

# Tenant Selection Plan

Revised June 1, 2017

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## Orchard Hill II

24 Randlett Street  
Belmont, NH 03220



# Orchard Hill II

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## TENANT SELECTION PLAN

### TABLE OF CONTENTS

Fair Housing and Equal Opportunity Requirements .....	1
Privacy Policy .....	2
General Eligibility Requirements .....	3
Application Intake and Processing .....	6
Occupancy Standards .....	9
Determination of Applicant Eligibility: Application Acceptance and Rejection .....	10
Applicants who Require Reasonable Accommodations, Including Live-in Aides .....	12
Waiting List Preferences .....	13
Waiting List Management .....	13
Applicant Interviews .....	14
Verification Requirements .....	15
Attempted Fraud .....	17
Offering a Unit .....	18
Priorities for Accessible or Adaptable Units.....	19
Prior to Move-In .....	19
Unit Inspection .....	19
Unit Transfer Policies .....	20
Annual Recertifications .....	21
Remaining Family Members .....	21
Pets and Assistance Animals .....	21
Other Disclosures.....	21

# Orchard Hill II

## TENANT SELECTION PLAN

The purpose of the Tenant Selection Plan is to ensure that residents are selected for occupancy in accordance with Rural Development requirements and established Management policies. A copy of this Tenant Selection Plan will be provided, at no charge, to any applicant, tenant, or member of the general public at his/her request.

This property contains 32 units constructed with a Rural Rental Housing Service loan (USDA Department of Agriculture) to provide Section 515 financed housing to **Very Low, Low and Moderate** income tenants. The property serves a mixed resident population. Qualifying economic income limits are as published by RD annually for Belknap County, NH. The applicant household income **must not** exceed 80% of the Area Median Income limits based on family size as determined by the Guaranteed Housing Program.

This residence is a completely smoke-free building. No smoking of any kind (tobacco, e-cigarettes, vapor devices or any other substance) is permitted in any unit or in any part of the building. Applicants **must** be willing to refrain from smoking while inside the building and around the exterior perimeter of the building.

### FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS

It is Management policy to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act Amendments of 1988, E.O. 13166, the New Hampshire “Law Against Discrimination” (RSA 345), as well as any legislation protecting the individual rights of applicants, residents, or staff which may subsequently be enacted. Management ensures that housing is open to all eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Management will not discriminate because of race, color, age, familial status, religion, handicap, disability, sexual orientation, sex or gender (actual or perceived), gender identity, marital status (actual or perceived), or national origin in the leasing, rental, or other disposition of housing in any of the following ways:

- Deny any household the opportunity to apply for housing, nor deny any eligible applicant the opportunity to lease housing suitable to their needs
- Provide housing which is different than that provided others
- Subject a person to segregation or disparate treatment
- Restrict a person’s access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Deny a person access to the same level or services
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

It is Management policy, pursuant to Section 504 of the Rehabilitation Act and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities.

Questions and inquiries regarding applicant treatment relative to Section 504 of the Rehabilitation Act of 1973 should be addressed by mail to the following person responsible for related policies: For individual designated to handle 504 issues – **Tom Cochran, Deputy Executive Director, Laconia Housing & Redevelopment Authority, 25 Union Ave., Laconia, NH 03246, (607) 737-2214, TTY # (800) 735-2964.** This person is not directly involved in the day-to-day decision-making process involving admitting applicants to the property.

Management will do its due diligence to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, Management will make reasonable accommodations for individuals with handicaps or disabilities as well as for individuals with limited English proficiency (applicants or residents).

# Orchard Hill II

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## Fair Housing and Equal Opportunity Requirements - Continued

Questions and inquiries regarding applicant treatment relative to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, E.O. 13166 or the Fair Housing Act Amendments of 1988 should be addressed by mail to the following person responsible for related policies: For individual designated to handle Title VI, etc. issues – **Tom Cochran, Deputy Executive Director, Laconia Housing & Redevelopment Authority, 25 Union Ave., Laconia, NH 03246, (607) 737-2214, TTY # (800) 735-2964.** This person is not directly involved in the day-to-day decision-making process involving admitting applicants to the property.

**Limited English Proficiency** – Management complies with Executive Order 13166 in its efforts to improve access to all of its programs and activities for persons who, as a result of national origin, are limited in their English proficiency. A Language Access Plan, which outlines the specific language assistance that is provided for persons who are limited in their English proficiency, is available for review upon request.

## PRIVACY POLICY

It is Management policy to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the property. Therefore, neither the property nor its agents shall disclose any personal information contained in its records to any person or agency unless required by law, or unless the individual about whom information is requested shall give written consent to such disclosure.

This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained regarding handicap or disability will be treated in a confidential manner.

# Orchard Hill II

## GENERAL ELIGIBILITY REQUIREMENTS

Applicants **must** meet the following requirements to be eligible for occupancy and housing assistance at the above-mentioned property:

**A. The family's annual income must not exceed the Very Low, Low, Moderate income limits, based on family size.**

Family size **must** count all persons living in the unit, including foster children and foster adults and excluding Live-in Aides and guests. Income eligibility **must** be determined prior to approving applicants for tenancy.

**B. Social Security Numbers**

1) In order to perform criminal and credit checks to determine eligibility and offer a unit, Management requests every household member, including Live-in Aides and fostered adults, to provide Social Security Number (SSN) documentation for Management to copy and keep in the applicant's file.

a) If the household member cannot produce his/her valid Social Security card, at least one of the following alternative documents that shows the SSN may be provided as documentation:

- An original document issued by a federal or state government agency which shows the person's name and SSN along with other identifying information (i.e. SSA benefit award letter)
- Driver's license or State ID
- Earnings statement on payroll stubs
- Bank statement or Form 1099
- Retirement benefit letter
- Life insurance policy or court records

b) If SSN documentation is not available, the household member(s) can provide Management with a signed affidavit stating the SSN. Or, if a SSN has not been assigned, the household member(s) can provide an affidavit stating no SSN has been assigned.

- Applicants will not be rejected for not having a SSN

c) Documents that are not originals, or that have been altered, are mutilated or are illegible, or that appear to be forged, will be rejected. In this case, Management will explain the reason why the document is not acceptable, and will request the submission of acceptable documentation within a reasonable time frame, prior to a unit being offered.

**C. All adults, as well as any adjudicated minors who are the Head, Spouse or Co-Head in each applicant family, must sign a Release and Consent form to authorize Management to collect information to verify eligibility, income, assets, expenses and deductions, prior to receiving assistance and annually thereafter.**

All adults regardless of whether they report income **must** sign and date these forms. Management **must** deny assistance and admission to the applicant who does not comply with this requirement.

**D. The unit for which the family is applying will serve as the primary residence of each household member.**

**E. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.**

**F. Project Eligibility**

Orchard Hill II is a multi-family housing project, designated under Rural Development to serve a mixed resident population.

# Orchard Hill II

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## General Eligibility Requirements - Continued

### **G. Student Eligibility**

Student eligibility is determined at Move-In /Initial Certification and at each Annual Certification. A student or other seemingly temporary resident of the community who may be considered an eligible tenant when all of the following conditions are met:

- 1) The student is of legal age in accordance with the applicable state law or is otherwise legally able to enter into a binding contract under state law.
- 2) The person seeking occupancy has established a household separate and distinct from the person's parents or legal guardians;
- 3) The person seeking occupancy is no longer claimed as a dependent by the person's parents or legal guardians pursuant to Internal Revenue Service regulations, and evidence is provided to this effect; and
- 4) The person seeking occupancy signs a written statement indicating whether or not the person's parents, legal guardians, or others provide any financial assistance and this financial assistance is considered part of current annual income and is verified in writing by Management.

If an ineligible student is a member of an applicant (or an existing) household receiving assistance, **the assistance for the entire household will be terminated.**

# Orchard Hill II

## General Eligibility Requirements - Continued

### H. The Violence Against Women Act

The Violence Against Women Reauthorization Act of 2013 (VAWA) applies for **all** victims of domestic violence, dating violence, sexual assault or stalking, regardless of sex, gender identity, or sexual orientation, and will be applied consistent with **all** nondiscrimination and fair housing requirements.

VAWA protects housing assistance applicants and residents who have been victimized by domestic violence, dating violence, stalking, or sexual assault as follows:

- 1) Applicants cannot be denied rental assistance solely because they were previously evicted from an assisted site for being victims;
- 2) Applicants cannot be denied assistance solely for criminal activity or other acts against them that were directly related to domestic violence, dating violence, sexual assault or stalking;
- 3) Residents cannot be evicted, nor have their subsidies terminated solely because they were victims of domestic violence, dating violence, sexual assault or stalking. Being a victim does not qualify as a “serious or repeated violation of the lease” or “other good cause” for eviction.
- 4) The perpetrator(s) may be evicted and/or their names removed from leases. Remaining household members may continue residency as long as they are eligible.

The remaining household members will have **90 days**, to establish eligibility, other than citizenship, for the program or to find new housing. Management will issue one **60 day extension** following the initial **90 day** time frame, if necessary.

The ‘*Notice of Occupancy Rights Under the Violence Against Women Act*’ (Form HUD-5380) will be provided to a tenant or applicant at three specific times:

- 1) When an individual is denied residency
- 2) When an individual is admitted to an assisted unit, and
- 3) With any notification of eviction or termination of assistance.

Each household member 18 or over (or emancipated minor) that signs the lease will also sign the VAWA lease addendum, each time a lease is executed.

If an individual is a victim of domestic violence, dating violence, sexual assault or stalking, the household member will complete the HUD form ‘*Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation*’ (Form HUD-5382), which includes names of perpetrator(s), if known. In lieu of completing this certification, or in addition to it, the individual may provide a federal, state, tribal, territorial, or local police record or court record; or documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking or, the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional’s belief that the incident(s) are bona fide incidents of abuse, and the victim of domestic violence, dating violence, sexual assault or stalking has signed or attested to the documentations. While the above proof may be submitted by the individual in lieu of or in addition to completing the certification, the proof is not required.

The identity of the victim and all information provided to the owner will be retained in confidence and will not be entered into any shared database or provided to a related entity, 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 applicable by law.

All documentation relating to an individual’s domestic violence, dating violence, sexual assault or stalking will be retained in a separate file that is kept in a separate secure location from other tenant files.

**NOTE:** Where applicable, information regarding preferences adopted for VAWA victims can be found in the Waiting List Preferences section of this plan. Information regarding VAWA Emergency Transfers can be found in the Unit Transfer Policies section of this plan. Management’s Emergency Transfer Plan is available upon request.

# Orchard Hill II

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## APPLICATION INTAKE AND PROCESSING

It is Management policy to accept and process applications in accordance with applicable RD Handbooks and regulations.

Management will perform marketing activities in accordance with its Affirmative Fair Housing Marketing Plan, with the aim of marketing to potential applicants in its geographical area who are least likely to apply.

Applications can be obtained from Management via phone, in person at the site during normal business hours, by written request mailed to the property, or by printing application from the property website at [www.laconiahousing.org](http://www.laconiahousing.org)

All submitted applications **must** be in writing, on forms provided. If an applicant is unable to complete an application, due to a disability, a third party can assist in the completion of the form. Only fully completed applications will be accepted. Every application **must** be completed and signed by the head of household and all additional household members 18 years of age or older. All members of the household **must** be listed on the application.

Applications **must** be completed and signed and can be returned to the office in person, via fax, email or U.S.P.S. mail.

The application form includes a section for the applicant household to report race and ethnicity. This demographic information is not used to determine applicant eligibility. The information is gathered to report the demographic makeup of applicant traffic, and to comply with the Affirmative Fair Housing Marketing Plan requirements.

Staff or staff-provided assistance will be available upon request. This may take the form of answering questions about the application; helping applicants who might have literacy, vision, or limited English proficiency challenges via oral or written translation; or large print; and, in general, make it possible for interested parties to apply for assisted housing. Applicants may bring an individual with them, to help with the application, if desired.

Upon determination that the application is completed, staff will add, via handwriting or stamp, the date and time the application was received, followed by the initials of the person accepting the application. Within **ten (10) calendar days** of receipt of completed application, Management must notify applicant, in writing, one of the following; selected for immediate occupancy, placed on a waiting list, or rejected. All applications will be kept at the property or its file storage locations.

If the application received is not fully complete (including any required attachments) and/or is not signed and dated by all household members age 18 years or older, the application will be returned to the household.



# Orchard Hill II

## Application Intake and Processing – Continued

### A. Applicant Screening Process

Screening is used to help ensure that families admitted to the property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully enjoy their homes. Information collected through the screening process enables owners to make informed decisions to admit applicants who are most likely to comply with the terms of the lease. Management relies on the defined screening criteria as an objective means to determine disqualification to ensure that the same criteria is applied consistently among all applicants screened.

Screening results will be stored in the tenant file for the term of tenancy plus **three (3) years** for any households granted admission to the property. For rejected households, the screening results will be stored with the application, and other applicable documentation, for **three (3) years** following the rejection.

Listed below are the criteria and methods used to review the household's application:

#### 1) **Criminal Background Check**

The presence of a criminal record will not automatically disqualify an applicant. In general, Management will evaluate the nature of the record in context to the age of the criminal record and the risk that the criminal history poses to the health and safety of the residents living within our community, and the risk to the property of our residents. Criminal history checks of convictions will be completed by local, state and federal authorities and/or a professional criminal and credit checking agency. Our criminal screening criteria was developed in an effort to ensure the continuance of safe housing without having a disparate impact on applicants, based on the criminal history review.

The following items establish our screening criteria to determine whether applicants will be suitable tenants.

- a) Conviction of any household member for **violent criminal activity** within the past **ten (10) years** will result in the rejection of the application.
- b) Any household containing any member with **convictions** within the past **five (5)**, due to **drug-related criminal activity** will be rejected.
- c) Any conviction within the past **five (5) years** which involved **deliberate injury to a person or property** will result in the application being rejected.
- d) Any conviction for the **passing of worthless checks, theft from employer, fraud (including credit card, welfare or worker's comp), identity theft, embezzlement, or forgery** within the past **five (5) years** will result in the application being rejected.
- e) Any conviction for the **sale, distribution or manufacture of any controlled or illegal substance**, as well as any conviction within the past **five (5) years** involving **illegal use or possession of any controlled or illegal substance** will result in the application being rejected.
- f) Any conviction for any **sexual offense** within the past **five (5) years** will result in the application being rejected.
- g) Any conviction which involved **bodily harm to a child** within the past **ten (10) years** will result in the application being rejected.
- h) **Felony conviction** within the last **(ten) 10 years** will result in the application being rejected
- i) Management will **reject** a household in which any member is currently engaged in illegal use of drugs or when the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards will be based on behavior, not the condition of drug abuse.
- j) Management will **reject** a household in which there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards will be based on the behavior, not the condition of alcoholism or alcohol abuse.

# Orchard Hill II

## Applicant Screening Process > Criminal Background Check - Continued

- k) Management will **prohibit admission** of any household containing any member (including Live-in Aide) who was evicted in the last **three (3) years** from federally assisted housing for **drug-related criminal activity**, unless one of the following exceptions apply:
- The applicant has successfully completed a formal, supervised drug rehabilitation program, or
  - The person who was evicted for the drug-related criminal activity is no longer a household member.

Despite any changes to state laws, the use of medical marijuana is illegal under federal law. Any references to drug use above will include the use of medical marijuana. Management is required to deny admission to any household with a member who they determine is, at the time of application for admission, illegally using marijuana.

If any household member engages in criminal activity (including sexual offenses) while living on site, termination of tenancy will be pursued to the extent allowed by the lease, RD regulations, and state/local law. To avoid eviction of the household, the family will be given the opportunity to remove the member engaging in criminal activity from the household.

Management may deny admission of an applicant, if the criminal background check indicates the applicant provided false information. Management is required to deny admission if the State sex offender registration record indicates the applicant provided false information. If Management denies admission of the applicant, Management will:

- a) Notify the applicant of the proposed denial of admission.
  - b) Provide the subject of the record and the applicant with a copy of the information the action is based on.
  - c) Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.
- 2) **Sex Offender Registry Check**

Management is required to ask whether any member of the applicant household is subject to a lifetime sex offender registration requirement in any state. Applicants **must** provide a complete list of **all** states in which every household member has lived. Failure to provide accurate information to Management is grounds to deny the application.

Rural Development housing regulations prohibit admission of any individual that is subject to a lifetime sex offender registration requirement in any state. Management verifies if any household member is subject to a state sex offender lifetime registration requirement via the **Dru Sjodin National Sex Offender** website at <http://www.nsopw.gov>, which automatically searches sex offender registries in **all** states.

If Management determines that a member of the applicant household is subject to a lifetime sex offender registration requirement in any state, the family will be given the opportunity to remove the ineligible household member from the applicant household

- If the family chooses not to remove this individual from their applicant family, the household's application will be denied. The written rejection notice will clearly state this as the reason the family is being denied admission.

For rejected applicants, search results will be kept with the application for **three (3) years**. For admitted households, search results will be kept with the approved application, in the tenant file, for the term of **tenancy plus three (3) years**.

If Management identifies that a household member moved in after June 25, 2001, and the tenant falsified information or failed to disclose criminal history; or that Management did not adequately check all states where the household member lived, subsidy termination will be immediately pursued.

Persons who are subject to a state lifetime sex offender registration requirement who were admitted prior to June 25, 2001 **must not** be evicted unless they commit criminal activity while living in federally assisted housing; **or** have some other lease violation, in which case Management will terminate the tenancy and pursue eviction in accordance with RD, state, and local laws.

# Orchard Hill II

## Application Intake and Processing > Applicant Screening Process – Continued

### 3) Credit Check

Applicants will not be rejected for lack of a credit history. Previous landlords may be contacted to determine if the applicant paid rent on time and/or left the property with any unpaid balances.

A professional credit checking agency will be used to provide a credit report for each applicant household. No cost will be charged to the applicant. Applicants will be rejected if any of the following credit information is verified for any member of the applicant family:

- a) Applicant currently has any outstanding landlord or utility collections;
- b) Applicant has had more than **one (1)** previous **non-payment procedure in housing court** during the past **five (5) years**.
  - Exceptions include medical collections and/or if applicant has proof of repayment of debt. Proof **must** be a statement of satisfaction from creditor, court, or other legal proof.

### 4) Prior Landlord Check

If any household member was a previous resident at this property, the tenant file will be checked. If there is documentation that the tenant was repeatedly notified of rules violations, lease violations, or if the household left the property owing overpaid assistance, unpaid rent or damages, the application will be rejected.

Current and prior landlords during the previous **five (5) years** will be contacted to ask for comments regarding the applicant's rental history. Acceptable topics of discussion include but are not limited to: cooperation with recertification processes, compliance with the lease and house rules, rent payment, and housekeeping.

- a) An applicant household will be rejected if any member of the household has left another affordable housing property owing overpaid assistance, unpaid rent or damages.
- b) An application will be rejected if the household has been evicted from a previous residence or has a history of lease violations within the past **three (3) years**.
- c) Management will prohibit admission of any household containing any member (including Live-in Aide) who was evicted in the last **three (3) years** from federally assisted housing for drug-related criminal activity, unless one of the following exceptions apply:
  - The applicant has successfully completed a formal, supervised drug rehabilitation program, or
  - The person who was evicted for the drug-related criminal activity is no longer a household member.

## OCCUPANCY STANDARDS

Applicant households **must** meet the established occupancy standards of local Landlord/Tenant laws. As a general policy, there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management will take into consideration mitigating circumstances such as reasonable accommodations for disabilities and verified medical reasons for a larger unit.

Units will be assigned in accordance with the following standards:

Bedroom Size	Minimum Occupancy	Maximum Occupancy
1 Bedroom	1 person	2 people
2 Bedrooms	2 people	4 people

After moving in, if changes in household composition cause a household to become over-housed or under-housed, the family **must** transfer, within **30 days**, to the first available unit of the proper size base on these occupancy standards.

# Orchard Hill II

## **DETERMINATION OF APPLICANT ELIGIBILITY: APPLICATION ACCEPTANCE AND REJECTION**

Information needed to determine applicant eligibility will be obtained, verified, and the determination of applicant eligibility performed, in accordance with program and property eligibility requirements. Eligible applicants will be placed on the waiting list(s), and will be promptly issued a preliminary notice of eligibility, or a rejection notice, as appropriate.

Management complies with applicant rejection requirements set forth by Rural Development Housing. Management reserves the right to reject applicants for admission, if it is determined that the applicant or any member of the household falls within **any one or more** of the following categories:

**A. Misrepresentation:**

Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit.

**B. Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:**

Includes documented instances of behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.

**C. Violent Behavior:**

Includes documented evidence of acts of violence or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.

**D. Non-Compliance with Rental Agreement:**

Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping unauthorized pets, or other acts in violation of rules and regulations.

**E. Owing Prior Landlords:**

Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.

**F. Ineligible Students:**

Applicant households whose members include an 'ineligible student' per RD regulation. See prior section 'General Eligibility Requirements > G. Student Eligibility'.

**G. Unsanitary or Hazardous Housekeeping:**

Includes creating any health or safety hazard through acts of neglect, and/or causing or permitting any damage to, or misuse of premises and equipment; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to reasonably and properly use all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or damage to the premises.

**H. Criminal Activity:**

The presence of a criminal record will not automatically disqualify an applicant. Management has established a policy to reject applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are defined in (prior section) 'Applicant Screening Process > Criminal Background Check'.

# Orchard Hill II

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## Determination of Applicant Eligibility: Application Acceptance and Rejection - Continued

All applicant rejections will be sent by first class mail and certified mail, and will include specific reason(s) for the rejection. The rejected applicant has the right to respond, in writing, **within ten (10) calendar days**, to request a meeting to dispute the rejection. Persons with disabilities have the right to request reasonable accommodations to participate in the grievance process. This meeting will be conducted by a member of the Owner or Management staff who was not involved in the initial decision to deny admission or assistance. Management will provide written determination to the applicant within **five (5) days** of the meeting.

Rejected applicants will be given a copy of The Notice of Occupancy Rights Under the Violence Against Women Act. Rejected applicants will be given the opportunity to assert that he or she is a victim of domestic violence, dating violence, sexual assault and/or stalking and eligible for VAWA protections.

# Orchard Hill II

## APPLICANTS WHO REQUIRE REASONABLE ACCOMMODATIONS, INCLUDING LIVE-IN AIDES

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job. Examples of reasonable accommodations include physical adaptations to units, Live-in Aides and assistance animals.

For reasonable accommodations to apply, there are several requirements. First, the applicant **must** have a verifiable disability (mental or physical impairment that substantially limits one or more major life activities) as defined by RD and as applicable to the property's program type.

Next, the disability **must** have a direct correlation to the accommodation being requested by the applicant. And, the applicant **must** request a reasonable accommodation and provide verification of his/her disability and his/her need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in an undue financial or administrative burden to the property.

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations, the applicant is not eligible and the applicant will be rejected. Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from Management that represent an alteration in the fundamental nature of the property's program.

If an applicant makes a request, Management will provide a reasonable accommodation if the applicant has a verifiable disability that is directly related to the request and providing the reasonable accommodation will not result in an undue financial or administrative burden to Management or to the owner.

Reasonable accommodations may include changes in the method of administering policies, procedures, or services.

In providing reasonable accommodations for, or performing structural modifications for otherwise qualified individuals with disabilities, Management is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structure,
- Provide support services that are not already part of its housing programs,
- Take any action that would result in a fundamental alteration in the nature of the program or service, **or**
- Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

For proposed structural modifications, the property would consult jointly with USDA/RD and its architect as to the feasibility, necessity, and financial burden of such modifications before making any final decision.

If the site is unable to make a reasonable accommodation due to a resulting financial burden, the applicant may, at his/her own expense, make the accommodation after structural approval by Management. Management may require that the tenant remove the accommodation (or have it removed) upon vacating the unit.

Live-in Aides are considered to be a reasonable accommodation. Property Management **must** obtain verification that the Live-in Aide is needed to provide necessary supportive services essential to the care and well-being of the individual, and that there is a disability-related need for the Live-in Aide. This verification will be obtained from the individual's physician, medical practitioner or health care provider.

The Live-in Aide cannot stay in the unit as a remaining family member, once the tenant who needs the services leaves the unit or dies. Live-in Aides who violate any of the property's House Rules will be subject to eviction. Live-in Aides **must** meet the same screening criteria as any other applicant, with the exception of credit checks.

# Orchard Hill II

## WAITING LIST PREFERENCES

When a unit becomes available, applicants will be selected in the following order (which may mean by-passing applicants at higher income levels):

- 1) An LOPE – Letter of Priority Entitlement preference (if given).
- 2) Eligible tenant residing at the property and is either under- or over-housed will receive priority over new applicants if relocating them into the vacant unit will bring them into compliance with the property occupancy policy;
- 3) The next very-low income household, qualifying for the unit size;
- 4) The next low-income household, qualifying for the unit size;
- 5) If there are no qualifying very low/low income households on the waiting list, Management will select the next moderate-income household qualifying for the unit size;
- 6) Any applicant refusing an offer of a unit will be removed from the waiting list. Management will notify the applicant in writing once they have been removed from the list.

## WAITING LIST MANAGEMENT

Management administers the property's waiting list as required by RD regulations.

### **A. Closing and Re-opening the Waiting List(s):**

Management maintains an open waiting list. Vacancies and the waiting list(s) are monitored regularly to ensure there are enough applicants to fill the vacancies; and that the waiting list does not become so long that the wait for a unit becomes excessive.

Should Management ever choose in the future to close and reopen the waiting list, both actions and any restrictions on accepting applications, will be publicly announced in publication(s) likely to be read by potential applicants. Advertisements will include information about where and when to apply, and will conform to the advertising and outreach practices described in the property's Affirmative Fair Housing Marketing Plan.

During the period when the waiting list is closed, the property will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

### **B. Updating the Waiting List(s):**

The waiting list will be updated **annually** to keep applicant information current, and to remove anyone who wants to be removed or no longer qualifies for admission to the property.

A letter will be sent to each applicant, asking for outdated information to be updated in writing, and asking whether the applicant wishes to remain on the waiting list or not. Confirmation **must** be returned to the property, in writing, using any forms which may be provided, **within 30 calendar days** of the letter's postmark date. Upon request, assistance will be provided to any applicant households with disabilities or limited English proficiency, to enable them to meet this deadline.

When applicants notify the property of changes in household composition, the waiting list information will be updated, and a determination will be made as to whether or not the household needs a different unit size. The household will keep its original application date and place on the waiting list in the event of this type of change.

### **C. Removal of Applicants from the Waiting List(s):**

The property will not remove an applicant's name from the Waiting List unless:

- 1) The applicant requests that his/her name be removed.
- 2) The applicant was clearly told, in writing, of the requirement to advise the property of his/her continued interest in housing by a particular time, and failed to do so, even after being provided with reasonable accommodations in the event of handicap or disability.
- 3) The property attempted to contact the applicant in writing, but the letter was returned by the U.S. Postal Service as undeliverable.

# Orchard Hill II

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## Waiting List Management > Removal of Applicants - Continued

- 4) The property has notified the applicant, in writing, of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.
- 5) The applicant refused **one (1) offer** of unit without good cause; if applicant refused **two (2) offers** of a unit with good cause. See 'Offering a Unit' Section for definition of 'good cause'.
- 6) The applicant accepted an offer of a unit but failed to move in on time, without notice.
- 7) The applicant household needs a different size unit due to a household composition change, and the property has no units of that size.

Any applicant name(s) removed from the waiting list will be documented with the date and time of the removal. If an applicant is removed from the waiting list, and Management later learns that the applicant was removed in error, or the applicant did not respond to information or updates because of a disability, the applicant **must** be reinstated at the original place on the waiting list.

## APPLICANT INTERVIEWS

As the applicant approaches the top of the waiting list, Management will interview the applicant, along with appropriate family members and/or caseworkers, and explain the regulations and policies associated with the property. The interview shall be conducted in accordance with Rural Development Housing requirements and topics will include, but are not limited to:

- Income/asset/expense information, as well as household composition
- Applicant-paid utilities
- The requirement for all household members age **18+** to sign consent for release of information forms
- Proof of legal residence will be collected
- Applicant's ability and willingness to comply with the terms of the property's lease and community's policies
- Statutory, RD, state and local preferences, if any
- Violence Against Women Act

All reasonable efforts will be made to offer reasonable accommodations as requested by applicants with disabilities and/or limited English proficiency during the application process, as well as during tenancy and for all appeal processes.



# Orchard Hill II

## VERIFICATION REQUIREMENTS

The property will obtain verifications in compliance with requirements set forth by Rural Development Housing.

**A. Types of Verification Required** All information relative to the following items must be verified:

- 1) Eligibility for admission, such as:
  - a) Income, assets, and asset income
  - b) Household composition
  - c) Need for a unit specifically adapted for mobility impairments
  - d) Verification of student status and eligibility
- 2) Allowable deductions, for items such as:
  - a) Age 62+, disability, or handicap of household head, spouse and/or co-head
  - b) Full time student status
  - c) Child care costs
  - d) Handicap expenses
  - e) Medical expenses (for elderly/handicapped households only)
- 3) Compliance with resident selection guidelines, such as:
  - a) Proof of ability to pay rent
  - b) Previously demonstrated adherence to lease for previous rentals
  - c) Positive prior landlord reference(s) for prior **five (5) years**: rent-paying, caring for a home with safe, clean, satisfactory housekeeping habits.
  - d) No verified, disqualifying history of drug-related, sex offender or violent criminal activity for any household member.
  - e) Absence of objectively verified behavior that would give Management reasonable cause to believe that the applicant's abuse of drugs/alcohol would interfere with the health, safety and right to peaceful enjoyment of the property by other residents or staff.

Any of the above items which result in the denial of the applicant will be documented, and appropriate verification forms/letters placed in the applicant's file.

**B. Period for Verification:**

Written income-related verifications are valid for 90 days and may be valid for an additional 90 days with oral reverification at the end of the 90-day period. In no case may information that is older than 180 days be used. Only verified information that is within **180 days** of the date presented to Management may be used for verification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

**C. Forms of Verification:**

Documentation required as part of the verification process may include:

- 1) Checklists completed as part of the interview process, signed by the applicant
- 2) Verification forms completed and signed by third parties
- 3) Reports of interviews
- 4) Documentation provided by the applicant, i.e. award letters, pay stubs, bank statements
- 5) Notes of telephone conversations with reliable sources, faxes, e-mail or internet correspondence. At a minimum, each file notation will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.
- 6) Verification of student status, as described in prior section 'General Eligibility Requirements > G. Student Eligibility'

# Orchard Hill II

## Verification Requirements > Forms of Verification – Continued

Management staff will be the final judge of the credibility of any verifications submitted by an applicant. If front-line staff considers documentation to be doubtful, it will be reviewed by Management staff who will make a ruling about its acceptability. Management staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

### **D. Sources of information to be checked may include, but are not limited to:**

- 1) The applicant by means of interviews
- 2) Present and former housing providers
- 3) Present and former employers
- 4) Credit Checks (for unpaid rent and/or evictions, and utility collections)
- 5) Social workers, parole officers, court records, drug treatment centers, physician, clergy
- 6) Law enforcement

### **E. Preferred Forms of Verification: Verifications will be attempted in the following order:**

- 1) Written third-party verification generated by the source of the income, which may be provided by the applicant
- 2) Oral third-party verification from the source of the income
- 3) Family (self) certification when information cannot be verified by a method above

### **F. Applicant history will be checked using the following methods:**

- 1) Past performance meeting financial obligations, especially rent:
  - a) Credit checks (for unpaid rent and/or evictions, and utility collections) will be completed with a professional credit checking agency, searching national databases. Criteria for admission is described in (prior section) 'Applicant Intake and Processing, B. Applicant Screening'.
  - b) Contacting all prior landlords in the previous **three (3) years** to obtain previous rental history information.
  - c) Otherwise-eligible households who apply for housing with outstanding balances owed to their current property, or to this property as a past tenant are ineligible.
    - After the applicant presents proof of payment of any such balances, s/he may re-apply and, if otherwise eligible, will be added to the waiting list based on the re-application date.
- 2) Disturbance of neighbors, destruction of property, or living or housekeeping habits that would pose a threat to other residents:
  - a) Staff will check for these potential problems with all prior landlords in the previous **five (5) years**.
  - b) If the applicant is not currently living under a lease, the housing provider will be asked to verify the applicant's ability to comply with property lease terms as it relates to these guidelines. Any unit for which the applicant has upkeep responsibility may be physically checked.
  - c) An applicant's behavior toward the property manager and other staff will be considered as indicative of future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward property staff will be noted in the file.
- 3) Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
  - a) Criminal history checks of convictions with registries, local, state and federal authorities and/or a professional criminal and credit checking agency will be done.
  - b) Applicants who are listed on lifetime sex offender registries in any state **must** be rejected by RD regulation.

# Orchard Hill II

## Verification Requirements > Applicant history - Continued

- 4) A record of eviction from housing or termination from residential programs will be considered:
  - a) Property Management will check property records, Management records, and other records to determine whether the applicants have been evicted from this property, any other assisted housing, or any other property in the past.
  - b) Records of evictions from residential programs will be checked with service agencies and with any housing providers referred by the applicant.
- 5) Current residence in other affordable housing:
  - a) Applicant households **must** disclose if any household member is currently receiving housing assistance. Households are not permitted to receive assistance in multiple households for the same time period, or to receive assistance if more than one residence will be maintained.
  - b) Applicants living in other assisted housing may apply to this property. However, the applicant **must** move out of the current property before RD assistance can begin at this property. Special circumstances exist:
    - for minor children where both parents legally share custody and
    - for assisted household members in another property who are moving in order to establish a new household, when remaining family members will stay in the old unit.
  - c) If any member of the applicant household fails to accurately disclose his/her rental status, the application may be denied based on "misrepresentation of information." After move-in, if any household member receives, or tries to receive, housing assistance at another property while still living at this property, the household will be required to repay all overpaid assistance.

## ATTEMPTED FRAUD

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. The property considers false information about the following to be grounds for rejecting an applicant:

- Income, assets and/or expenses
- Household composition
- Social Security Numbers, if provided
- Preferences and priorities
- Eligibility for allowances
- Previous residence history or criminal history

If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise willfully misrepresented any facts about his/her current situation, criminal history, or behavior in a manner that would affect eligibility, priorities, application selection criteria qualification, allowances or rent, the application will be rejected.

During the course of processing an application, there may be errors in name spellings, dates of birth and other such data, resulting in inaccurate criminal, credit, or other screening. In these cases, screening may be re-done. If these checks result in documentation of circumstances that would have caused an applicant to be rejected, the application will be rejected. If the applicant has already moved in, this evidence may be the cause of eviction proceedings.

Unintentional errors will not be used as a basis to reject applicants.

# Orchard Hill II

## OFFERING A UNIT

Applicants **must** meet all the eligibility and property-specific admission requirements described in prior sections of this Tenant Selection Plan before an available unit can be offered.

When a unit becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for the unit size. Eligible families with handicapped/disabled members needing specific handicap features of a unit will be selected first, for available units which are accessible in ways specifically adapted for their use.

If a household requests to be placed on the waiting list, the applicant will be notified when s/he nears the top of the list for an available unit. The applicant may refuse the first unit and continue to wait for another unit with no change in waitlist position, if applicant has **good cause** for refusing the unit offered. If an applicant rejects an offer without good cause, the applicant will be removed from the waiting list.

If the applicant has a preference and would move to the top of the waiting list, the household retains its preference status. 'Good cause' includes medical reasons, recent death of a close family member, desire to give 30-day notice to the family's existing property, and rejection of a unit because the available unit is close to a unit with an assistance animal or pet to which someone in the applicant family is allergic, or facing or recovering from a hospital stay within the projected move-in period. When a unit is rejected for **good cause**, the applicant will keep his/her place on the waiting list, and Management will offer the available unit to the next applicant. Management will require documentation to support the 'good cause.' If applicant refuses a unit a second time, with good cause, applicant will be removed from the waiting list and will need to reapply.

When an applicant reaches the top of the waiting list, Management will schedule a final screening appointment within **one week**. The applicant **must** come in to the office for this appointment, and **must** bring all items requested by Management. If the applicant fails to attend and/or fails to supply all items, the unit will be offered to the next applicant on the list. The first applicant will retain his/her place on the waiting list the first time this occurs. If the applicant fails to attend a second scheduled interview and/or fails to supply all required items a second time, the applicant will be removed from the waiting list.

Any family placed in a unit size different than that defined in these Occupancy Standards **must** agree to transfer to an appropriate size unit when one becomes available, in accordance with the Transfer Policy and Lease Addendum.

A unit offer will be made in writing to an applicant household only after all criminal, credit and landlord checks have been completed; the applicant interview has been completed; and verification documents have been received. **All** applicants on the waiting list are required to report, in writing, to the rental office any change of address, telephone numbers or other information that may affect eligibility. If an applicant cannot be reached by the rental office due to unreported changes, the applicant will be removed from the waiting list.

If an applicant household fails to meet the property's eligibility criteria, and the application is rejected, there is an appeal process. These procedures will be provided to the applicant household as part of the rejection letter.

If mail sent to the address the applicant listed as his/her current address is returned by the U.S. Postal Service, the document will be kept on file and an attempt will be made to contact the applicant via other means. If the applicant cannot be contacted within **14 business days** by alternate means, the unit will be offered to the next applicant on the waiting list. Attempts to contact the household will be documented in the applicant file, and the applicant will be removed from the waiting list.

If the applicant is offered a unit in writing, but fails to reply by the date noted on the offer letter, the applicant will be removed from the waiting list. The unit will be offered to the next applicant on the waiting list.

If an applicant fails to move in on the agreed-upon date without notice, the application will be rejected, the applicant's name will be removed from the waiting list and the unit will be offered to the next household on the waiting list. An exception will be made in the case of a medical extenuating circumstance; in this case, the applicant will retain his/her place on the waiting list, and the unit will be offered to the next applicant on the list.

Prior to receiving the keys to the unit on move-in day, the applicant is required to provide proof that the family has moved out of prior assisted housing (if applicable). This can consist of any of the following documents:

- Copy of signed and dated move-out inspection report or move out certification from the prior property
- Hand-written note from the prior landlord (signed and dated), on property letterhead, stating that the keys to the prior unit have been returned.

# Orchard Hill II

## PRIORITIES FOR ACCESSIBLE OR ADAPTABLE UNITS

For units accessible to or adaptable for persons with mobility impairments, households containing at least one person with such an impairment will have first priority (as applicable) for a particular unit feature.

If there is more than one (1) applicant on the waiting list for a handicapped accessible unit, based on the date/time stamp on the transfer request, the very low income applicant will be offered the unit.

Current residents who require accessible/adaptable units will be given priority over applicants requiring the same type of unit. If a tenant is transferred as a reasonable accommodation to a household member's verified disability, the owner will pay the costs (not to include transfer of utilities) associated with the transfer, unless doing so would be an undue financial/administrative burden.

When there are no residents or applicants who need the features of existing accessible units, persons without disabilities may move into those units. However, they **must** agree to move to an available unit of the appropriate bedroom size with no such design features, if an applicant or current resident requires that accessible unit.

## PRIOR TO MOVE-IN

### **A. Management will explain the Rural Development Section 515 regulations regarding the following:**

- 1) Security deposits
- 2) Annual recertifications
- 6) Unit inspections
- 7) Community policies
- 8) Transfer policies

### **B. All adult household members (age 18 and older and any adjudicated minors who are the Head, Spouse or Co-Head) will sign the Lease, Community Policies or House Rules, Release and Consent Forms, and related documents and addenda.**

### **C. The applicant and Management will inspect the unit and sign the Move-In Inspection form either prior to Move-In or on Move-In day.**

### **D. The applicant will pay the Security Deposit.**

### **E. The applicant will pay the rent for the first month, as set forth in the Lease.**

### **F. The applicant will be given a copy of the Move-In Certification, Lease, Move-In Inspection form, Community Policies/House Rules, all other required forms and notices, and a receipt for the Security Deposit and first month's rent.**

## UNIT INSPECTION

All units **must** undergo a move-in inspection by Management and the tenant the day of or prior to the day of move-in. A move-in inspection form will be completed, signed and dated by the tenant and Management, confirming that the unit is in decent, safe, and sanitary condition. After move-in, inspections will be completed at least annually by Management and inspections may also be conducted by USDA.

# Orchard Hill II

## UNIT TRANSFER POLICIES

**A. Unit transfer requests must be submitted to the Management Office in writing. Residents will be placed on a transfer waiting list in date received order, if they meet one of the following conditions:**

- 1) Unit transfer is needed for medical reasons which are certified by doctor;
- 2) Unit transfer is needed based on the need for an accessible unit, as certified by a physician or other medical professional, as a reasonable accommodation for persons with verified disabilities,
- 3) Unit transfer is needed due to a change in family composition and/or family size;
  - a) If a unit of appropriate size is not available, the tenant will be moved into the most appropriately sized unit.
  - b) If the tenant is occupying a unit that is larger than needed and there is no need for that larger unit, the tenant will not be required to move until there is a demand for that size of unit.
  - c) If the tenant has given a written notice to vacate, the tenant will not be required to transfer.
  - d) When it is determined that a transfer is required, the tenant may remain in the unit and pay the RD approved market rent; or the tenant must move within **30 days** after the owner notifies the family that a unit of the required size is available within the property;
- 4) Unit transfer is needed for VAWA reasons (protection from domestic violence, dating violence, sexual assault or stalking).

To invoke Emergency Transfer rights under VAWA, the person seeking the protection **must** complete a VAWA Emergency Transfer Request form and provide to Management. Please refer to the property's Emergency Transfer Plan for additional information.

- 5) Two or more adults currently living together in a unit choose to apply for separate units.  
The new household will be required to submit a complete application and **must** meet all eligibility and tenant selection requirements.

**B. Current residents who meet any of the qualifications above will be given transfer priority.**

- 1) Current residents seeking a transfer for VAWA protections will receive priority above any non-VAWA transfers, unless the available unit is an accessible unit. Then the person needing the accessible unit receives the accessible unit above the VAWA individual.
- 2) Residents with disabilities will be given priority for a unit which has accessible features.

**C. Transfers should occur after the completion of the initial lease term (except those based on VAWA and/or accessibility needs).**

- 1) The resident's account **must** be current and their tenancy in good standing.
- 2) Current unit **must** be maintained in good condition. Damage beyond normal wear and tear are grounds for denial of transfer.

**D. Security Deposits:**

When a household transfers to a new unit, Management will transfer the original security deposit collected, along with any interest earned, to the new unit. Management will not determine and collect a new security deposit based on the new TTP associated with the transfer.

**E. Costs associated with the unit transfer:**

Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. However, if a tenant is transferred as a reasonable accommodation to a household member's disability, then the property must pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

# Orchard Hill II

## ANNUAL RECERTIFICATIONS

RD regulations require an annual recertification of income, assets and expenses for rent determination. Recertifications depend upon certain resident changes such as changes to household members and/or changes in income, assets or expenses. This policy will be explained prior to move-in.

Tenants are required to notify Management before there is any change in household composition. If the family composition changes, a household recertification is required. Same screening criteria are used for **all** new household members, including Live-in Aides, as are required for new households (with the exception of credit checks for Live-in Aides).

Tenants are required to notify Management any time a previously unemployed adult in the household begins working, and/or if the household's income goes up \$100/month or more. Tenants may request a recertification for income changes of \$50 or more, or an increase in deductions.

## REMAINING FAMILY MEMBERS

If the Head of Household leaves the unit, a current household member already on the lease and of legal contract age under state law can be designated as the new Head of Household for the unit. The remaining family member(s) can stay in the unit and pay rent based upon income/asset/expense calculations on Form 5360-8 certification that reflects the change in household composition.

Refer to VAWA protections defined in General Eligibility Requirements > H. The Violence Against Women Act, if the remaining household member is protected under VAWA regulations.

## PETS AND ASSISTANCE ANIMALS

The property allows **one pet per unit**, of the following types: **1 Dog - 35 pounds or less** (at maturity). Refer to the Pet Policy for tenant pet care responsibilities. A Pet Deposit is not required.

Assistance animals are permitted as a reasonable accommodation for persons with verified disabilities, once the need has been properly verified by a physician, psychiatrist, social worker, or other licensed medical professional.

There **must** be a direct relationship between the person's disability and his or her need for the animal. Neither a security deposit nor a pet fee is required for an assistance animal. Also, any restrictions on type and size of animal noted above are not applicable to an assistance animal. All state and local health, safety, and licensing laws apply. Refer to the Pet Policy for responsibilities related to the assistance animal.

Management reserves the right to deny a specific assistance animal if:

- There is documented proof, based on prior behavior of the animal, that it poses a direct threat to the health and safety of others that cannot be reduced or eliminated by a reasonable accommodation; **or**
- There is documented proof, based on prior behavior of the animal, that it would cause substantial physical damage to the property of others; **or**
- It can be specifically documented that the presence of the assistance animal would pose an undue financial and administrative burden to the provider; **or**
- Documented evidence shows that the presence of the assistance animal would fundamentally alter the nature of this property's services.

## OTHER DISCLOSURES

Property employees are not permitted to accept any money connected with the application procedure, criminal or credit checks and/or unit designation.