly received funding through a Public Housing Annual Contributions Contract, and was converted to Section 8 PBRA under the Rental Assistance Demonstration (RAD) Program.

Branson Walk was constructed in 1964, and consisted of a total of 100 units. The property was substantially rehabilitated in 2004. In 2011, 14 new construction units were added to the property. The property has a total of 114 units. 112-one-bedroom apartments and 2-two-bedroom apartments designed primarily for occupancy by elderly and disabled residents and is designated as an elderly/disabled project.

As of September 21, 2013, smoking is prohibited at all property owned by the Marietta Housing Authority, including, but not limited to Branson Walk and Johnny Walker Community in Marietta, and MHA Central Office. Smoking is prohibited throughout the entire properties including, but not limited to, all apartments, shared areas, entryways, hallways, stairwells, balconies, lobbies, community rooms, laundry rooms, building grounds, and parking lots. Smoking is also prohibited in all MHA vehicles. Smoking includes, but is not limited to, the use of cigarettes, cigars, pipe, tobacco or incense products. See #12. Non-Smoking Policy under the "House Rules".

Visit MHA's Website: [www.mariettahousingauthority.org](http://www.mariettahousingauthority.org)

### B. APPLICANT REQUIREMENTS

All applicants must initially qualify according to the Low Income Limits (80% of AMI) for the Marietta, GA MSA area, as published annually by HUD.

The Tenant Selection Plan sets forth the essential requirements of tenancy and the grounds on which tenants may be rejected. Rejection of an applicant is appropriate where Management has a reasonable basis to believe that the tenant cannot meet these essential requirements, summarized as follows:

- To pay rent and other charges under the lease in a timely manner;
- To care for and avoid damaging the unit and common areas, to use facilities and equipment in a reasonable way, and to create no health or safety hazards;
- Not to interfere with the rights of others and not to damage the property of others;
- Not to engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff;
- Not to engage in activity on or near the premises that involves illegal use of controlled substances, abuse of alcohol, or weapons;
- Not to engage in any criminal activity on or off the premises that would be detrimental to

the safety and well-being of residents should it occur on the premises, and

- To comply with necessary and reasonable rules and program requirements of the housing provider.

**C. CITIZENSHIP/IMMIGRATION STATUS REQUIREMENTS:** By law, assistance in subsidized housing is restricted to the following:  
(1) U.S. citizens or nationals; and  
(2) Non-citizens who have eligible immigration status as determined by HUD.

All family members, regardless of age, at admission must declare their citizenship or immigration status. U.S. citizens must sign a declaration of citizenship.

Noncitizens (except those aged 62 and older) must provide a signed declaration of eligible immigration status, a signed verification consent form and submit one of the HUD-approved DHS documents verifying their immigration status, or sign a declaration that they do not contend eligible immigration status. Noncitizens aged 62 and older must sign a declaration of eligible immigration status and provide a proof of age document.

Management will utilize the Multifamily Systematic Alien Verification for Entitlements (SAVE) System to verify the validity of documentation provided by non-citizen applicants.

Management will follow all Section 214 regulations in providing applicants with due process if the applicant appeals the SAVE System results.

Please note: Management will not delay a family's assistance if the family submitted its immigration documentation in a timely manner but the DHS verification or appeals process has not been completed. If a unit is available, the family has come to the top of the waiting list, and at least one member of the family has been determined to be eligible, Management will offer the family a unit. However, Management will only provide assistance to the family members determined to be eligible and to those family members that submitted their immigration documents on time. If any family members do not provide the required immigration documentation, then the assistance for the family will be prorated.

A mixed family is a family with one or more ineligible family members and one or more eligible family members, and may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance. Mixed families qualify only for pro-rated assistance in accordance with HUD regulations.

Applicants who hold a non-citizen student visa are ineligible for assistance as are any non-citizen family members living with the student. However, spouses and children who are citizens may receive assistance.

**D. SOCIAL SECURITY NUMBER (SSN) REQUIREMENTS:** All applicant and tenant household members, including live-in aides, must disclose and provide verification of the complete and accurate SSN assigned to them. Exception: Those individuals who do not contend eligible immigration status or tenants who were aged 62 or older as of January 31, 2010, and whose initial determination of eligibility was begun before January 31, 2010.

If a child under the age of 6 years is added to the applicant household within the 6-month period prior to the household's date of admission, the applicant may be determined eligible as long as

the required social security number is provided within 90 calendar days from the date of admission. Management will grant an additional 90 day extension period if management determines that the failure to comply was due to circumstances that could not be foreseen or out of the control of the applicant.

## **RESIDENT CRITERIA**

Residents must meet all required tenant screening criteria outlined in Screening Procedures (page 18), for criminal and past rental history.

**A. SOLE RESIDENCE REQUIREMENT:** A family is eligible for assistance only if the unit will be the family's sole residence. Management shall not provide assistance to applicants who will maintain a residence in addition to the HUD-assisted unit.

All applicants must disclose on their application if they are currently receiving HUD housing assistance. Management will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

**B. PROHIBITION AGAINST DOUBLE SUBSIDIES:** Under no circumstances may any tenant benefit from more than one of the following subsidies: Rent Supplement, RAP, Section 202 PAC, Section 202 PRAC or Section 811 PRAC, or project-based Section 8 housing assistance, including Section 202/8, or any Public and Indian Housing (PIH) rental assistance program. Tenants must not receive assistance for two units at the same time. In addition, tenants must not benefit from Housing Choice Voucher assistance in a unit already assisted through project-based Section 8, Rent Supplement, RAP, Section 202 PAC or Section 202 PRAC and Section 811 PRAC, or Public Housing.

All applicants must disclose on their application if they are currently receiving HUD housing assistance. Management will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

Management will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

This prohibition does not prevent a person who is currently receiving assistance from applying to another property. However, the assisted tenancy in the unit being vacated must end the day before the subsidy begins in the new unit. Management will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

## **CONSENT AND VERIFICATION FORMS**

Each family head, spouse, or co-head, regardless of age, and all other household members who are at least 18 years of age must sign and date the HUD-required consent forms, HUD 9887, Notice and Consent for the Release of Information to HUD and to a PHA, and form HUD 9887-A, Applicant's/Tenant's Consent to Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance.

The release forms must be signed at initial certification and each annual recertification. All adult members regardless of whether they report income must sign and date these forms annually. In addition, all adult members of an applicant or resident family must sign individual consent and verification forms authorizing management to verify family income and other applicable eligibility factors; e.g., disability status, criminal history, credit, rental history. If the applicant or resident, or any adult member of the household does not sign and submit the consent forms as required,

Management must deny assistance and admission to the entire family. For current residents, the assistance will be terminated and the family charged market rent.

## INCOME LIMITS

Pursuant to the Section 8 PBRA and RAD regulations, Management shall comply with the following income limit requirements:

<u>Subsidy</u>	<u>Type of Income Limit</u>
Section 8 (pre-1981)	Low-Income Limit (80%) Atlanta-Sandy Springs-Marietta, GA MSA

## WAITING LIST AND TENANT SELECTION

### A. Accepting Applications

1. **Application Forms** – Management will initially utilize a pre-application form to obtain information to determine an applicant’s apparent eligibility for assistance.

A formal application form will be executed by the applicant prior to admission to the property.

2. Pre-application forms will be distributed and accepted in the manner(s) indicated below:

In Person    By Mail (as a reasonable accommodation)  
 MHA Website: [www.mariettahousingauthority.org](http://www.mariettahousingauthority.org)

The pre- application form:

- Collects all the necessary information to determine program eligibility;
- Provides the opportunity to state the need or desire for an accessible unit;
- Provides the opportunity to apply for a waiting list preference;
- Lists all members of the household, including live-in aide;
- Includes a self-certification as to the accuracy of all information contained in the pre-application form;
- Includes form HUD-92006, Supplement to Application for Federally Assisted Housing

Every pre-application must be completed and signed by the head, co-head or spouse of the household as applicable. All household members 18 years or older must sign a release to conduct criminal background checks, and landlord history references. Live-in aides must sign a release for a criminal background check. Management will process pre-applications as follows:

- a. **Review for completeness** – Prior to listing the applicant on the waiting list, pre-applications will be reviewed for completeness. Incomplete applications will be rejected, returned to the applicant and will not be evaluated until all of the required information has been provided.
- b. **Preliminary determination of program ineligibility** - Completed pre-applications will be reviewed for income eligibility and compliance with any project specific eligibility requirements such as age or disability. Applications determined ineligible, pursuant to program guidelines, will be rejected in accordance with procedures outlined herein.

- c. Waiting list placement** - Once a fully completed pre-application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the development, the applicant will be placed on the property's waiting list. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's name advances to the top of the waiting list. The applicant will be placed on the waiting list by date and time of receipt of the pre-application, within the correct preference category and bedroom size.
- d. Notification of Decision on Application Status** – Management will send a written response to each applicant of the status of their application. The response will be mailed not more than thirty (30) days from the date of receipt. The notice will include:
- Result of the preliminary determination of eligibility,
  - Estimate of the time it may take before the applicant will be offered assistance,
  - Notice that the applicant is responsible for reporting changes in address, phone number, and preference status,
  - Where applicable, the applicant's qualification for a preference(s) for admission, and
  - A statement that the applicant has the right to meet with Management to discuss the determination made with respect to the application.

## **B. Preferences**

Branson Walk will select elderly/disabled families based on the following preferences based on our local housing needs and priorities.

Definitions:

- Elderly applicant – defined as a family whose head or spouse or sole member is a person who is at least 62 years or age.
- Disabled applicant – defined as a family whose head, spouse, or sole member is a person with disabilities.

Preferences will be selected from the waiting list as follows:

Category 1: Applicants who are elderly or disabled living in Cobb County.

Category 2: Applicants who are elderly or disabled but do not live in Cobb County.

The residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic, national origin, sex, religion, familial status, age, disability, or actual or perceived sexual orientation, gender identity, or marital status. Elderly and/or persons with a disability automatically qualify for the appropriate preference.

Ten percent of the units at Branson Walk (12 units) are set aside for non-elderly disabled families. Pre-applications for non-elderly/disabled families will be placed on the waiting list based on date and time of receipt of completed pre-application. A preference will be given to



the next non-elderly disabled applicant when a unit becomes available and total number of units occupied by non-elderly disabled families falls below the cap of 12 units. If there are an insufficient number of non-elderly disabled families available, units shall be available for elderly applicants.

The date and time of pre-application will be noted and utilized to determine the sequence within the above prescribed preferences.

### **C. Income Targeting Requirements**

In order to achieve compliance with HUD's income targeting requirements, Management, within the established preferences above, will move in at least 40% of its applicants in a given year with incomes that do not exceed Extremely Low Income level (ELI). ELI is defined as the higher of 30% of area median income or the poverty level. Income targeting will be monitored on a monthly basis.

Management will accomplish this by utilizing Method 1 as stated in the HUD Handbook 4350.3 Rev-1, CHG-4. Management will admit only ELI families until the 40% target is met.

In chronological order, Management will select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. This may result in skipping the next applicant on the waiting list if their income level is over the ELI limit. Once the target number of move-ins has been reached, Management will admit applicants in waiting list order.

Management will monitor the waiting list on a monthly basis to ensure compliance with the income targeting requirements. Management will examine the volume of unit turnover and applicant admissions for the past year and, based on this information, estimate the likely number of admissions for the coming year.

If it is determined from examining the current waiting list that the income targeting level may not be achieved, management will diligently make efforts to locate an applicant(s) at the extremely low income level. If a vacancy occurs and the next applicant will go over the target number of move-ins, and an extremely low income applicant cannot be located within 30 days, Management will fill the vacancy with the applicant on top of the waiting list and make the appropriate notations on the waiting list report.

### **D. Applicant Screening**

The screening process will be administered uniformly to all applicants without regard to race, color, religion, national origin, sex, age, disability, or actual or perceived sexual orientation, gender identity, or marital status. Each family head, spouse, or co-head, regardless of age, and all other household members who are at least 18 years or older must sign and date the HUD-required consent forms HUD 9887, Notice and Consent for the Release of Information to HUD and to a PHA, and form HUD 9887-A, Applicant's/Tenant's Consent to Release of Information Verification by Owners of Information. Live-in aides must sign a release for a criminal background check. Management will process pre-applications as follows:

- Conduct criminal background checks;
- Credit bureau reports, including Eviction Screening;
- References from prior landlords;
- Record of a state mandatory lifetime sex offender registration;

- Verification of income either from a present employer, appropriate agency, financial institution or other appropriate party. EIV Existing Tenant Search to determine if the applicant or a household member is residing in another HUD-subsidized unit.

### **E. Mandatory Denial of Admission**

An applicant and the applicant household shall be disqualified for a unit for any of the following reasons:

- Any household member who has a history of previous evictions due to lease violations or non-payment of rent within the past two years;
- Any household member who owes money to a federally funded housing program;
- Any household member who has been evicted from a federally-assisted property for drug-related criminal activity or violent criminal activity for three years from the date of eviction. In making the ineligible determination, Management may consider (1) if the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or (2) if the circumstances leading to the eviction no longer exist;
- Any household member who is currently engaging in illegal use of a drug or controlled substance, including medical marijuana notwithstanding any state law to the contrary. Currently engaging in illegal drug use means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current;
- Any household member that has been convicted of methamphetamine production on the premises of a federally-assisted property;
- Any household member with a history of other criminal activity that threatens the health, safety, and right to peaceful enjoyment by other residents or the health and safety of staff or agents of the owner;
- Management's determination that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol could interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;
- Management's determination that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;
- Any household member who is subject to a State lifetime registration requirement under the state sex offender registration program.
- Any household with a member determined to be or for which there is reasonable cause to believe is illegally using a controlled substance (e.g. marijuana). Such use of illegal controlled substances is a violation of federal drug law, and cannot be used as a basis for a request for a reasonable accommodation.

### **F. Other Grounds for Denial of Admission**

- The applicant, or household member, has a history of disturbance of neighbors in a prior residence or behavior, which if repeated by a tenant, would substantially interfere with the rights of other tenants to peaceful enjoyment of their units.
- The applicant, or a household member, has caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by a tenant, would have a materially adverse effect on the housing development or any unit in such development.
- The applicant or a household member has displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant, would pose a substantial threat to the health or safety of the tenant or other tenants or would adversely affect the decent, safe and sanitary condition of all or part of

the housing.

- The applicant or household member in the past has engaged in criminal activity, or activity in violation of state laws, which if repeated by a resident, would interfere with or threaten the rights of other residents (or the health and safety of the owner, employees, contractors, subcontractors, or agents of the owner) to be secure in their persons or in their property or with the rights of other residents to the peaceful enjoyment of their units and the common areas of the housing development.
- The applicant has a history of non-payment of rent and such non-payment, if repeated by a tenant, would cause monetary loss.
- The applicant has a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant of housing, would be detrimental to the housing development or to the health, safety, security or peaceful enjoyment of other tenants.
- The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application.
- The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application or a prior application submitted within the last three years and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- The applicant, or a household member, has directed abusive or threatening behavior which was unreasonable and unwarranted towards a management agent's employee during the application process or any prior application process within three years.
- The applicant does not intend to occupy housing, if offered, as his/her primary residence.
- The applicant or household member is a current illegal user of one or more controlled substances as defined in all applicable State and Federal laws. A person's illegal use or possession of a controlled substance within the preceding twelve months shall create a presumption that such person is a current illegal user of a controlled substance, but the presumption may be overcome by a convincing showing that the person has permanently ceased all illegal use of controlled substances. This disqualification of current illegal users of controlled substances shall not apply to applicants for housing provided through a treatment program for illegal users of controlled substances.
- The applicant or household member has been convicted of other criminal activity, including violent criminal activity that has the potential to endanger the health, safety, and welfare of other residents and staff. Examples include but are not limited to murder, rape, child abuse or molestation, aggravated assault, weapons and/or explosives violations, and arson.
- The applicant or household member has been convicted of drug related criminal activity including the manufacture, sale, distribution or possession with intent to manufacture, sell, or distribute a controlled substance.

#### **G. Consideration of Mitigating Circumstances**

Management may consider whether the appropriate household member has completed a supervised drug or alcohol rehabilitation program and may require documentation of the successful completion of the rehabilitation program. Management may also require an applicant to exclude a household member when the member's past or current actions would prevent the household from being eligible.

As to other grounds for denial of admission, this plan provides for the consideration of mitigating factors that rebut the presumption that an applicant will be unable to meet the requirements of tenancy. Among the factors that should be considered are:

- the severity of the potentially disqualifying conduct;
- the amount of time that has elapsed since the occurrence of such conduct;
- the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the housing development and its common areas if the conduct recurred;
- the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
- the likelihood that the applicant's behavior in the future will be substantially improved.

In general, the greater degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater must be the strength of showing that a recurrence of behavior (which led to an initial determination that the applicant would not be able to meet the essential requirements of tenancy) will not occur in the future.

#### **H. Rejecting Ineligible Applicants:**

Management will not discriminate against an applicant based on race, color, religion, sex, national origin, age, disability, or actual or perceived sexual orientation, gender identity, or marital status. Management may reject an applicant and the applicant household for occupancy or assistance for any of the following reasons:

- The applicant does not meet the eligibility requirements for the property; The applicant is unable to disclose and verify SSNs for all household members (except those who do not contend eligible immigration status or tenants who were 62 or older on January 31, 2010, whose initial determination for eligibility was begun before January 31, 2010).
- The applicant does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887/9887-A). The applicant has characteristics that are not appropriate for the specific type of unit available at the time, or has a family of a size not appropriate for the unit sizes available.
- The household includes family members who did not declare citizenship or non-citizenship status, or sign a statement electing not to contend noncitizen status.
- The applicant does not meet Management's required screening criteria.

**I. Notification of Applicant Rejection** - If Management determines that the applicant does not meet the criteria for receiving assistance or is not eligible for a claimed preference, Management will promptly provide the applicant with written notice of the adverse determination. The notice will contain a brief statement of the reasons for the denial and state that the applicant has 14 days from the date of the notice to request an informal hearing to review the decision. The notice will also state that persons with disabilities may request reasonable accommodations to participate in the hearing process. The applicant may exercise other rights if the applicant believes that he/she has been discriminated against on the basis of race, color, religion, sex, handicap, age, familial status, national origin, disability, or actual or perceived sexual orientation, gender identity, or marital status.

Management will promptly notify the applicant in writing of the denial of admission or assistance in accordance with the property's Grievance Procedures.

## OCCUPANCY STANDARDS

Dwelling units are to be leased in accordance with the standards set forth below except that such standards may be waived if deemed necessary by management to achieve or maintain full occupancy or as a reasonable accommodation.

### Number of Persons

<i>Bedroom Size</i>	<i>Minimum</i>	<i>Maximum</i>
0	1	2
1	1	2
2	2	4

### UNIT TRANSFER POLICY

In filling vacant units, Management shall first offer current residents on the Transfer List the option to relocate to another unit in the development, provided such residents meet one of the following transfer conditions:

- A unit transfer due to a change in family size;
- A unit transfer due to a change in family composition;
- A unit transfer due to a deeper subsidy being available;
- A unit transfer for a medical reason certified by a doctor (Reasonable Accommodation); or
- A unit transfer based on the need for an accessible unit.
- Where persons without disabilities move into a physically accessible unit, they shall do so only after agreeing to move to a unit with no such design features at their expense within thirty (30) days of notification should an applicant or current resident require an accessible unit of the type currently occupied by the persons without disabilities.

Management shall maintain a formal transfer list for current residents pursuant to these conditions. When a vacancy occurs, Management shall determine if a transfer is warranted from the internal transfer list before proceeding to the general waiting list to select an applicant for the vacant unit.

When Management determines that a transfer is required, the Model Lease for Subsidized Programs states that the tenant:

- ***May remain in the unit and pay the HUD-approved market rent; or***
- ***Must move within 30 days after the owner notifies the family that a unit of the required size is available within the property.***

Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. However, if a tenant is transferred as a reasonable accommodation

due to a household member's disability, then Management shall pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden. Upon

approval of the transfer, residents must complete their move within ten (10) calendar days.

**PRIORITIES FOR ACCESSIBLE OR ADAPTABLE UNITS:** As applicable, persons with mobility, visual, or hearing impairments, or households containing at least one person with such impairment, will have first priority for units with the required accessible features. NOTE: Current residents requiring accessible/adaptable units shall have priority over applicants requiring the same type unit. Where persons without disabilities are moved into physically accessible units, they shall do so only after agreeing to move to a unit with no such design features at their expense should an applicant or current resident require an accessible unit of the type currently occupied by the persons without disabilities.

#### **FAIR HOUSING AND 504 POLICIES**

It is the policy of Branson Walk to promote Equal Opportunity and Non-discrimination in compliance with, but not limited to, the Fair Housing Amendments Act of 1988, 42 U.S.C.A. §§ 3601-3620, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. § 794 *et seq.*, The Americans with Disabilities Act of 1990, 42 U.S.C.A. §§ 12101-12213, Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000d, the Age Discrimination Act of 1975, 42 U.S.C.A. §§ 6101-6107, Executive Order 11,063, and all relevant State Laws.

In carrying out this Tenant Section Plan, Management will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, sex, sexual orientation, disability, age, gender or marital status or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. Management will also affirmatively market to the public in accordance with the Affirmative Fair Housing Marketing Plan.

**Applicants with Disabilities and Reasonable Accommodations-** Management will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities who require such changes to have equal access to any aspect of the application process or to the development and its programs and services. Management will, for example, arrange for sign language interpreters or other communications aids for interviews during the application process.

Management complies with all state and federal laws requiring housing providers to make reasonable accommodations or changes to these rules, procedures and housing units or properties, if such changes are necessary to enable a person with a disability to have equal access to and enjoyment of the unit, properties and other facilities or programs.

Reasonable accommodations will be made during the application process and during an individual's participation in the program; provided the accommodation does not present an undue financial or administrative burden. Any accommodation or change must be necessary for the individual to have equal access and enjoyment of the housing and programs, not just be desirable.

Management will consider suggested accommodations from the individual and determine whether the request is reasonable from a financial and administrative point of view. If such accommodation is not deemed reasonable, Management will work with the individual to provide an alternative accommodation that would meet their disability needs.

Requests may be denied if the request poses an administrative or financial burden on the property.

**504 Modification Requests** - Any 504 Modification Requests and supporting documentation must be submitted in writing, and will be reviewed by the 504 Coordinator. An answer will be given in writing within 10 working days, unless there is a problem getting all the information needed or a longer time is agreed upon.

If the request is denied, the reason will be explained to the applicant/resident and other feasible options which do not present a financial and/or administrative burden, or otherwise pose a fundamental alteration to the nature of the housing program may be explored.

All questions or grievances concerning reasonable accommodations requests or denials should be directed to the 504 Coordinator as follows:

**Joe Reece  
Section 504 Coordinator  
95 Cole Street  
Marietta, GA 30060  
770-419-5139**

**TTY/TDD: 1-800-255-0135 Georgia Relay Service**

**Procedures for Assigning Accessible Units** - Units with originally constructed design features (or subsequently altered to provide features) for persons with physical disabilities will be assigned as follows:

- Transfers within the project will take precedence over new applicants.
- New applicants requiring accessible features will be offered such units in the order of their standing on the waiting list, determined by date and time the application was received.

#### **OPENING AND CLOSING THE WAITING LIST**

Management will administer the waiting list in accordance with the following procedures:

- If an applicant is eligible for tenancy, but no appropriately sized unit is available, Management will place the family on the waiting list for the project. Persons needing handicapped accessibility may apply for a standard unit, as well as an accessible unit, at their discretion.
- The waiting list at a minimum will include the date and time an applicant submitted an application, the name and head of household, the annual income level, identification of the need for an accessible unit, preference status and unit size. Waiting lists will be organized by type of unit, applicant preference, and date and time of application within each preference category.
- The waiting list will be maintained electronically and will be available on a computer report. A printed copy of the waiting list will be generated on a monthly basis and maintained for a minimum of three years.
- Each applicant will be placed on the waiting list chronologically according to the date of the completed application within the applicable preference categories.
- The waiting list may be closed for a specific unit size if the projected turnover rate indicates that an applicant would be unable to obtain a unit within one year.

Management will advertise the waiting list closing in the Marietta Daily Journal, Marietta Housing Authority website, and post a notice on the property's bulletin board and at the Marietta Housing Authority's Central Office.

- When an applicant pool is no longer adequate, Management shall advertise the reopening of the waiting list in the Marietta Daily Journal, Marietta Housing Authority's website, and as otherwise required by the Affirmative Fair Housing Marketing Plan. The notice will contain the date the waiting list will reopen and detailed information regarding the application and selection process. Such information shall include provisions for application by persons with disabilities. MHA may use a first-come, first served system or may use a lottery or other random choice technique. The notice will be posted on the property's bulletin board and at the Marietta Housing Authority Central Office.

## **STUDENT RULES**

Management must determine a student's eligibility at move-in, annual recertification, initial certification, and at the time of an interim recertification if the family reports that a household member is a student.

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

- Is enrolled as a full or part-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
- Is under the age of 24, or
- Is not a veteran, or
- Is not married, or
- Is not a person with disabilities, and was not receiving assistance as of November 30, 2005; or
- Does not have a dependent child, or
- Is not living with his or her parents who are receiving Section 8 assistance, or
- Is individually ineligible for section 8 assistance or has parents who are, and individually or jointly, ineligible for assistance; or
- Is not eligible as an independent student as defined by U.S. Department of Education, or
- Has not established a separate household from parents for at least one year prior to application, or has not been claimed as a dependent by parents pursuant to IRS regulations.

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 and mandatory education fees charged by the institution is included in annual income, except if the student is over the age of 23 with dependent children, or is living with his or her parents who are receiving assistance.

## **PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE (VAWA)**

Based on the provisions of the Violence Against Women's Act of 2005 and Reauthorization Act of 2013, Management will protect tenants and family members of tenants who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied, evicted or terminated from housing assistance based on acts of such violence against them. At lease signing, Management will have tenants execute the VAWA Lease Addendum (HUD form 91067.)

When responding to an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking that may affect a current tenant's participation, Management will request in writing that an individual complete, sign and submit, within 14



business days of the request, a HUD Form 91066 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, whereby the individual certifies that he/she is a victim of domestic violence, dating violence, or stalking, and that the incident or incidences in question are bona fide incidences of such actual or threatened abuse, along with any available documentation of the abuse.

In lieu of a certification form, or in addition to the certification form, a tenant may provide one of the following: (1) a Federal, State, tribal, territorial, or local police record or court record; (2) documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, or stalking has signed or attested to the documentation.

If the individual does not provide the form HUD-91066 or the information that may be provided in lieu of the certification by the 14th business day or any extension of that date provided by Management, none of the protections afforded to the victim of domestic violence, dating violence or stalking will apply. Management will therefore be free to evict, or to terminate assistance, in the circumstances authorized by otherwise applicable law and lease provisions.

All information provided to Management relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence shall be retained in confidence and shall neither be entered into any shared database nor provided to any related entity, except to the extent that such disclosure is (i) requested or consented to by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or (iii) otherwise required by applicable law.

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

### **SCREENING PROCEDURES**

Management will secure background information from one or more of the following sources for all adult household members to obtain information regarding an applicant's ability to meet the essential requirements of tenancy:

- References from prior landlords;
- Credit bureau reports
- Eviction screening
- Record of prior criminal history. Management will obtain criminal history reports as part of the tenant selection process;
- Record of a state mandatory lifetime sex offender registration;
- Verification of income either from a present employer, appropriate agency, financial institution or other appropriate party.
- Verification of a disability from a medical professional when the applicant requests a modification to a unit, eligibility for a preference based on disability status, or a reasonable accommodation. Inquiries concerning a person's disability or disabilities in this regard will be limited to verification of the disability and the need for an accommodation or the qualification for a program.
- EIV Existing Tenant Search to determine if the applicant or a household member is

residing in another HUD-subsidized unit.

The screening process will be administered uniformly to all applicants without regard to race, color, religion, national origin, sex, familial status, disability, or actual or perceived sexual orientation, gender identity, or marital status.

#### **WHEN APPLICANT INFORMATION CHANGES**

Applicants are responsible for informing Management in writing of any changes in address, telephone number, household composition, and preference status by filling out a Status Change Form at the property. If mail is returned due to an applicant's failure to provide a correct mailing address, the application will be removed from the property's waiting list.

#### **UPDATING THE WAITING LIST**

The waiting list will be updated periodically as deemed necessary by Management. Every household on the waiting list will be mailed a notice requiring a response within a fixed period if the household wants to remain on the list. If a household returns the response letter in a timely fashion and the household composition has not changed, it will remain on the list as before.

If a household returns the letter in a timely fashion and the household composition or preference status has changed, the family may be assigned to the waiting list for a different sized unit, or preference category, but the original application date will be retained.

If a household's letter is returned by the US Post Office as "undeliverable," the manager will remove the household from the waiting list – so noting on the applicant's waiting list electronic record. The returned letter will be retained in the applicant's file; or

If there is no response from the household in the allotted time, the applicant will be removed from the waiting list.

The applicant(s) will be notified in the update letter that if the update application is not returned in a timely manner, in order to be reinstated to the waiting list, the applicant will have to fill out and submit a new application.

In the event that an applicant has requested an alternate form of communication, the above information will be communicated to the applicant in the format requested.

#### **LEASE PROCESSING**

##### **Offer of Available Units**

When a unit becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for that apartment type. The applicant will be mailed a letter stating that the applicant has seven (7) calendar days to contact Management to complete the full application process. If the applicant fails to respond within the required timeframe, the application will be cancelled and the apartment will be offered to the next applicant on the waiting list.

Upon offer of an apartment, the applicant shall have an opportunity to inspect the apartment along with management and to sign a rejection or acceptance of offer form. Upon acceptance of the offer, the applicant will then be assigned a deadline for move-in.

Before the end of this period, the applicant must complete all outstanding preoccupancy requirements such as leasing interview, and lease execution. Normally, this deadline will be

within five working days of offer acceptance, but may be extended by Management as a reasonable accommodation.

Failure to complete all of the move-in requirements within the assigned period will result in withdrawal of the offer and cancellation of the application.

If an applicant refuses the offer of a unit the application will be cancelled and if the waiting list for this property is open, the applicant will be given the option to reapply for housing assistance. If there is no response from the household in the allotted time, the applicant will be removed from the waiting list. If the applicant responds that they do not wish to proceed with their application at that time the application will be cancelled and, if the waiting list is open, the applicant will be given the option to reapply.

### **Prior to Move-In/Tenant Interview**

Prior to taking occupancy, Management will meet with all residents of the apartment and explain at a minimum the following topics:

1. Security Deposits and refunds
2. Use of the EIV System after move-in
3. Annual Recertification process
4. Interim Recertification process
5. Unit inspections
6. House Rules
7. Transfer Policy
8. Section 8 student eligibility
9. Violence Against Women Act
10. Reporting requirement for income increases of \$200 or more per month
11. Reporting changes in household composition
12. Unit rent and other charge
13. HUD Model Lease
14. Pet Policy

**Leasing of Dwelling Unit** - The Head of Household and all adult household members (age 18 and older) are required to execute the HUD Model Lease and VAWA Addendum. A copy of the lease will be provided to the lessee and the original will be filed as part of the permanent record established for the family.

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

**Application and screening fees** - There is no fee for application or screening for any subsidized unit.

**Damages** – Residents will be charged for damage to property caused by carelessness, misuse, or neglect on the part of the tenant, household member, or visitor. The tenant is obligated to reimburse management for damages within 30 days after the tenant received a bill from management.

**Late payment of rent** – Rent is due on the first day of each month with a grace period of five (5) days. A late fee will not be charged until the sixth day of the month. If the rent is paid on the

sixth day there will be a \$5 fee due. Late fees will accrue at the rate of \$1 for each day thereafter not to exceed 30 days.

**Lock-outs & lost keys** – All residents will be charged \$17.50 for replacement of door keys and \$25 for replacement of mail box keys.

**Returned checks** – A fee of \$35.00 will be charged for returned checks on the second occurrence.

## **SECURITY DEPOSIT REQUIREMENTS**

Prior to move-in all new residents with leases effective after the RAD conversion will be charged a one-time security deposit equal to the Total Tenant Payment or \$50.00 whichever is greater. Upon request, Management may offer the applicant a Payment Agreement for the Security Deposit to be paid in not more than three payments. The deposit will be refunded within 30 days after the resident has moved out, assuming there is no damage greater than normal wear and tear to the vacated unit. Charges for damages and unpaid rent may be deducted from the security deposit. Management will provide the tenant with a detailed listing of items deducted from the security deposit within 30 days of vacating the unit.

## **UNIT INSPECTIONS**

Upon move-in, new residents with leases effective after the RAD conversion will inspect the apartment together with Management, and shall make note of any deficiencies in the unit. The inspection form will be used again upon move-out and the resident will be charged for any damages beyond normal wear and tear with the exception of items noted at move-in.

All units are inspected a minimum of once per year for housekeeping, damage and general repair. Residents will be notified at least 48 hours in advance of an inspection. In addition, residents must submit (upon 48-hour notification) to inspection by government and/or program officials.

## **ANNUAL RECERTIFICATION**

To ensure that assisted tenants pay rent commensurate with their ability to pay, HUD requires the following:

1. Management must conduct a recertification of family income and composition at least annually by the annual recertification anniversary date. If the family's income comes from "fixed" income sources management may opt to only perform verifications once every three years, but will apply the standard COLA annually. Full examination of family income must be conducted upon admission and at least every three years
2. Tenants must supply the information requested by executing the Recertification Application and must provide all requested supporting documentation.
3. Tenants must sign consent forms and asset declaration forms each year.
4. Management must use the EIV Income Report as third-party verification of income from sources available on EIV; i.e., Social Security benefits, wages, Unemployment benefits.
5. Management must obtain third-party verification of income sources not reporting data in EIV; i.e., Child Support, alimony, pensions, VA benefits, income from assets, gifts, valuation of assets and all other sources of income.
6. Residents must provide documentation of other eligible factors used in determining allowances in the family's TTP; e.g., medical expenses, and handicapped expenses, and child care payments.

Management must send Recertification Reminder notifications to residents to meet with management beginning at 120 days prior to the annual recertification anniversary date. If the tenant does not respond, a Second Reminder Notice will be sent at 90 days prior to the annual recertification anniversary date. If the tenant fails to respond, a Third Reminder Notice will be sent to the tenant at 60 days prior to the annual recertification that includes a 60-day notice to terminate assistance if the tenant fails to respond. If the tenant fails to respond by the 10<sup>th</sup> day of the 11<sup>th</sup> month prior to the recertification anniversary date, the tenant may be charged market rent until such time as he or she complies with the recertification requirements.

If the tenant complies with the annual recertification process, Management must provide at least a 30-day written notice of any rent increase. If the tenant does not report in a timely manner, the requirement to provide a 30-day notification of rent increase is waived.

At annual recertification, an Initial Notice of Recertification will be provided to the resident indicating the reporting requirements and deadlines for the next annual recertification.

Residents who do not comply with the recertification requirements in a timely manner or fail to provide requested documentation may be subject to a rent increase, charged market rate rent and/or evicted, unless there are verified medical reasons or other extenuating circumstances that apply.

### **INTERIM RECERTIFICATION REPORTING POLICY**

Residents must notify Management within ten calendar days of the occurrence of the following:

1. A family member moves out of the unit;
2. The family proposes to move a new member into the unit;
3. An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment;
4. The family's income cumulatively increases by \$200 or more per month.

Residents may request an interim recertification due to any changes occurring since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant. Changes a tenant may report include:

1. Decreases in earned income or benefits;
2. Increases in allowances such as medical expenses or child care;
3. Other changes affecting the TTP, such as a family member who attains the age of 62, or a family member becoming disabled.

When reporting changes in income and/or family composition, the resident must execute a Declaration Form and list current information for all household members. The resident must provide all requested documentation to substantiate the change.

When proposing to add a new household member, Management will apply screening criteria to all adults (including live-in aides) for drug related criminal activity, other criminal activity, State sex offender registration, and EIV Existing Tenant Search before approving the move-in.

The proposed household member must disclose and provide verification of their SSN (including live-in aides). New household members (except live-in aides) must provide information regarding all sources of income, execute the Ethnic Racial Data Form, Declaration of

Citizenship and provide proof of age. The head of household may execute these documents for minor children. Adults must sign the HUD 9887/9887A Consent Form.

If the tenant complies with the interim reporting requirements, rent changes must be implemented as follows:

- Rent Increases – If the tenant’s rent increases because of an interim adjustment, Management must give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day notice period.
- Rent Decreases – If the tenant’s rent decreases, the change in rent is effective on the first day of the month after the date of action that caused the interim certification.

If the tenant does not comply with the interim reporting requirements, and Management discovers the tenant failed to report a change as required, the effective date of the change is as follows:

- Rent Increases - Management will implement any resulting rent increase retroactive to the first of the month following the date that the action occurred.
- Rent Decreases – Any resulting rent decrease must be implemented effective the first rent period following completion of the recertification.