

TENANT SELECTION PLAN UPDATES **Revisions on 2023 Updated Plans – Combo Sites**

Statement of Non-discrimination

It is the policy of Related Management Company, L.P., hereinafter referred to as the Agent, to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing including, The Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, and Title VI of the Civil Rights Act of 1964. In furtherance of this policy:

- In carrying out this Tenant Section Plan, the Agent will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, class, sex, sexual orientation, familial status, disability, military/veteran status, source of income, age, marital status, gender identity, Equal Access Rule or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. The Affirmative Fair Marketing Plan establishes the minimum minority occupancy goal for the development based on the percentage of minorities in the area. The agent will also affirmatively market to persons with disabilities, as specified in its Affirmative Fair Marketing Plan.
- Applicants with Disabilities and Reasonable Accommodations - The Agent will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities (as defined in the above listed Acts or any subsequent legislation) who require such changes to have equal access to any aspect of the application process or to the development and its programs and services. The Agent will, for example, arrange for sign language interpreters or other communication aids for interviews during the application process.

Income Limits:

To determine eligibility based on income limits, the Agent must compare the household's gross annual income to the applicable income limit. If the household's income exceeds the income limit, the household may not qualify for assistance.

- a. Tax Credit Income Limits:
 - 17 units at 30% of the area median income limit – see applicable limits posted in the rental office.
 - 17 units at 40% of the area median income limit– see applicable limits posted in the rental office.
 - 85 units at 50% of the area median income limit– see applicable limits posted in the rental office.
 - 49 units at 60% of the area median income limit– see applicable limits posted in the rental office.
 - 2 two-bedroom offline employee units.

- b. Section 8 Income Limits – Post-Universe (10/1/81)
- Very-Low Income (50% of area median income)– see applicable limits posted in the rental office
 - *Extremely-Low Income (thirty percent (30%) of the area median income or the Federal Poverty Level whichever is greater) – see applicable limit posted in the rental office

*Extremely low-income limit = Families whose incomes do not exceed the higher of the federal poverty level OR 30% of Area Median Income.

Non-Citizen Restrictions:

Citizen and non-citizen applicants are required to submit evidence of citizenship or eligible immigration status at the time of application. To determine eligibility based non-citizen status, the Agent will process the following documents for all family members including foster children and foster adults: family summary sheets, declaration of citizen status, and verification consent forms, as required.

- For a family member who declares U.S. citizenship, no proof or verification is required.
- For a family member who chooses not to claim eligible citizenship status, no proof or verification is required.
- For a family member who claims eligible non-citizen status, an original DHS document (a list of acceptable forms can be found in the 4350.3, Figure 3-4) and verification consent form is to be obtained. This member's eligibility status must be verified through the Systematic Alien Verification for Entitlements (SAVE) web-based program, DHS' automated system. If eligibility status is not verified, the Agent must notify the applicant household and discuss options available to the household and their right to appeal the decision to the DHS and/or hold an informal meeting with the owner.
- Appeals to DHS should be addressed to:

DHS/USCIS
300 North Los Angeles Street
Los Angeles, CA 90012
Attention: Immigration Status Verifier

- For a family member 62 years of age or older who claims eligible non-citizen status, a signed declaration of eligible non-citizen status and proof of age is to be obtained. Non-citizen status is not required to be verified by the DHS.
- A family with one or more ineligible family members and one or more eligible family members is considered a mixed family may receive prorated assistance.

Student Status Restrictions - Section 8:

A student (full or part-time) must meet all of the following criteria in order to be eligible for HUD assistance programs:

- a. Be of legal contract age under state law;
- b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or
- c. Establish Independence from Parents: Owners must use, and the student must meet, one or more of the following criteria:
 - 1) The individual is 24 years of age or older by December 31 of the award year;
 - 2) The individual is an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
 - 3) 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;
 - 4) The individual is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes;
 - 5) The individual is a graduate or professional student;
 - 6) The individual is a married individual;
 - 7) The individual has legal dependents other than a spouse;
 - 8) 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 or a unaccompanied, at risk of homelessness, and self-supporting by:
 - A local educational agency homeless liaison;
 - The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - 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 the designee of the director;
 - A financial aid coordinator.
 - 9) The individual is a student whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstance.
- d. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- e. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided. This certification is not required for vulnerable youth populations, including individuals who are orphans, in foster care, wards of the court, emancipated minors, unaccompanied homeless youth, and youth at risk of becoming homeless.

In addition, an individual cannot reside in a Section 8 unit if that individual:

- a) Is enrolled as either a 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; and
- b) Is under the age of 24; and
- c) Is not married; or
- d) Is not a veteran of the United States Military; or
- e) Does not have a dependent child; or
- f) Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving Section 8 assistance as of November 30, 2005; or
- g) Is not living with his or her parents who are receiving Section 8 assistance; **and**
- h) Is not individually eligible to receive Section 8 assistance **or** has parents (individually or jointly) who are not income eligible to receive Section 8 assistance.

If a student becomes ineligible after move-in, their assistance may be terminated in accordance with program guidance. The household's rent may be increased to the market rate rent for the unit.

A student's eligibility requirements for Section 8 assistance will be determined at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8) and due to household changes in enrollment – interim certification.

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 is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance. *Note: HUD has interpreted the term "financial assistance" as used in Section 327(b) to not include loan proceeds for the purpose of determining income. However, all income in excess of tuition fees is to be included as income.*

Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA) protections apply to households applying for or receiving rental assistance under the project-based Section 8 (project and tenant based), 202, 811, 236, 221(d)(3), HOPWA, HOME programs, and public housing as well as Homeless Programs Under Title IV of the McKinney-Vento Homeless Assistance Act. The following non-HUD programs are also subject to VAWA 2013 but do not fall under HUD's Implementation Rules, unless instructed by your governing / monitoring agency: Rural Housing and LIHTC. The law protects women or men who are victims of domestic violence, dating violence, stalking or sexual assault, as well as

their affiliated persons from being evicted or being denied housing assistance if an incident of violence is reported or if the victim suffers economic and criminal circumstances as a result of the abuse.

The law also creates emergency transfer options for victims and their affiliates, allowing survivors to transfer to a different unit if they are in fear for their life or safety, and provides for bifurcation of the lease to allow for an abuser to be removed and the victim and other household members to remain in the unit even if for a period of time. In addition:

- HUD requires that the VAWA Notice of Occupancy Rights Under the Violence Against Women Act (Form HUD-5380) and Certification of Domestic Violence, dating Violence, Sex Assault or Stalking, And Alternate Documentation (Form HUD-5382) be provided to (1) all applicants at move-in (2) applicants at the time of denial of housing, (3) to each household in the event that eviction or termination of assistance actions are commenced against the household no matter the reason – i.e. arrears.
- The HUD approved lease addendum 91067 must be signed by all adult household members at lease signing.
- An applicant's status as a victim of domestic violence is not a basis for denial of rental assistance or for denial of admission if the applicant otherwise qualifies for assistance and admission. If an applicant is living in a shelter for victims of domestic violence and crimes protected under VAWA, we may accept verification of this in lieu of additional landlord verification.
- Being a victim of a VAWA crime is not a reason to change the eligibility or applicant screening requirements or to waive the requirements of the HUD Model Lease or other lease unless such requirements interfere with the protections provided under VAWA.
- VAWA 2013 does not limit an owner's agent's right to terminate assistance/tenancy for any violation that is not related to a VAWA crime. However, the owner/agent must not subject the victim or a person affiliated with the victim to a more demanding standard than other residents when determining whether to terminate assistance/tenancy.
- VAWA does not limit an owner/agent's right to terminate assistance/tenancy if the owner/agent can demonstrate an actual and imminent threat would be present if that resident or lawful occupant is not terminated. An actual and imminent threat is a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. The threat would be to other tenants, employees of the property, or to vendors providing services at the site.
- An incident or incidents of actual or threatened domestic violence will not be taken as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
- Assistance may be terminated or a lease bifurcated (divided) in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act

of physical violence against household/family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain. Eviction or termination action against individuals must be in accordance with procedures prescribed by federal, state, and local law.

- In the event that one household member is removed from the unit because he/she engaged in acts of domestic violence, an interim recertification must be processed by staff in a timely manner and in accordance with HUD regulations to reflect the change in household composition. Note: at sites that do not have interim recertifications (i.e. straight tax credit sites), a bifurcated lease addendum must be provided.
- In regard to VAWA lease bifurcation: it does not matter if the household member is a signatory on the lease. Bifurcation must be carried out in accordance with Federal, State or local laws. The remaining members must be given 90 calendar days from the date of bifurcation to: establish eligibility under the covered program; or establish eligibility under another covered program; or find alternative housing. The tenant may be given up to an additional 60 days if allowed by the program.
- VAWA does not require an owner/agent to request that an individual seeking VAWA protections submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault or stalking, however, if such a request is made provide the applicant or resident with a copy of the VAWA Certification (Form HUD-5382) to fill out and process accordingly. Further, at least 14 days must be provided from the date of the request for completion by the applicant/resident.
- Owners/agents may accept the following in lieu of the certification form: a document signed by an employee, agent or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault or stalking or the effects of abuse; a document signed by the applicant or resident and that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection; a record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or, at the discretion of the housing provider, a statement or other evidence provided by the applicant or resident.
- Residents or applicants who are victims of VAWA crimes may request a VAWA accommodation or an emergency transfer and should be provided with HUD-5383 (VET Request) form to fill out.
- Any information submitted to an Agent regarding domestic violence, dating violence, sexual assault or stalking must be maintained in confidence, and employees must not have access to the information unless explicitly authorized. Staff must retain all documentation relating to such information in a separate file that is kept in a secure location. This documentation must not be incorporated into the standard applicant or resident file for the household or stored in any shared database unless it is requested or consented to in writing by the victim in

a time-limited release; required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program, or otherwise required by applicable law.

- When communicating with an applicant or tenant who has requested VAWA protections, Agents must take precautions to avoid inadvertent disclosure of confidential information. For example, unless given permission from the victim to do so, the Agent must not leave messages that contain confidential information or refer to VAWA, the VAWA protections, or the incident of domestic violence, dating violence, sexual assault, or stalking on the victim's voicemail system or with other individuals, including members of the victim's household. In addition, any communications with a third party must be done consistent with the VAWA rule's confidentiality requirements.

Waiting Lists

The Agent will administer its waiting lists in accordance with the following policies.

- Waiting lists will be maintained as an electronic file. A printed copy of the waiting lists will be printed monthly and maintained as a historical record. The time and date of the printout will appear on the report file.
- Waiting lists will be organized by type of unit. "Type of unit" may be defined in several ways, including:
 - the number of bedrooms
 - the physical characteristics of the unit, such as accessible features.
 - the type of subsidy attached to the unit, such as project-based subsidy.
- Each applicant must be placed on the appropriate waiting list(s) chronologically according to the date of the completed application or assigned lottery number within the applicable preference categories. Non-preference applicants shall be placed on the waiting list per the date of the completed application.
- If an applicant is eligible for tenancy, but no appropriately sized unit is available, the Agent will place the family on a waiting list for the development. Households that are eligible for more than one size of unit (by bedroom size) may choose to be placed on multiple waiting lists as appropriate and The Agent will respect the bedroom size option chosen by the applicant unless such choice is contrary to the development's occupancy standard. Persons using a wheelchair or requiring similar accommodations may apply for a standard unit, as well as an accessible unit, at their discretion.
- The Agent's records will indicate the date the applicant is placed on the waiting list. All applicant file records, including the application, must be retained for a period of three (3) years.
- Agent will contact applicants on an annual basis (every 12 months) with a notice

included for the applicant to return to confirm continued interest in the property. Response by the applicant may be by electronic form (email), US mail, or drop off at the property's management office. Failure to respond to the Agent's notice to contact the project will result in the applicant's removed from the waiting list.

- Waiting lists will be closed to ensure that the wait for a unit does not become excessive. When the decision is made to close the waiting list, the closing of the waiting list will be advertised according to the Affirmative Fair Housing Marketing Plan (AFHMP).
- When an applicant pool is no longer adequate due to the closure of the waiting list, the list shall be re-opened. The opening of the waiting list will be advertised according to the Affirmative Fair Housing Marketing Plan (AFHMP).

Calling Applicants from Waiting List

Agent shall notify applicants of potential housing opportunities at the property as applicant's name nears the top of the waiting list.

- Agent will attempt to telephonically contact applicant about potential housing opportunity.
- If unable to successfully contact applicant by phone, Agent shall mail applicant a written letter confirming the time and date to visit the property to begin the eligibility and income certification process. Letter will instruct Applicant to confirm availability or reschedule appointment at a mutually convenient time.
- Should applicant not attend appointment or respond to letter, a second letter will be mailed to applicant. This letter shall provide the applicant with five business to respond before their name will be removed from the waiting list.
- If applicant does not respond within the five business days a written notification that they are being taken off the waiting list will be mailed to the applicant.

Should several applicants affirmatively qualify for the available housing opportunity, the applicant with the highest waiting list ranking will be offered the available apartment. Other applicants will maintain their current waiting list position and be considered as additional units become available.

Applicants' Right to Request a One Time Pass

Applicants unable to move to the property at the time an appropriately size unit becomes available will be permitted to refuse processing for an available unit once, for any reason. They will remain at the top of the waiting list and be offered a second unit, not less than thirty days after the first unit was available. If a second offered available

unit is refused, the application will be removed from the waiting list. Special consideration for applicants requiring additional extension as a part of a reasonable accommodation process may be granted.

- If an applicant is removed from the waitlist because of failure to be processed for (second) available unit, the applicant may reapply if the waitlist is open, but the request will be placed on the waiting list in chronological order based on the date of the new application.

Transfer Procedure for Existing Residents

In filling vacancies, the Owner shall process current residents from the internal transfer list on an alternating basis with applicants on the external waiting list. The internal transfer list will consist of transfers for reasons listed below.

1. Permitted transfers - Transfers will be permitted at any time during the tenancy under the following circumstances:
 - a. As reasonable accommodations to qualified individuals with disabilities
 - b. Pursuant to an emergency request for transfer under VAWA.
 - c. As required for the underutilization or overutilization pursuant to HUD regulations
2. How to request a transfer – with the exception of reasonable accommodations, which may be made orally or in writing, Residents who would like to request a transfer must make their request to the management office in writing, stating the reason for the request. If the request is based on a reasonable accommodation for a disability, and the disability/need are not obvious, the resident may need to complete paperwork that will allow the management office to confirm the need for the accommodation with a third party who can provide a professional validation of the need.
3. Transfers will be approved per the following:
 - a. If the resident meets the definition of “Tenant in Good Standing” as defined below.
 - No current or pending legal actions, including actions for non-payment of rent; material non-compliance with the terms of the lease; holdover actions, etc.
 - No uncured lease violations
 - No outstanding balances for other charges, including late fees, damages, legal fees, etc.
 - No material damages or alterations, etc., to the current unit as confirmed by management’s inspection of same. In addition, if any charges are billed to the tenant for other damages, excessive cleaning, repairs, etc.

resulting from this inspection, those charges must be paid before the transfer will be permitted.

- b. If the resident meets all compliance requirements for the transfer.
- c. If the resident meets all obligations per the lease on his/her current unit, including satisfactory care of the unit as confirmed by a management inspection of the unit, and including payment of any and all damage charges that might result from the inspection for repairs/maintenance, etc., beyond normal wear and tear.
- d. Tenant in Good Standing does not apply to transfers based on a medical need or for an accessible unit.