

# York Area Housing Group Tenant Selection Plan

## Delphia House Apartments

## Tenant Selection Plan

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Attachment A – Properties Managed by Delphia Management Corporation

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## TENANT SELECTION PLAN AND CRITERIA

### The Delphia House

These tenant selection criteria shall be used for The Delphia House. 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, familial status, and sexual orientation. Applicants must meet all applicable U.S. Department of Housing and Urban Development (HUD) guidelines, as well as Management Agent tenant selection requirements to gain admission to a property rented or managed by the Management Agent.

#### THE EQUAL ACCESS RULE

The Owner/Agent ensures equal access to housing regardless of Sexual Orientation or Gender Identity to ensure that housing is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status in accordance with The Equal Access Rule. (*rev. April, 2017*)

Tenant selection criteria for HUD is used for The Delphia House, as it receives rental assistance subsidy.

#### A. PRE-APPLICATION/APPLICATION

This project is marketed at least once per year, if not more frequently, as required by HUD - using all advertising and community contacts as set forth on the HUD 935.2 Affirmative Fair Housing Marketing Plan. All persons interested in any property rented or managed by the Management Agent may request a pre-application either in person (or through a designated individual) at the site office or at the Management Agent's main office, 118 North George Street, York, Pennsylvania, during posted office hours. Pre-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. Pre-Applications will also be available through the Management Agent's website – [www.yorkareahg.org](http://www.yorkareahg.org). TDD telecommunication is available by calling the TDD number (1-800-654-5984). Pre-Applications are available even if a sizeable waiting list exists.

#### Site Information:

- The Delphia House, 350 East Philadelphia Street, York, PA 17403 – telephone: 717-843-1064, fax: 717-854-0971

A pre-application must be completed in full by the applicant and submitted either in person, by mail, or by fax to the site or main office. The pre-application must be used; it contains requests for all information necessary for determining initial eligibility. Applicants may request assistance in completing the pre-application (and the full 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 pre-applications are not complete will be contacted within ten (10) days of receipt with a written list of items necessary to complete the application. While the site office will track all pre-applications and requests for additional information, no pre-application will be placed on the waiting list until it is complete. When a completed pre-application is received or the requested information received subsequently to make it complete, the pre-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 pre-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 type of unit to be available advising them that if they are still interested in a unit, they should contact the Property Manager within fourteen (14) days from the date of the letter. For those contacted who respond on time, the Property 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 applicant will be provided a full application and will be asked to bring the completed full application with them to the interview. At the interview, if necessary, the management staff will work with the applicant to complete the application. The application contains a release form which must be signed to authorize the Owner/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 he/she is 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 HUD to rent to an applicant who exceeds the income limit, the income ineligible applicant should be maintained on the waiting list.

**B. WAITING LIST**

1. All completed pre-applications are listed on the waiting list by date and time received. The date/time is based on when the completed pre-application or subsequent information is received to make the application complete. The waiting list contains all program requested data (HUD) inclusive of date and time, name and telephone number of applicant, income, 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 HUD. Any applicant may request information on current status by writing (mail or email) or calling the site office.
2. An applicant placed on the waiting list shall have his/her name 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. The applicant does not submit a complete full application and/or related documents.
  - d. 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.
  - e. 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;
  - f. The unit that is needed based on family size changes and no appropriately sized unit exists;
  - g. It is discovered that the applicant provided false information;
  - h. 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. Closing and Opening the Waiting List:

The Owner/Agent shall monitor the vacancies in the property and the waiting list regularly to ensure that there are enough applicants to fill the vacancies. Furthermore, the Owner/Agent will monitor the waiting list to make sure that it does not become so long that the wait for a unit is excessive.

a. Closing the Waiting List

- 1) The waiting list may be closed for one or more unit sizes when the average wait is excessive (e.g., one year or more).
- 2) When the Owner/Agent closes the list, the Owner/Agent will advise potential applicants that the waiting list is closed and refuse to take additional applications.
- 3) When the Owner/Agent decides to no longer accept applications, the Owner/Agent will also publish a notice to that effect in a publication likely to be read by potential applicants. The notice will state the reasons for the Owner/Agent's refusal to accept additional applications.

b. Opening the Waiting List

- 1) When the Owner/Agent agrees to accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same publications) as the notification that the waiting list was closed. The notification will be extensive, and the rules for applying and the order in which applications will be processed will be stated.
- 2) Advertisements will include where and when to apply and will confirm to the advertising and outreach activities described in the Owner/Agent's Affirmative Fair Housing Marketing Plan.

C. RESIDENT ELIGIBILITY FACTORS

1. Applicants shall be selected from the waiting list chronologically based on date and time of application, by income level, and by preference, if applicable.
2. The applicant shall meet eligibility criteria for the specific project and unit as defined in the HUD Occupancy Handbook and/or Management policies.
3. The Delphia House was constructed under HUD's Section 8 – New Construction program. Eligibility is limited to the elderly and non-elderly applicants with a disability.
4. Citizen/Immigration Requirements:  
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, families on the waiting list, and existing tenants.
  - 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) Family Summary Sheet (lists all household members who will reside in the assisted unit)
    - 2) Citizenship Declaration (Each household member listed must complete.)
    - 3) 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 complete and sign a declaration of citizenship. The Owner/Agent may require verification of the declaration by requiring presentation of a U.S. birth certificate or U.S. passport.
- e. Applicants that are non-citizens claiming eligible immigration status must sign a declaration of eligible immigration status, verification consent form and provide a DHS-approved document. Please refer to Attachment B of the Tenant 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 45S.
- 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.
  - 1) If a unit is available, the applicant has come to the top of the waiting list, and at least one (1) member of the family has submitted the required documentation in a timely manner, the family shall be offered a unit and provided with prorated assistance to those family members whose documents were received on time.
  - 2) Prorated assistance shall continue to be provided to such families until information establishing the immigration status of any remaining non-citizen family members has been received and verified.
- j. If the citizenship/immigration status of a family assisted prior to completion of the verification or appeal process has been determined, the following shall occur:
  - 1) Full assistance to a family that has established the eligibility of all of its members shall be provided;
  - 2) Continued prorated assistance to a mixed family shall be offered, or temporary deferral of termination of assistance if the family does not accept the offer of prorated assistance; or
  - 3) Temporary deferral of termination of assistance to an eligible family shall be offered. At the end of the deferral period, the family must either pay market rent or vacate the unit.
  - 4) Currently assisted families that have no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance are eligible for temporary deferral of termination of assistance. The deferral allows the family time to find other suitable housing before HUD rental assistance is terminated. During the deferral period, the family shall continue to receive its current level of assistance.

- k. 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.
- 1) At the beginning of each deferral period, the family shall be informed of its ineligibility for financial assistance and be offered information concerning, and referrals to assist in finding, other affordable housing.
  - 2) Before the end of each deferral period, the Owner/Agent shall determine whether affordable housing is available to the family and whether to extend the deferral of termination of assistance.
    - (a) To extend a deferral period, the Owner/Agent shall determine that no affordable housing is available. The family shall be informed of the Owner/Agent's determination at least sixty (60) days before the current deferral period expires. The Owner/Agent's determination should be based on the following:
      - A vacancy rate of less than five percent (5%) for affordable housing of the appropriate unit size in the housing market for the area in which housing is located;
      - The local jurisdiction's Consolidated Plan, if available;
      - Availability of affordable housing in the market area; and
      - Evidence of the family's efforts to obtain affordable housing in the area.
    - (b) To terminate assistance, the Owner/Agent shall determine that affordable housing is available, or that the maximum deferral period has been reached. Affordable housing in this case is housing that:
      - Is not substandard;
      - Is the appropriate size for the family;
      - Can be rented by the family for an amount less than or equal to 125% of the family's current rent, including utilities.
    - (c) If eligible for prorated assistance, the family may request and begin to receive prorated assistance at the end of the deferral period.

5. Social Security Number Requirements

All household members receiving HUD housing assistance or applying to receive HUD housing assistance are 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 includes a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:

- |   |   |
|---|---|
| <input type="checkbox"/> Original Social Security Card  | <input type="checkbox"/> Driver's license with SSN            |
| <input type="checkbox"/> Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union | <input type="checkbox"/> Earnings statements on payroll stubs |
| <input type="checkbox"/> Life Insurance Policy  | <input type="checkbox"/> Bank Statement                       |
|   | <input type="checkbox"/> Form 1099                            |
|   | <input type="checkbox"/> Retirement benefit letter            |
|   | <input type="checkbox"/> Court records                        |

Exceptions to Disclosure of Social Security Number

The Social Security Number Requirements do not apply to:

- a. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
- b. Individuals who do not contend eligible immigration status. When applicants and residents are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed.

If, at the time a unit becomes available, all non-exempt household members have not provided adequate documentation necessary to verify Social Security Numbers, the next eligible applicant must be offered the available unit.

All non-exempt household members have ninety (90) days from the date they are first notified that a unit is available to provide documentation necessary to verify the Social Security Numbers. During this 90-day period, the household may retain its place on the waiting list, but will not be considered again until the required documentation is provided.

If, after ninety (90) days, the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the household will be determined ineligible and removed from the waiting list.

The applicant may apply again, after obtaining the appropriate documentation. The applicant will be placed on the waiting list based on the date and time the new application is received.

For Child under the age of six, who does not have a Social Security Number and is a citizen or an eligible non-citizen

For a new move in or initial certification, when an owner/agent is made aware that a child under the age of six is included as part of the household, the household is NOT ELIGIBLE if the child was added to the household more than six months prior to the move-in/initial certification effective date and does not have a valid SSN or documentation to verify the SSN and the household claims the child is an eligible US Citizen or eligible non-citizen. In this case, the owner/agent is prohibited from starting subsidy with a Move in or Initial certification transaction.

For a new move in or interim certification, the household IS ELIGIBLE even if the child does not have a valid SSN or there is not adequate documentation to verify the SSN as long as the child was added to the household within six months of the move-in/initial certification effective date.

Secondary Verification of the Social Security Number

The Social Security Number provided will be compared to the information recorded in the Social Security Administration database through HUD's Enterprise Income Verification System (EIV) 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 Social Security Number, the owner/agent and/or HUD may pursue additional penalties due to attempted fraud.

**6. Income Requirements**

All units have rental assistance. As such, the applicant household's gross annual income may not exceed the applicable income limits as established by HUD for Section 8 projects for the area in which the project is located. For The Delphia House, an applicant's household income may not exceed the Low category.

Prospective tenants shall be requested to provide information regarding estimated annual income and assets. Tenants and applicants will sign an authorization form consenting to provide the Owner/Agent with



information about their family's income and assets as derived from any source. The Owner/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 the higher of the federal poverty level or thirty percent (30%) of the area median income ("extremely low-income") at the time of admission. (*rev. April, 2017*)
  - b. 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 HUD.
9. Residence Criteria  
Assisted residents must have only one residence and receive assistance only in that unit. This rule is meant to ensure that the government pays assistance on only one unit for a family and provides assistance to as many eligible families as possible with available funding. The Owner/Agent must use the EIV Existing Tenant Search when screening applicants in order to search for applicants who may be receiving assistance at another location.
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 all adults in each applicant family must sign an Authorization for Release of Information form prior to entering into the lease agreement.
14. Eligibility of Students for HUD Section 8 Assistance

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification.

A student who is otherwise eligible and meets screening requirement is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student:

- a. Is living with his or her parents who are receiving Section 8 assistance;
- b. Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance;
- c. Is a veteran of the United States military;
- d. Is married;
- e. Has a dependent other than a spouse (e. g. dependent child);
- f. Is at least 24 years of age;

- g. Is a person with disabilities, as such term is defined in section 3(b)(3)€ of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
- h. Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  - i. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
  - ii. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
  - iii. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42U.S.C 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting by
    - 1. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
    - 2. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
    - 3. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
    - 4. A financial aid administrator; or
- i. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents.

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

NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

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 or other fees is included in annual income, except: 1. If the student is over the age of 23 with dependent children, or (2) if the student is living with his or her parents who are receiving section 8 assistance.

Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen student is defined as a resident of another country to which the individual intends to return; a bona fide student pursuing a course of study in the United States; and, a person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa. This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

**D. PRIORITIES AND PREFERENCES**

Preference is given to applicants in accordance with tenant selection policies governed by HUD.

The waiting list will be developed in compliance with the fair housing laws of the United States, State and Local governments. The Owner/Agent will process applications from persons using the following preferences:

1. For applicants needing barrier free units, preference will be given to those persons requiring such units. Any applicant who requests modifications or accommodations to non-adapted units will have consideration of those requests when selected, but with no priority for selection. In order to be eligible for selection, an applicant must meet income eligibility, based on per-person income limits. Applicants who meet the income eligibility must meet also occupancy standards set for the property and bedroom size.
2. As described above, higher income applicants (above 30% of median income) may be skipped in order to achieve the 40% extremely low-income requirement.
3. The following local preferences shall be applied for The Delphia House:
  - a. Preference for occupancy will be given to elderly persons or families.
  - b. Ten percent (10%) of all units – ten (10) units – are reserved for occupancy by disabled families who are non-elderly (18-49 years of age), as provided for in Subtitle D, Section 651 through 659, of the Housing and Community Development Act of 1992.

Since not all disabled persons are mobility impaired, nor need features of a unit designed for the mobility impaired, the reservation of ten percent (10%) of the units for the non-elderly disabled is not limited only to the accessible units. Procedures for leasing to the non-elderly disabled will be done in compliance with the HUD regulations in 25 CFR Part 883, published May 1994, establishing preferences for elderly families and the reservation of the units for disabled families.

The Owner/Agent informs all applicants, including those on the waiting list, of the availability of the preferences. At the time of application, the applicant certifies if he or she is eligible for a preference. Verification of preference eligibility is done prior to providing housing assistance to the applicant. If upon verification it is determined that the family does not qualify for the preference, the family is returned to the waiting list in the place it would have been given if the family had not certified that it qualified for the preference.

The system for applying the preference provides that an applicant who qualifies for any of the preferences receives assistance before any applicant who does not qualify for a preference, regardless of place on the waiting list at the time of application.

If the Owner/Agent determines the applicant does not qualify for a preference, the applicant must be notified in writing and given the opportunity to meet with the Owner/Agent.

**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 Owner/Agent.

Applicants must meet application, interview and reference criteria in addition to program (HUD) and occupancy policy requirements. In completing the application, all applicants must sign the release form allowing the

Owner/Agent to verify all income, assets and allowances along with credit, personal, criminal (including sexual offender registration status) and landlord references. In addition, the Owner/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 with 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.

The Delphia House allows pets. A pet deposit will be collected at lease signing. Please refer to the Pet Policy. Assistance animals with proof of need are permitted and no pet deposit is required.

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 HUD.

Applicants must be admitted, placed on the waiting list or rejected. 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. SCREENING CRITERIA**

The resident selection procedure applies to all applicants, including all adult members of the applicant's family who are expected to reside in the applicant's household. The resident selection procedure shall be in compliance with Fair Housing and Equal Opportunity requirements. The Owner/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.

If the applicant or resident, or any adult member of the applicant's or resident's family, does not sign and submit HUD-required consent forms and verification documents required by the Owner/Agent, the following will apply:

- The Owner/Agent will deny assistance and admission to the applicant; or
- The Owner/Agent must terminate assistance to the family.

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 established applicant screening criteria to new household members in order to establish suitability for tenancy. Owner/Agent 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.

**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 Owner/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.

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 Owner/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. Criminal Activity**

During the admissions screening process, the Owner/Agent shall perform the necessary history background checks in all states in which the applicant household members have resided by using a database that checks against all state registries (e.g. the Dru Sjodin National Sex Offender Database). For all residents at time of annual recertification, interim recertification and/or eligible unit transfers, criminal

records and sexual offender status will be verified. Where stated, currently engaged means the act shall be indicated and investigated if there is a record of arrest or conviction within the last two (2) years. An arrest without conviction does not automatically result in a rejection.

- a. **Drug-Related Criminal Activity:** 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 Owner/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 exists, 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.

- b. **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. If the owner/agent determines that a sex offender is part of the household, the owner/agent will allow the household to remove the sex offender from the application. Removal must be documented using a signed, notarized copy of the owner's form. The household will have ten (10) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members. In this case, the owner/agent reserves the right to monitor household composition after move-in. If the owner/agent discovers that a sex offender has moved in to the unit, assistance will be terminated and the household will be evicted in accordance with the HUD requirements. Any assistance paid-in-error must be returned to HUD.
- c. **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.
- d. **Violent and Other Criminal Activity:** Any applicant or household member who is 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.

3. 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 deal, drug manufacturing or illegal drug activity; damage to the property beyond normal wear; threats of violence to the landlord or neighbors, allowing persons not the lease to reside on the premises, or a serious lease violation.

4. 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 Owner/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 Owner/Agent to perform a home visit because of homelessness or extreme distance situations will not necessarily result in rejection of an applicant.

5. EIV Existing Tenant Search

All applicants must disclose if they are currently receiving HUD housing assistance. The Owner/Agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

The Owner/Agent will use the Existing Tenant Search in HUD's Enterprise Income Verification System (EIV). This report identifies applicants applying for assisted housing that may be receiving rental assistance at the time of application at another location. The Owner/Agent will:

- Use this report during applicant screening to determine if the applicant or any applicant household members are currently being assisted at another location.
- Discuss with the applicant if the report identifies that the applicant or a member of the applicant's household is residing at another location, giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location. This may be a case where the applicant wants to move from his/her present location or where two (2) assisted families share custody of a minor child.
- Follow up with the respective PHA or Owner to confirm the individual's program participation status before admission, if necessary, depending on the outcome of the discussion with the applicant. The report gives the Owner/Agent the opportunity to coordinate move-out and move-in dates with the PHA or Owner of the property at the other location.
- Retain the search results with the application along with any documentation obtained as a result of contacts with the applicant and the PHA and/or Owner at the other location.

Nothing prohibits a current HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. If the applicant or any adult member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on misrepresentation of information by the applicant and the applicant household.

EIV information will be reviewed on an annual basis at each annual recertification and more frequently if an interim certification is warranted for any resident. If any household member receives or attempts to receive assistance in another HUD-assisted unit while receiving assistance at this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges. Special consideration

will be given to (1) households with minor children in which both parents share 50% custody and (2) for recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit.

G. OCCUPANCY STANDARDS

Generally, in order to prevent overcrowding and conflicts with local building and occupancy codes, the following general occupancy standards shall apply for the Delphia House.

1. A child may share a bedroom/sleeping area with a parent if the parent so wishes.
2. For specifically designed (barrier-free) units, applicants needing those features will be given priority. Should no one apply who would benefit from special unit features, another applicant base on income level and occupancy policy should occupy this unit with a written lease agreement to transfer to a different unit when available and should an applicant now exist on the waiting list for the special unit.

<u>Bedroom/Sleeping Area</u>	<u>Minimum Occupancy</u>	<u>Maximum Occupancy</u>
1	1	2

The number of occupants listed above must be in accordance with occupancy standards based upon local codes and ordinances and/or HUD program guidelines, which may change from time to time. Occupancy is based on the number of persons in the household, and is based on counting all full-time members of a household: dependent minors who are away at school but live with the applicant at recess, unborn children or children in the process of being adopted or secured by custody action, foster children and live-in attendants.

Children who live in a household fifty percent (50%) of the year or more are also counted toward the total household number. However, visitors, permanently confined/institutionalized household members and children on active military duty are not counted in this determination for occupancy eligibility.

Single persons are eligible families (if they meet all eligibility criteria for the property).

The Owner/Agent may change the occupancy limit during the lease term if changes in laws, ordinances or regulations make such change necessary. The minimum occupancy limit will correspond to the number of bedrooms/sleeping areas. The maximum occupancy limit will depend on local ordinances and regulations and the square footage of useable sleeping areas as defined by code and suggested program regulations.

Notwithstanding the above, the Owner/Agent shall have the right to make reasonable accommodations for individuals with disabilities and may adjust occupancy limits to further the goal of reasonable accommodation.

All households must provide positive identification of all persons who will be part of the entire household. Adoption or the custody in process must have written documentation.

If the head of household (who has no spouse or additional adult member of the household residing with him/her) is confined to a nursing home or hospital on a temporary basis, the Owner/Agent will not file for eviction of the tenant. A temporary basis is considered six (6) months or less.

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).
- Applicants who do not possess legal capacity to sign documents cannot become tenants or co-tenants.
- Any pre-application/application which is incomplete will not be processed.
- If the applicant or resident, or any adult member of the applicant's or resident's family does not sign and submit HUD-required consent forms and verification documents required by the Owner/Agent, the following will apply:
  - The Owner/Agent will deny assistance and admission to the applicant; or
  - The Owner/Agent must terminate assistance to the family.
- Applicants who do not meet HUD income limits for a property shall be rejected unless permission to rent to income ineligibles is in process or has been received from HUD.
- 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. 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 Owner/Agent will provide the name of the agency but not the actual report itself.
5. 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.

If the rejection is based upon false information submitted by the applicant, the Property Manager will (1) provide the subject of the record and the applicant with a copy of the information the action is based upon, and (2) provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

6. All eligibility factors shall be verified in writing and documented in the file.
  - a. If the Owner/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 Owner/Agent's resident selection criteria (e.g. poor rent-paying history, negative evaluations from prior landlords, poor credit, etc.) the Owner/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 fourteen (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 Owner/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 Owner/Agent.
  - b. If the applicant responds in writing, and after a meeting is held, the Owner/Agent shall advise the applicant in writing whether or not the Owner/Agent's position has changed. The Owner/Agent shall do so within five (5) days of the date the meeting was held
  - c. The Owner/Agent is required to maintain the application, the Owner/Agent's notice of non-acceptance, any applicant's reply and the Owner/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.
7. 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.
8. The Owner/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 Owner/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 may also confer with agencies or organizations that have referred applicants for consideration. 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

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

1. The Owner/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. The tenant household's income had decreased due to a change in circumstances, including, but not limited to, loss of employment;
  - d. A death in the immediate family;
  - e. Other situations as may be determined by the Owner/Agent or HUD.
2. Upon a tenant's request for hardship exception, the Owner/Agent should waive the minimum rent charge beginning the month that immediately follows the date that the tenant made the request. The Owner/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 Owner/Agent determines that there is no hardship covered by statute, the Owner/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 Owner/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 Owner/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 Owner/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 without the written permission of Management. Management may add additional members to the Lease, but reserves the right to refuse admission.

Management will use the screening procedures stated in section F when considering a request for an addition to the tenant's household.

This provision does not apply to additions to the household as a result of birth of a child, adoption of a child, placement of a child through foster care, or a formal written child custody agreement. However, the occupancy standards listed herein will continue to apply.

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. Existing tenants will have preference for an accessible unit over applicants. If a tenant household is being moved to a different unit as a reasonable accommodation due to a household member's disability, then the Owner/Agent 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 requests and provides appropriate and adequate documentation for an accessible unit, the Owner/Agent will allow the household to transfer into an accessible unit in lieu of making the tenant's existing unit accessible and usable. The household would go on the waiting list for an accessible unit as of the date and time of the request (prior to applicants). However, if a tenant needs only minor modifications to his or her unit for accessibility purposes, and does not need a fully accessible unit, the Owner/Agent will make the modifications to the existing unit and leave the fully accessible units available for tenants who need such units.

Refer to page 21 for emergency transfers for victims of domestic violence, dating violence, sexual assault, or stalking.

If a tenant is transferred, their security deposit will also be transferred.

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 Owner/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. DEPLOYMENT OF MILITARY PERSONEL TO ACTIVE DUTY**

The Owner/Agent supports affected households in situations where persons are called to active duty in the Armed Forces.

1. The Owner/Agent will allow a guardian to move into the assisted unit on a temporary basis to provide care for any dependents the military person leaves in the unit. Income of the guardian temporarily living in the unit for this purpose is not counted as income.
2. The tenant living in the assisted unit will be allowed to provide care for any dependents of persons called to active duty in the Armed Forces on a temporary basis, as long as the head and/or co-head of the household continues to serve in active duty. Income of the child (e.g., SSI benefits, military benefits) is not counted as income of the person providing the care.
3. Special pay received by a household member serving in the Armed Services who is exposed to hostile fire will be excluded from annual income.
4. Consideration for any case involving delayed payment of tenant rent will be given consideration.
5. The assistance payment and the lease will remain in effect for a reasonable period of time (depending on the length of deployment) beyond that required by the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. §§ 501-591, even though the adult members of the military family are temporarily absent from the assisted unit.

**N. 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.

O. 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/Agent 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.”

P. VIOLENCE AGAINST WOMEN ACT (VAWA)

The Delphia House adheres to the provisions of the Violence Against Women Reauthorization Act of 2013 (VAWA).

**VAWA Protections**

- Being a victim of domestic violence, dating violence, sexual assault, or stalking, as these terms are defined in the law, is not a basis for denial of assistance or admission to assisted housing if the applicant otherwise qualifies for assistance or admission;
- Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated violations of the lease or as “good cause” for termination of the assistance, tenancy, or occupancy rights of the victim; and
- Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of a resident’s household or any guest or other person under the resident’s control shall not be cause for termination of assistance, tenancy, or occupancy rights if the resident or an affiliated individual of the resident is the victim of the domestic violence, dating violence, sexual assault, or stalking.

**The Delphia House Rights and Responsibilities**

- The Delphia House may bifurcate a lease for housing in order to evict, remove, or terminate assistance to any individual who is a resident or lawful occupant who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual without evicting, removing, terminating the assistance to, or otherwise penalizing a victim of such violence, who is a resident or lawful occupant.
- If such bifurcation occurs, and the removed resident or lawful occupant was the sole resident eligible to receive housing assistance, The Delphia House shall provide any remaining resident the opportunity to establish eligibility for this project.
- If the remaining resident cannot establish eligibility, The Delphia House is required to provide the resident a reasonable time to find new housing or to establish eligibility under another housing program.

- VAWA may not be construed to limit The Delphia House from honoring various court orders issued to either protect the victim or address the distribution of property in case a household breaks up.
- VAWA does not limit the authority of The Delphia House from terminating assistance or evicting a resident due to any lease violation unrelated to domestic violence, dating violence, sexual assault, or stalking, provided that The Delphia House does not subject a resident to a more demanding standard than other residents in determining whether to evict or terminate assistance.
- VAWA may not be construed to limit the authority of The Delphia House to terminate the assistance of, or evict, any occupant who can be demonstrated to pose an actual and imminent threat to other residents or the property's employees.
- VAWA shall not be construed to supersede any provisions of Federal, State, or local laws that provide greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

### **Documentation**

The applicant or resident must provide documentation in regards to domestic violence, dating violence, sexual assault, or stalking within fourteen (14) business days after the applicant or resident receives a request in writing for such documentation from The Delphia House. The fourteen (14) day deadline may be extended at the discretion of The Delphia House.

Acceptable forms of documentation include the following:

- Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, form HUD-5380, which can be completed by or on behalf of the victim.
- A document that is signed by the applicant or resident and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the Applicant or Resident has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, in which the professional states, under penalty of perjury, that he or she believes that the abuse meets the requirements found in VAWA
- A Federal, State, tribal, territorial, or local police report or court record
- A statement or other evidence provided by an applicant or resident, at the discretion of The Delphia House.

### **Confidentiality Requirements**

Any information submitted to The Delphia House regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that the individual is a victim of such abuse, will be kept confidential and will not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is requested or consented to by the individual in writing, required for use in an eviction proceeding, or otherwise required by applicable law.

If The Delphia House receives documentation that contains conflicting information, The Delphia House may require an applicant or resident to submit third-party documentation.

### **Emergency Transfers**

Residents who are victims of domestic violence, dating violence, sexual assault, or stalking must be allowed to transfer to another available and safe dwelling under a covered housing program. The Delphia House must incorporate reasonable confidentiality measures to ensure that disclosure is not made of the location of the new dwelling unit of a resident to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the resident.

The resident can be granted a transfer only if the resident requests a transfer, and either the resident reasonably believes he or she is threatened with imminent harm from further violence if he or she remains in the unit or if the resident is a sexual assault victim, the sexual assault occurred on the premises during the ninety-day (90-day) period preceding the transfer request. Any transfer is subject to the availability of assisted housing and subject to all other HUD requirements being met.

**Q. SMOKE FREE HOUSING FOR DELPHIA HOUSE APARTMENTS**

As of September 15, 2016, smoking is prohibited in any area of the property both private and common, whether enclosed or outdoors with the exception of a designated smoking area as indicated by Management. This is an area that is physically accessible to all residents and located at a reasonable distance from any apartment to ensure that smoke does not enter enclosed areas.

This policy applies to all owners, property staff, applicants, residents, guests, and service providers.

“Smoking” shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, personal vaporizer, cigar, pipe, other tobacco product, marijuana including medical marijuana, herbal smoking products, “legal weed” or products known as “bath salts” or other legal or illegal substance.



The Tenant Selection Plan will be reviewed at least annually to ensure that current operating practices, program priorities and program requirements (as stipulated by HUD) are included. Any changes to the Tenant Selection Plan will be summarized and provided in written form to all tenants. The Owner/Agent 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.



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118 North George Street  
York, PA 17401  
717-846-5139  
800-654-5984 (TDD)



This institution is an equal opportunity provider and employer.

## 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-Kingston House	1500 Rodney Road, York, PA	1500 Rodney Road, York, PA 17408	717-764-5464 717-848-8977 Fax
	1243 West King Street, York, PA	1243 West King Street, York, PA	717-848-2927 717-848-2716 Fax
Dutch Kitchen	381 West Market Street, York, PA	381 West Market Street, York, PA 17401	717-846-5281 717-854-0343 Fax
East King Street Apartments	312, 314 and 334 East King Street, York, PA	381 West Market Street, York, PA 17401	717-846-5281 717-854-0343 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 717-993-2289 Fax
Liberty Apartments	37 East Philadelphia Street, York, PA	381 West Market Street, York, PA 17401	717-846-5281 717-854-0343 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
YAHG Apartments (Main Office)	118 North George Street, York, PA	118 North George Street, York, PA 17401	717-846-5281 717-854-0343 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 telephone; 717-854-9494 fax). Additional information for the organization and all sites managed can be found at [www.yorkareahg.org](http://www.yorkareahg.org)

## Attachment B

### Tenant Selection Plan

#### DHS Approved Documents (for use by Non-Citizens Claiming Eligible Immigration Status)

- Form I-551, *Permanent Resident Card*
- Form I-94, *Arrival-Departure Record*, annotated with one of the following:
  - (a) “Admitted as a Refugee Pursuant to Section 207”;
  - (b) “Section 208” or “Asylum”;
  - (c) “Section 243(h)” or “Deportation stayed by Attorney General”; or
  - (d) “Paroled Pursuant to Sec. 212(d)(5) of the INA.”
- If Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
  - (a) A final court decision granting asylum (but only if no appeal is taken);
  - (b) A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (if application was filed before October 1, 1990);
  - (c) A court decision granting withholding or deportation; or
  - (d) A letter from an DHS asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant’s entitlement to the document has been verified.
- Other acceptable evidence. If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*.