

York Area Housing Group Tenant Selection Plan

Dutch Kitchen

Tenant Selection Plan

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TENANT SELECTION PLAN AND CRITERIA

Dutch Kitchen

These tenant selection criteria shall be used for the Dutch Kitchen. The policy of the Management Agent is one of equal opportunity and non-discrimination in compliance with all Civil Rights legislation (1964, 1968, 1988), Section 504 of the Rehabilitation Act of 1973 and Affirmative Fair Housing Marketing requirements as set forth individually for each property. No applicant would be denied on the basis of race, color, religion, sex, national origin, disability and familial status. Applicants must meet all applicable Federal Low Income Housing Tax Credit Program guidelines, U.S. Department of Housing and Urban Development (HUD), as well as Management Agent tenant selection requirements to gain admission to a property rented or managed by the Management Agent.

Tenant selection criteria for the Federal Low Income Housing Tax Credit Program and/or HUD is used for the apartments in the site that receive rental assistance subsidies.

A. APPLICATION

This site is marketed at least once per year, if not more frequently, as required by the Federal Low Income Housing Tax Credit Program - using all advertising and community contacts as set forth on the Affirmative Fair Housing Marketing Plan. All persons interested in any property rented or managed by the Management Agent may request an application either in person (or through a designated individual) at the site office or at the Agent's main office, 118 North George Street, York, Pennsylvania, during posted office hours. Applications may be requested to be mailed by calling the telephone number at either the site or main office. FAX requests for applications may be sent. Applications will also be available through the Management Agent's website – www.yorkareahg.org. TDD telecommunication is available by calling the TDD number (1-800-654-5984). Applications are available even if a sizeable waiting list exists.

Site Information:

- Dutch Kitchen, 381 West Market Street, York, PA 17401 – telephone: 717-846-5281, fax: 717-854-0343

An application must be completed in full by the applicant and submitted either in person or by mail to the site or main office. The application must be used; it contains requests for all information necessary for determining initial eligibility. Applicants may request assistance in completing the application if necessary. The Management Agent's policy is to assist applicants whenever possible, especially to accommodate requests by persons with disabilities. All applicants whose applications are not complete will be contacted within ten (10) days of receipt in writing with a written list of items necessary to complete the application. While the site office will track all applications and requests for additional information, no application will be placed on the waiting list until it is complete. When a completed application is received or the requested information received subsequently to make it complete, the application will then be logged by date and time received and placed on the waiting list. When a vacancy at the property exists, or is expected within the next ninety (90) days, the verification-selection process will begin immediately for the next applicant on the waiting list in regard to the income, assets, and eligible program allowances for certification and the Management Agent references for selection or rejection.

Notices will be mailed to the first three (3) to five (5) applicants on the list for the particular size unit to be available advising them that if they are still interested in a unit, they should contact the manager within fourteen (14) days from the date of the letter. For those contacted who respond on time, the manager shall arrange a meeting for the interested applicant highest on the waiting list to begin the selection and verification process. If they do not respond to telephone calls and/or letters in that fourteen (14) day period, their name shall be removed from the waiting list.

The application contains a release form which must be signed to authorize the Agent to verify all items inclusive of credit history and other references. Placement of an application on the waiting list does not denote final tenant selection; that can and will occur only after the process has been completed. Preliminary eligibility shall be determined by using the information on the application.

All applicants who submit a completed application (or when an application becomes complete) will be notified in writing of waiting list status or subsequent tenant selection or rejection. Any applicant who exceeds income limits for eligibility based upon application information, or if ineligible during later processing, shall be notified in writing that they are ineligible. Similarly, any applicant who is not eligible due to other eligibility requirements shall also receive a notice of ineligibility. However, should the property have permission or will be seeking such permission from the Federal Low Income Housing Tax Credit Program to rent to ineligibles, the income ineligible applicant should be maintained on the waiting list.

B. WAITING LIST

1. All completed applications are listed on the waiting list by date and time received. The date/time is based on when the completed application or subsequent information is received to make the application complete. The waiting list contains all program requested data (Federal Low Income Housing Tax Credit) inclusive of date and time, name and telephone number of applicant, income, bedroom size requested, need for an accessible unit and final tracking status (i.e. selection, rejection, cancellation, etc.). Sub-lists to the master list are kept by accessible units with each sub-list kept by income levels (extremely low, very low, and low). An applicant on the waiting list will appear on as many sub-lists, cross referenced, as appropriate. Ineligibles will be kept on the waiting list and sub-lists if waivers to rent to ineligibles have been requested or received by the Federal Low Income Housing Tax Credit Program. Any applicant may request information on current status by writing (mail or email) or calling the site office.
2. Applicants placed on the waiting list shall have their names removed from it for any of the following reasons:
 - a. The applicant no longer meets the eligibility requirements for the property or the program;
 - b. The applicant fails to respond to a written notice for an eligibility interview as detailed in Section A.
 - c. If an applicant on the waiting list is offered an apartment and refuses the offered apartment, he/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. 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.
 - d. Mail sent to the applicant's address is returned as undeliverable, and other direct attempts that are sometimes used to contact Program participants are unsuccessful;
 - e. It is discovered that the applicant provided false information;
 - f. The applicant requests voluntarily that his/her name be removed.
3. If an applicant is removed from the waiting list, and subsequently it is determined that an error was made in removing the applicant, the applicant shall be reinstated at his/her original place on the waiting list.

4. Since there are a limited number of potentially eligible applicants, the waiting list tends to be relatively small. It is the policy of the Management Agent not to close the waiting list for the Dutch Kitchen. However, at least once a year the persons on the waiting list shall be contacted, whenever practical, to determine their respective intentions to remain on the list or not.

C. RESIDENT ELIGIBILITY FACTORS

1. Applicants shall be selected from the waiting list chronologically based on date and time of application, by income level, by occupancy standard for bedroom size available, and by preference, if applicable.
2. The applicant shall meet eligibility criteria for the specific project and unit as defined by the Federal Low Income Housing Tax Credit Program and/or Management policies.
3. Applicants for residency in the Dutch Kitchen Single Room Occupancy Apartment House must qualify under at least one of two program categories: (1) the HUD Existing Section 8 Housing Program administered by the Housing Authority of the City of York, or (2) the Federal Low Income Housing Tax Credit Program as regulated by the U.S. Department of the Treasury and the Pennsylvania Housing Finance Agency. The household must be a single person who is eligible and who intends to live alone. Only single persons, who are 18 years of age or older, are eligible.

4. Citizen/Immigration Requirements: **(This section does not apply to applicants who will not be receiving rental assistance.)**

Section 214 – Restriction on Assistance to Non-Citizens: By law, only U.S. Citizens and eligible non-citizens may benefit from federal rental assistance. Compliance with these rules ensures that only eligible families receive subsidy. These requirements apply to families making application to either property, families on the waiting list for either property, and existing tenants of both properties.

- a. Applicants are required to declare U.S. Citizenship or submit evidence of eligible immigration status for each household member seeking assistance. The following documents are required:
 - 1) Citizenship Declaration (Each household member listed must complete.)
 - 2) Forms and/or evidence of citizenship/immigration status.
- b. Applicants must submit required documentation of citizenship/immigration status no later than the date verification of other eligibility factors are initiated. Citizen or non-citizen eligibility verification will be done first. The applicant's citizenship or immigration status must be determined during the initial eligibility determination, prior to adding that household to the waiting list or prior to move-in.
- c. If the applicant cannot supply the documentation within the specified timeframe, the applicant may request an extension of not more than thirty (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.
- d. Applicants that are U.S. Citizens must sign a declaration of citizenship and provide documents as proof of citizenship. Verification of the declaration will be completed. Please refer to Attachment C of the Resident Selection Plan for a listing of documents that will be accepted as proof of citizenship.
- e. Applicants that are non-citizens claiming eligible status must sign a declaration of eligible immigration status, consent form and provide a DHS-approved document. Please refer to Attachment C of the Resident Selection Plan for a listing of documents that will be accepted.
- f. Non-citizens not claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance.

- g. The validity of documentation provided by the applicant shall be verified with the Department of Homeland Security (DHS) through the use of the Multifamily Systematic Alien Verification for Entitlements (SAVE) and/or through the use of a Document Verification Request, Form G-845S.
 - h. Households shall be notified in writing that they are (1) eligible for assistance, (2) eligible for partial assistance, as a mixed household or (3) ineligible based upon citizenship/immigration status.
 - i. Rental assistance shall not be delayed for an otherwise eligible applicant if he/she has submitted the immigration information in a timely manner by the DHS verification or the appeals process has not been completed.
 - j. The initial deferral period shall be for six (6) months and may be extended for an additional six (6) month period, not to exceed eighteen (18) months.
5. Social Security Number Requirements – Effective 1/31/10, all household members receiving assistance or applying to receive assistance will be required to provide a Social Security Number and adequate documentation necessary to verify that number. This rule applies to all household members including live-in aides, foster children and foster adults. Adequate documentation means a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:
- Original Social Security card
 - Driver's license with SSN
 - Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union
 - Earnings statement on payroll stubs
 - Bank Statement
 - Form 1099
 - Benefit Award Letter
 - Retirement benefit letter
 - Life Insurance policy
 - Court records

For eligibility purposes, applicants do not need to disclose or provide verification of a Social Security Number for household members to be placed on the waiting list. However, applicants must disclose a Social Security Number and provide adequate documentation to verify each Social Security Number for all non-exempt household members before they (1) can be screened, (2) can participate in the eligibility interview or (3) can be housed.

If all non-exempt household members have not disclosed and/or provided verification of their Social Security Numbers at the time a unit becomes available, the next eligible applicant must be offered the available unit.

- The applicant who has not provided required Social Security Number information for all non-exempt household members has ninety (90) days from the date they are first offered an available unit to disclose/verify the Social Security Numbers.
- During this ninety (90) day period, the applicant may retain its place on the waiting list.
- After ninety (90) days, if the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

There are exceptions to the disclosure of social security number requirements. The SSN requirements do not apply to:

- Individuals who do not content 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 – where the individual did not contend eligible immigration status – to support exception to the requirements to disclose and provide verification of a SSN.
- Individuals age 62 or older as of 1/31/10, whose initial determination of eligibility was begun before 1/31/10.
 - The eligibility date is based on the initial effective date of the form HUD-50059.
 - 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 1/31/10. This documentation must be retained in the resident file. An Owner/Agent cannot accept a certification from the applicant stating they qualify for the exemption.
 - The exemption 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.

The SSN provided will be compared to the information recorded in the Social Security Administration database (through HUD's Enterprise Income Verification System) to ensure that the Social Security Number, birth date and last name match. If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error must be returned to HUD. If the applicant/resident deliberately provides an inaccurate SSN, the Owner/Agent and/or HUD may pursue additional penalties due to attempted fraud.

6. All units have rental assistance. As such, the applicant household's annual income may not exceed the applicable income limits as established by the Federal Low Income Housing Tax Credit Program for the area in which the project is located. Dutch Kitchen applicants must have an income equal to or below fifty percent (50%) of the area-wide median income for York, adjusted for household size.

Prospective tenants shall be requested to provide information regarding estimated annual income and assets. Tenants and applicants will sign an agreement consenting to provide the Agent with information about their income and assets as derived from any source. The Agent will verify all income and assets.

7. Tenants shall not be selected in order different from that of the waiting list for the purpose of selecting higher-income households for residence. However, higher-income applicants may be skipped over in order to achieve the forty percent (40%) extremely low-income requirement.
 - a. At least forty percent (40%) of the assisted units that become available in each year of the project's fiscal year shall be made available for leasing to families whose incomes do not exceed thirty percent (30%) of the area median income ("extremely low-income") at the time of admission.
 - b. In order to ensure that the forty percent (40%) extremely low targeting requirement is met each fiscal year, the Agent shall implement one of the methodologies regulated by the Federal Low Income Housing Tax Credit Program.
 - c. If an applicant is skipped over in favor of housing for an extremely low-income household, he/she will not lose his/her place on the waiting list and shall be considered for the next available unit.

8. The resident shall agree to pay the rent calculated using rules established by the Federal Low Income Housing Tax Credit Program.
9. The unit must be the individual's only residence. Assistance may not be provided to individuals who will maintain another residence in addition to the assisted unit.
10. At the time of admission, the applicant may not be receiving assistance on any unit. (This does not prevent a person from applying for assistance in another project).
11. The applicant must meet the economic criteria established for the program in question.
12. The applicant must meet any preference requirements, where applicable, and any tenant selection criteria.
13. The applicant must have the legal capacity to enter into a lease agreement and must sign an Authorization for Release of Information form prior to entering into the lease agreement.
14. The Dutch Kitchen will have a mixture of Section 8 and non-Section 8 assisted tenants. Fifty (50) of the fifty-nine (59) rooms will be subsidized through the Section 8 Program of the Housing Authority of the City of York. During initial occupancy, all applicants will be sent to the Housing Authority to be certified.

The Housing Authority will have each applicant fill out its application form for the Section 8 Program. The Authority will maintain a separate waiting list for SRO units on a first-come, first-serve basis. Each applicant's situation will be reviewed and verified by the Housing Authority to determine a person's eligibility.

Nine (9) of the units at the Dutch Kitchen will not have Section 8 subsidy available. However, the United Way of York is providing a subsidy to allow the Owner to keep the rents for these nine (9) units lower than what would otherwise be charged. The Agent will market these units independent of the Housing Authority and will determine each applicant's eligibility for occupancy.

15. The Dutch Kitchen may not accept full-time students.

D. PRIORITIES AND PREFERENCES

The Housing Authority gives preferences to applicants for Section 8 in accordance with its tenant selection policies approved by HUD. However, because the Dutch Kitchen SRO is a unique situation, the Housing Authority will establish a separate waiting list for this project and will give preference to the homeless over the other Federal preferences.

One of the preferences established by the Housing Authority is for those applicants presently living in substandard housing. Homeless persons are defined in the HUD regulation as living in substandard housing. Certification of homelessness will be required from a public or private shelter, local police or social service agency.

After all homeless preference applicants have been verified as being eligible, all other single person applicants will be processed to determine eligibility and those eligible will be added to the waiting list and referred to the Management Agent by the Housing Authority. The waiting list will be developed in compliance with the Fair Housing laws of the United States, State and Local government. The Housing Authority will process applications from other persons using the following preferences:

1. Persons displaced by natural disaster whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.
2. Persons displaced by urban renewal or other government action.
3. In units designed for disabled tenants, preference will be given to those persons requiring such units.
4. Those presently living in substandard housing. A substandard housing unit is substandard if it
 - is dilapidated;
 - does not have operable indoor plumbing;
 - does not have a usable flush toilet or bathtub or shower inside the unit for the exclusive use of a family;
 - does not have electricity or has inadequate or unsafe electrical service;
 - should have, but does not have, a kitchen; and/or
 - has been declared unfit for habitation by an agency of the government.

Substandard Housing Certification is a form prescribed by HUD from a government agency or applicant's landlord that the unit is substandard.

5. Those currently paying more than fifty percent (50%) of gross monthly income for rent and utilities.
 - a. Gross monthly income is one-twelfth (1/12) of annual income as defined for the Section 8 and Public Housing Programs.
 - b. Rent is the actual amount due on a monthly basis under a lease or occupancy agreement with the family's current landlord. Utilities are utilities purchased directly by residents (excluding telephone) from utility suppliers.
 - c. An applicant whose housing assistance was terminated in accordance with program requirements does not qualify for a federal preference of paying more than fifty percent (50%) of income for rent.

Income is verified in accordance with existing procedure used in Section 8 and Public Housing Programs. Rent is verified by rent receipts, cancelled checks or money orders or contacting the landlord. Utilities are verified by copies of bills and/or receipts or contacting utility suppliers. The Section 8 Existing Housing utility allowances may be used to determine utility costs.

6. Those who have been involuntarily displaced – an applicant has or will have to vacate his or her unit due to:
 - a. A disaster such as fire or flood that makes the unit uninhabitable.
 - b. Activity by a government agency such as code enforcement or public improvement.
 - c. Actions by the housing owner that are beyond the applicant's ability to control or prevent, such as conversion to non-rental use. The action occurs despite the applicant having met all previous conditions of occupancy and the action is other than a rent increase.
 - d. Actual or threatened physical violence against the applicant or applicant's family by a spouse or other household member.
 - e. If the applicant is re-housed in standard replacement housing, he/she does not qualify for the preference. Applicants evicted for cause do not qualify.

Involuntarily Displaced Certification is a form prescribed by HUD from a government agency or applicant's landlord that the applicant has or will be involuntarily displaced. In the case of domestic violence, certification is needed from local police, social service agency, court, clergy, physician or shelter counseling agency.

The Housing Authority informs all applicants, including those on the waiting list, of the availability of the federal preferences. At the time of application, the applicant certifies his or her eligibility for a federal preference. Verification of preference eligibility is done prior to providing housing assistance to the applicant.

The system for applying the preference provides that an applicant who qualifies for any of the federal preferences receives assistance before any applicant who does not qualify for a federal preference, regardless of place on the waiting list at time of application. In applying the preferences, the Housing Authority will treat homelessness greater than all other preferences.

If the Housing Authority determines an applicant does not qualify for a federal preference, the applicant must be notified in writing and given the opportunity to meet with the Housing Authority.

E. PROCESSING STEPS

The project is to be rented up and occupancy maintained on a first-come, first-served basis with the initial applications date-stamped when received and a single, chronological list of all applicants to be maintained at the rental office by the Agent.

The waiting list for the Dutch Kitchen will be maintained by the Housing Authority. As Section 8 units at the Dutch Kitchen become available, the Agent will contact the Housing Authority advising them that applicants are needed to fill the vacant units.

Applicants must meet application, interview and reference criteria in addition to program (federal Low Income Housing Tax Credit and/or HUD) and occupancy policy requirements. In completing the application, all applicants must sign the release form allowing the Agent to verify all income, assets and allowances along with credit, personal, criminal (including sexual offender registration status) and landlord references. In addition, the Agent may check with other agencies necessary to verify eligibility and with police departments and wage matching as well. All applicants shall have a personal interview. After processing and the interview have been completed, an eligible applicant shall receive a notice of tenant selection. Applicants who wish to be a tenant or co-tenant must possess the legal capacity to sign all documents (unless an accommodation determination for the disabled to allow guardian signature if otherwise eligible is made), and shall have to agree to complete the tenant certification process, enter into a one (1) year lease agreement, pay a security deposit and participate in a unit inspection prior to occupancy of the unit.

For units that have Section 8 rental assistance, the security deposit equals the greater of one (1) month's Total Tenant Payment (inclusive of the Utility Allowance) or \$50, whichever is greater. Where hardship exists, applicants may request a payment plan which would require a down-payment of the security deposit of at least thirty percent (30%). The remaining balance must be paid in equal installments monthly, with the full amount paid within three (3) months.

Dutch Kitchen does not allow pets.

All marketing and intake must be in compliance with the Affirmative Fair Housing Marketing Plan. This plan is intended to promote equal housing choices for all prospective tenants in the market regardless of race, color, religion, sex, national origin, disability or familial status. This plan outlines the marketing outreach strategies including special efforts to the least likely to apply. It does specify racial, ethnic and economic mix targets and marketing strategies to attract that mix but it does not specify mandatory racial or ethnic quotas. **APPLICANTS ARE SELECTED BASED ON THE TENANT SELECTION PLAN.** Marketing efforts are monitored and strategies adjusted if desired mixes of applicants do not respond. The plan can be altered or amended with approval from the Federal Low Income Housing Tax Credit Program and/or HUD.

Applicants must be admitted, placed on the waiting list or rejected. Potentially eligible and acceptable applicants for whom the appropriate size unit is not available should be placed on the waiting list and informed:

(1) that they will be contacted when an appropriate unit becomes available, and (2) approximately how long it will take for a unit to become available.

The Property Manager is responsible for accepting and rejecting applicants.

The processing sheet/waiting list will be reviewed to identify the applicants who meet the criteria for priority needs listed in the priority section. Upon identification, those applicants will be processed first and, if eligible, must meet all eligibility criteria and will have first priority for occupancy. The processing sheet/waiting list will then be maintained on a first-come, first-served basis.

F. RESIDENT SELECTION

The resident selection procedure applies to all applicants. The resident selection procedure shall be in compliance with Fair Housing and Equal Opportunity requirements. The Agent shall secure information related to the screening criteria. The screening criteria to be used shall include: demonstrated ability to pay rent and make timely payments; history as a good resident; credit history; use of illegal drugs; alcohol abuse; sexual offender status; other criminal behavior, and housekeeping habits.

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 by applying the same criteria established for screening other applicants. In addition, the Owner/Agent may apply any other Owner established applicant screening criteria to new household members in order to establish suitability for tenancy. Owner established screening criteria will also be applied to live-in aides, except for the criterion regarding the ability to pay rent on time because live-in aides are not responsible for rental payments.

Police officers and other security or management personnel that reside in subsidized units are subject to the same screening criteria as other applicants. Criminal screening, including screening for sexual offender registration status, will be conducted annually at recertification and prior to any eligible unit transfer.

1. Credit Report

Credit reports shall be ordered. Information shall be requested on the form provided by the area credit bureau. The absence of a credit file shall not adversely affect the applicant. Each applicant's report shall be reviewed to determine the history of his/her payment practices including utilities, outstanding loans, judgment, repossessions, foreclosures, etc. The uniform review and objective determination of credit history are not always possible; however, the following specifications will be used as a benchmark in reviewing credit reports – addresses will be checked with application; place of employment will be checked with application; and credit history will be reviewed.

Since many of the Dutch Kitchen applicants will have been homeless, the absence of a credit file shall not adversely affect the applicant.

Procedure for Evaluation of Credit Report

For a credit history, the number and amount of outstanding balances shall be checked. After checking balances and to whom the applicant owes money, the Agent shall examine the manner of payment and historical status. The credit bureau classifies accounts from 0-9, 0 representing a newly approved account too new to rate, and 9 representing a bad debt in collection status. For purposes of evaluating payment histories of prospective residents, acceptable payment ratings of 0, 1, 2 and 3 will generally be considered acceptable. Ratings of 4 through 9 will not be acceptable. A rating of 3 represents that the person pays in more than 60 days but no more than 90 days or two (2) payments past due. A rating of 4 represents payments overdue 90 days but not longer than 120 days.

In areas where the credit bureau does not use the standardized 0-9 rating, a payment record of 60-90 days will be the maximum acceptable.

Four (4) accounts in excess of the 90-120 days period or two (2) charge-off accounts or any combination of these two (2) will constitute a basis for rejection. However, given the problematic nature of many homeless, single person households, it is anticipated that the Agent will have to be somewhat flexible when evaluating credit reports of Dutch Kitchen applicants.

Particular attention will be given to the applicant's credit history involving utilities, previous rental situations and regular but not particularly unusual loans and credit lines. Where there are credit problems associated with unpaid or late medical and pharmaceutical bills, the Agent shall not necessarily apply the same criteria of evaluation, since non-payment or problems paying these types of bills are not considered to be representative and reliable basis for evaluating an applicant's bill-paying habits.

The person evaluating the report shall review the report with some subjectivity, taking into consideration the overall payment record as an indication of the probable expectation regarding rent payments. For prospective tenants that will be receiving Section 8 or other rental assistance, the evaluation of the applicant's tenant history shall also take that assistance into consideration.

2. Illegal Drugs

Inquiries shall be made of each applicant to determine whether the applicant or member of the household is currently an illegal drug user of a controlled substance; has been convicted of the illegal manufacturing or distributing of a controlled substance, convicted of the illegal use of a controlled substance, engaged in other drug-related criminal activity, or had been evicted from Federally-assisted housing for drug-related criminal activity.

A criminal background information report shall be conducted by the Agent. In addition to currently engaging in illegal drug use, if it is determined 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, an applicant shall be rejected.

Any household member that has been evicted from housing, whether Federally-assisted or non Federally-assisted, for drug-related criminal activity within three (3) years from the date of the admission decision shall be rejected. If the household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program and circumstances leading to the eviction no longer exist, the applicant may be considered for admission.

Any drug-related criminal activity that occurred within the five (5) years immediate to the date of the admission decision shall constitute grounds for rejection. If the household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program and circumstances leading to the criminal activity no longer exist, the applicant may be considered for admission. However, if there is a long-term pattern of drug-related criminal activity that exceeds five (5) years and is strongly indicative of continuing threats to the health, safety and peaceful enjoyment of the premises, an applicant shall be rejected.

3. Sexual Offender

Any member of a household applying for a unit who is subject to a lifetime registration requirement under a state sex offender registration program shall be rejected.

During the admissions screening process, the Agent shall perform the necessary history background checks in Pennsylvania and in any other state where the household members are known to have resided.

4. Alcohol Abuse

If it is determined in the resident selection process that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, the applicant shall be rejected.

5. Criminal Activity

Any applicant or household members who are currently engaging or has engaged in any violent criminal or other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or that would threaten the health or safety of the Owner, its Agent or any employee, contractor or subcontractor involved in the housing operations, shall be rejected. Ordinarily, any criminal activity that occurred within five (5) years immediate to the date of admission decision shall be considered. However, if there is a long-term pattern of criminal behaviors that exceeds five (5) years and is strongly indicative of continuing threats, an applicant shall be rejected.

For all residents at time of annual recertification and/or eligible unit transfers, verification of criminal and sexual offender registration status will be completed.

6. Landlord Report

Reference from present and previous landlords for a minimum of three (3) years prior to application will be considered. An applicant may be rejected if this report documents failure to make rental payments; responsibility for disturbing the safety, security and right to peaceful enjoyment of other tenants; instances of gambling, prostitution, drug dealing, drug manufacturing or illegal drug activity; damage to the property beyond normal wear; threats of violence to the landlord or neighbors, allowing persons not on the lease to reside on the premises, or a serious lease violation.

7. Home Visits

Home visit reports on housekeeping will be completed on all applicants residing within a fifty (50) mile radius of the site's location. Any five (5) affirmative answers on the report are grounds for rejection, unless undesirable conditions or damages exist due to circumstances beyond the applicant's control. In such instances, the burden of proof will rest with the applicant.

It is important that the Agent consider the circumstances of the applicant. For any applicant that is considered homeless or has temporary housing (i.e. living with friends/relatives and/or a shelter), a home visit will not be conducted. The inability of the Agent to perform a home visit because of homelessness or extreme distance situations will not necessarily result in rejection of an applicant.

G. OCCUPANCY STANDARDS

The Dutch Kitchen is single room occupancy – only single persons who are eighteen (18) years of age or older are eligible. One adult member per room is allowable.

H. STANDARDS FOR REJECTION

Failure of any one (1) category is sufficient reason for rejection of the applicant. The following standards shall be used to evaluate whether or not an applicant shall be accepted for occupancy:

- History of evictions.
- Substantial risk that the applicant shall be unable or unwilling to pay rent, including a chronic history of late payment or non-payment of rent or non-payment of other financial obligations.

- Substantial risk that the applicant or those under the applicant's control shall interfere with the health, safety, security and the right to peaceful enjoyment of the resident community, including violation of the terms of current or previous lease agreements, failure to maintain a unit in sanitary condition, current use of illegal drugs, conviction for drug manufacture, sale, distribution or other drug-related criminal activity, violent criminal activity and other criminal activity.
- Substantial risk of intentional damage or destruction to the unit and surrounding premises by the applicant or those under the applicant's control.
- Any misrepresentation of any information on the application or at the interview. If misrepresentations are found after a lease agreement has been executed, management reserves the right to use all administrative remedies at its disposal.
- Eviction from Federally-assisted housing for drug-related criminal activity.
- A life-time registration requirement under a state sex offender registration program.
- Substantial risk that there is reasonable cause to believe that there is abuse or a pattern of abuse of alcohol that would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Applicant's household does not comply with the occupancy standards for the project based on the size of the unit, the size of the bedroom/sleeping area and the number of bedrooms/sleeping areas.
- Applicants who do not possess legal capacity to sign documents cannot become tenants or co-tenants.
- Any application which is incomplete will not be processed.
- Refusal to sign release to allow verification of information related to eligibility, references, etc., shall be grounds for rejection.
- Applicants who do not meet Federal Low Income Housing Tax Credit income limits for a property shall be rejected unless permission to rent to income ineligibles is in process or has been received from the Federal Low Income Housing Tax Credit Program.
- Applicants with negative credit, personal, landlord or criminal references shall be rejected.

In making determination relative to rejecting an application, the following considerations will be made:

1. The possible biases, attitudes and motives of all references and sources of information will be considered.
2. All information used in consideration of an applicant will be current. The possibility of mitigating factors and the possibility of changes in the applicant's behavior will be considered in every case.
3. Consideration will be given to the applicant's present shelter cost-income ratio and whether the rent level for the unit for which the applicant is applying would help eliminate present financial hardship when judging an applicant's payment record or credit report.
4. In all cases where potential applicants are rejected for selection, the Property Manager shall issue a written notice of decision which specifies the reason for rejection.

5. If the rejection is based on a report from a credit reporting agency, the applicant may request the name of the agency providing the credit information. The Agent will provide the name of the agency but not the actual report itself.
6. All eligibility factors shall be verified in writing and documented in the file.
 - a. If an Agent determines that an applicant is ineligible because of family composition, because his or her income exceeds the appropriate income limits, because the applicant's family composition is not suitable for the size of units available, or because the applicant does not meet the Agent's resident selection criteria (e.g. poor rent-paying history, negative evaluations from prior landlords, poor credit, etc.) the Agent shall promptly notify the applicant in writing of that determination. The notice shall explain why the applicant is not being admitted to the project and advise the applicant that he or she may (within 14 days receipt of the notice) respond in writing to request to meet to discuss the notice. The notice shall also inform the applicant that responding to the Agent's notice does not preclude the applicant from exercising other avenues available if he or she believes that he or she is being discriminated against on the basis of race, color, religion, sex, national origin, disability and/or familial status. The meeting or the review of the applicant's written response will be conducted by the Executive Director of the management agent.
 - b. If the applicant responds in writing, and after a meeting is held, the Agent shall advise the applicant in writing whether or not the Agent's position has changed. The Agent shall do so within five (5) days of the date the meeting was held.
 - c. The Agent is required to maintain the application, the Agent's notice of non-acceptance, any applicant's reply and the Agent's final response for a period of not less than three (3) years. The file shall also contain all interview and verified information on which the determination of eligibility/non-acceptance was based. The file shall be maintained in a manner which respects the applicant's right to privacy.
8. Any applicant who is selected but does not accept tenancy for reasons other than medical, emergency, or need for subsidy that is currently not available shall be removed from the waiting list. The waiting list is updated, at the minimum, on a yearly basis to establish continued eligibility, to remove those determined ineligible, and/or to reclassify those with changed status.
9. The Agent will not lease to anyone who cannot pay in advance the required rents, fees and deposits (except as noted in Section E) for the required monthly period. Vouchers from agencies with approved prior arrangements with the Agent will be accepted in lieu of payment from the applicant and/or tenant.

Current or potential income sources need not be steady. A prospective tenant who has a known history of supporting him or herself through casual labor, for example, will be considered.

Primary responsibility for screening applications shall rest with the Property Manager. The Property Manager will accept applications and obtain income documentation, credit reports, previous landlord verifications and criminal reports, etc.

The Property Manager will inform all applicants of the availability of pre-rental workshops offered by the Housing Alliance of York. This four-part workshop series covers topics including landlord/tenants' rights and responsibilities, budgeting, fair housing law and utilizing community resources (i.e. entitlement programs, fuel and rental assistance, employment and job training, free or low-cost food, clothing and household furnishings).

The Property Manager may also confer with agencies or organizations that have referred applicants for consideration, including the Housing Alliance of York. These contacts would be initiated in cases where preliminary credit reports, landlord verifications or other indicators used for screening applicants may include negative information. In many cases, potential residents may have experienced problems or crises in their life which led them to avoid their credit obligations or responsibilities as tenants, i.e. substance abuse, mental illness, incarceration. However, referring agencies may be able to document that these applicants have successfully participated in treatment programs or have established recent credit/tenant histories which might qualify them for residency.

I. **MINIMUM RENT** (This section does not apply to applicants/tenants who will not be receiving rental assistance.)

All tenant households shall be charged a minimum monthly rent of no less than \$25.

1. The Agent shall waive the minimum monthly rent requirement to any tenant household unable to pay due to financial hardships. The financial hardship exemption constitutes the only statutory exemption and includes these hardship situations:
 - a. The tenant household has lost Federal, State or Local government assistance or is waiting for eligibility determination (including legal immigrants);
 - b. The tenant household would be evicted if the minimum rent requirement was imposed;
 - c. Other situations as may be determined by the Agent or HUD.
2. Upon a tenant's request for hardship exception, the Agent should waive the minimum rent charge beginning the month that immediately follows the date that the tenant made the request. The Agent may request reasonable documentation of hardship in order to determine whether there is a hardship and whether it is of a temporary or long-term nature. This determination shall be done in a prompt and timely manner. It is expected that this determination should be done in one (1) week.
 - a. If the Agent determines that there is no hardship covered by statute, the Agent shall immediately reinstate the minimum rent requirements.

The tenant is responsible for any minimum rent that was not paid from the date the minimum rent was suspended. The Agent shall not evict the tenant for non-payment of rent during the time in which it takes the Owner to make the hardship determination. A reasonable payment agreement shall be offered for any minimum rent back-payment by the tenant.

- b. If it is determined that the hardship is of a temporary nature, the minimum rent shall not be imposed for a ninety (90) day period from the date of the suspension. At the end of the ninety (90) day period, the tenant shall be responsible for the minimum rent which shall be imposed retroactively to the initial date of suspension. The tenant cannot be evicted for non-payment of rent during the time in which it takes to make the hardship determination or during the ninety (90) day grace period. A reasonable repayment agreement must be offered for any back-payment by the tenant.
- c. If the nature of the hardship is determined to be long-term, the Agent shall exempt the tenant from the minimum rent required from the date the suspension was granted until such a time that the hardship no longer exists.
- d. The Agent shall maintain documentation of all determinations regarding requests for hardship exceptions.

3. Implementation of a long-term suspension of minimum rent requirement shall be treated as an interim recertification. The tenant must complete the appropriate recertification documents.

J. ADDITIONS TO THE HOUSEHOLD

Existing tenants cannot move additional members into their household.

K. UNIT TRANSFERS

Ordinarily, tenants are not permitted to transfer from one unit to another, except to comply with occupancy standards or to accommodate tenants who may need a transfer for a medical reason or need an accessible unit. If a tenant household is being moved to a different unit as a reasonable accommodation to a household member's disability, then the Owner must pay for the move unless doing so would constitute an undue financial and administrative burden; otherwise any costs associated with the transfer shall be the responsibility of the tenant.

If a tenant provides appropriate and adequate documentation requesting a transfer for medical reasons or for an accessible unit, Management shall advise the tenant accordingly. When Management has an approved tenant transfer request on record, the first opportunity to lease an appropriate, vacant unit shall be given to the tenant. If the tenant refuses the unit transfer, a new tenant shall be processed from the waiting list.

L. DRUG-FREE HOUSING

The following points shall be reviewed with each applicant:

1. Applicant, any member of a tenant's household, or a guest or other person under the tenant's control shall not engage in criminal activity, including drug-related criminal activity, on or near housing premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with the intent to manufacture, sell, distribute, or use of a controlled substance (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]).
2. Applicant, any member of the applicant's household, or a guest or other person under the tenant's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near housing premises.
3. Applicant or members of the household will not 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 or a guest.
4. Applicant or member of the household will not engage in the manufacture, sale or distribution of illegal drugs at any location, whether on or near housing premises or otherwise.
5. Applicant, any member of the tenant's household, or a guest or other person under the tenant's control shall not engage in acts of violence or threats of violence, including, but not limited to, the unlawful discharge of firearms, on or near housing premises.
6. Criminal activity, including the manufacture, sale or use of illegal drugs by applicant or by members of the household is grounds for rejection of the application. Such criminal activity may violate the lease provision and demonstrate adequate cause for termination of the process.
7. An apartment in any housing project managed by the Agent shall be used as a private dwelling for the individual(s) listed on the program certification form or other occupants approved in advance by the landlord. Use of said unit by the tenant or members of that household for drug use/sale violates the lease provision against use of the unit for purposes other than as a private dwelling.

M. SECTION 504 AND FAIR HOUSING COMPLIANCE

Section 504 prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance.

A Reasonable Accommodation as defined by the Fair Housing Act is any accommodation by management in rules, policies (including acceptance of assistance animals as an exception to a “no pets” rule) and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. It is the applicant’s/tenant’s responsibility to inform management of any situation where a Reasonable Accommodation is needed.

Reasonable Accommodations should be submitted in writing. If unable to provide the request in writing, please notify management. Reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities may be approved and funded by the project, unless the modifications would change the fundamental nature of the project or result in undue financial and administrative burdens.

N. IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Executive Order (E.O.) 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English.

The Owner/Manager will take reasonable steps to ensure meaningful access to the information and services we provide for persons with LEP. This may include interpreter services and/or written materials translated into other languages.

HUD specific LEP Guidance, “Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” was published in the Federal Register on January 22, 2007.”

O. VIOLENCE AGAINST WOMEN ACT (VAWA)

1. The Owner/Agent 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 rights of the victim of abuse.
2. The Owner/Agent may not consider criminal activity directly relating to abuse, engaged in by any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant is the victim or threatened victim of that abuse.
3. The Owner/agent 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 (Form HUD-91066), or other documentation as noted on the certification form, be completed and submitted within fourteen (14) 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 denial of the application/eviction of the tenant.

The Tenant Selection Plan will be reviewed at least annually to ensure that current operating practices, program priorities and program requirements (as stipulated by the Federal Low Income Housing Tax Credit Program and/or HUD) are included. Any changes to the Tenant Selection Plan will be summarized and provided in written form to all tenants. The Owner will provide copies to applicants. All applicants will be notified during the screening process, and tenants annually at recertification, that the Tenant Selection Plan exists and is available to them. The Tenant Selection Plan, when requested, is also available to the public.

Attachment A

Tenant Selection Plan Properties Managed by Delphia Management Corporation

Listed below are properties managed by Delphia Management Corporation. Please refer to the Tenant Selection Plan for each site for additional information.

Site	Location	Mailing Address	Telephone Number
Cloverfield Apartments	1500 Rodney Road, York, PA	1500 Rodney Road, York, PA 17408	717-764-5464 717-848-8977 Fax
The Delphia House Apartments	350 East Philadelphia Street, York, PA	350 East Philadelphia Street, York, PA 17403	717-843-1064 717-854-0971 Fax
Dutch Kitchen	381 West Market Street, York, PA	381 West Market Street, York, PA 17401	717-848-5281 717-854-0343 Fax
George Street Apartments	118 North George Street, York, PA	118 North George Street, York, PA 17401	717-846-5139 717-854-9494 Fax
Green Meadow Apartments	20 Beaver Street, Dillsburg, PA	20 Beaver Street, Dillsburg, PA 17019	717-432-2556 717-502-1586 Fax
Highland Manor Apartments	36 Highland Manor Drive, Stewartstown, PA	36 Highland Manor Drive, Stewartstown, PA 17363	717-993-6541 717-993-6541 Fax
King Street Apartments	312, 314 and 334 East King Street, York, PA	118 North George Street, York, PA 17401	717-846-5139 717-854-9494 Fax
Kingston House Apartments	1243 West King Street, York, PA	1243 West King Street, York, PA 17404	717-848-2927 717-848-2716 Fax
Liberty Apartments	37 East Philadelphia Street, York, PA	118 North George Street, York, PA 17401	717-846-5139 717-854-9494 Fax
Mount Rose Avenue Apartments	1627, 1629, 1631 and 1633 Mount Rose Avenue, York, PA	118 North George Street, York, PA 17401	717-846-5139 717-854-9494 Fax

The TDD number for all locations is 1-800-654-5984.

The offices for York Area Housing Group/Delphia Management Corporation are located at 118 North George Street, York, PA 17401 (717-846-5139). Additional information for the organization and all sites managed can be found at www.yorkareahg.org