

**FORT VANCOUVER TERRACE TENANT SELECTION PLAN  
4710 Plomondon Vancouver, WA 98661**

Identified as a HUD Preservation Project under Section 8 of the United States  
Housing Act of 1937 and Section 524(e)(1) of the MAHRA

**MARKETING AND APPLICANT APPROVAL  
TENANT SELECTION PROCESS**

**1. Project Specific Requirements –**

The Fort Vancouver Terrace Apartments has 96 HUD units available for occupancy and 35 non-HUD units available for occupancy (32 of 35 non-HUD units being three (3) bedroom units). To move in, an applicant must meet all of the requirements of Indigo Real Estate Services, Inc., HUD and the low-income housing tax credit program to qualify for the unit based on their income and household size. Of the total 131 units (96 HUD and 35 non-HUD housing units), 20% (27) are set aside for large households, meaning a group of four (4) or more Additionally Qualified Residents who are not necessarily related and who live together in a Qualified Unit containing three (3) or more bedrooms. 71 of the 96 HUD units are for tenants with 30% of area median income (or less)\*. 25 of the units are for tenants with 50% of the area median income (or less)\*. Due to tax credit rules, at least one member of each household cannot be a full-time student, unless they meet the student qualification criteria.

**HUD UNIT MIX**

# Units	# Beds
20	1
24	2
6	2 TH
20	3
11	3 TH
15	4 TH

\*TH Townhouse

**Non-HUD UNIT MIX**

# Units	# Beds
3	2
32	3

1. Of the 96 HUD units, 71 units or 74% are for tenants with 30% of the area median income (or less) and 25 units or 26% are for tenants with 50% of median income (or less).

30%-Extremely Low income
50%-Very Low income
80%-Low income

Fort Vancouver Terrace follows the extremely low and very low income limits.

2. Of the 96 HUD units included in the low-income housing commitment 16 of the 16 or 100% of the four (4) bedroom units are designated for large households. Large households means a group of four(4) or more Additionally Qualified Residents who are not necessarily related and who live together in a Qualified Unit containing three (3) or more bedrooms.

\*According to HUD, 80% of area median income is low income, 50% is very low income and 30% is extremely low income.

## **2. HUD Specific Requirements**

**A. Citizenship Requirements** – Only U.S. citizens or eligible non-citizens may receive assistance under Section 8 at Fort Vancouver Terrace Apartments. If an applicant applies for Fort Vancouver Terrace Apartments and indicates on the application that anyone in their household is not a U.S. citizen, then the Property Management Assistant will send them the Citizenship Documentation forms: Owner's Notice # 1, Family Summary Sheet, Tenant Declaration Format, and Verification Consent Form. All tenants will need to complete these forms and submit evidence of citizenship or eligible immigration status at the time of application. If requested, the forms will be provided in a language other than English. The Property Management Assistant will use the forms and the Department of Homeland Security system to verify eligibility.

Non-citizen applicants who are 62 years of age or older must sign a declaration of eligible immigration status and provide proof of their age. For applicants who are U.S. citizens, they will fill out Tenant Declarations and the Family Summary Sheet during the verification process before lease signing and move-in. Fort Vancouver Terrace Apartments will follow all HUD requirements for Citizenship and immigration status verifications and update this process when required by HUD.

### **B. Social Security Number Requirements –**

All applicants, including children, must disclose social security numbers in order for the owner to make an eligibility determination. Individuals who do not content eligible immigration status and are part of a mixed family are not required to disclose SSN. If no SSN has been assigned to a particular family member, the applicant must sign a certification stating that no SSN has been assigned. Applicants who do not have documentation of their social security number may request a 90 day extension to allow them time to obtain documentation. At the end of the 90 day extension, if applicant does not produce the required SSN and verification they will be removed from the waiting list. In no event, will a resident ever be able to move in without first providing a copy of the SSN. Fort Vancouver Terrace will accept and not deny occupancy to applicant households that include a family member under the age of 6 years who does not yet have a social security number assigned to him/her and was added to the household 6 months or less from the move in date. The household will be given 90 days from the effective date of their move in certification to provide documentation of the SSN for the child. An additional 90 day period must be granted by the O/A if the failure to provide documentation of SSN is due to circumstances that are outside the control of the household.

Applicant possession of a SSN or a written affidavit of possession of an SSN must be produced indicating the applicant has a valid SSN or proof of having an SSN.

Household characteristics of the applicant must be appropriate for the type of unit available appropriate consent forms and comply with the verification process.

The unit assigned to the applicant must be his/her sole place of residency. Only persons listed on the residents' certification are authorized to occupy the apartment.

**C. Other Required Documents** – Age verification, such as a birth certificate, is required for all tenants.

## **Fort Vancouver Apartments Tenant Selection Procedures**

### **3. APPLICATION AND VERIFICATION**

#### **Waiting List – Opening and Closing**

Fort Vancouver Terrace Apartments will advertise the opening and closing of the waiting list utilizing all sources listed on the Affirmative Fair Housing Marketing Plan (AFHMP which was approved by HUD. We will advertise in local newspapers and online resources to ensure the promotion of equal housing choice for all prospective tenants regardless of race, color, religion, sex, disability, familial status, and national origin. We will ensure that eligible families of similar income levels will have a similar range of housing opportunities. Fort Vancouver Terrace may close the waiting list when the wait is greater than 2 years, the closure will be advertised in all marketing sources listed in the AFHMP with 60 days notice and the re-opening will be advertised the same way.

**3.1 (a) Application and Waiting List:** All prospective tenants who are interested in section 8 assistance shall be required to complete a waitlist application. Waitlist applications can be obtained through the Fort Vancouver Terrace Apartment's central office. Waitlist applications are maintained and updated at the Fort Vancouver Terrace Apartments central office. The waiting list is kept in date and time chronological order. Applicants will be asked to specify on their application which bedroom size(s) they are interested in. They may choose to be placed on all bedroom sizes that they are eligible for.

Applicants are asked to notify Fort Vancouver Terrace Apartments when any information on their application forms has changed. All applications older than one year are contacted by Fort Vancouver Terrace Apartments via an update letter. (Exhibit 24) If applicants do not respond within 2 weeks, their applications are removed from the waitlist. If Applicants responds after the two week expiration then they will be allowed to submit a new waitlist application. Because our housing is offered on a first come first served basis, this policy will benefit those applicants who have responsibly notified us of pertinent changes and kept in touch with us while they were waiting for our call.

Applicable income limits can be found online at <https://www.huduser.gov/portal/datasets/il.html> or by contacting the Fort Vancouver Terrace Rental Office. .

If an applicant does not show for a scheduled appointment the applicant will be called a second time. If the applicant does not respond to the call, they will be sent a letter advising them that they are being removed from the waitlist. They will be told that anyone who has two unreasonable no shows for a scheduled appointment will be removed from our waiting list permanently. Applicants may be shown a unit and decline a unit once (1).After the second decline, they will be removed from the wait list.

**3.1 (b) Verification of Income Contingency:** Fort Vancouver Terrace Apartments may offer a rental agreement based on representations about gross income contained on the Housing Application. The Fort Vancouver Terrace Apartments Housing Application shall clearly state that the acceptance of an applicant is contingent upon verification of information contained in the application. Upon receipt of properly completed income

verification(s), income eligibility shall be confirmed. Income verifications must be provided by employers, or agencies that provide income (such as Social Security, DSHS) and in the form acceptable to all Fort Vancouver Terrace Apartments regulatory agreements. In the event that misrepresentations have been made in the Housing Application, the Agreement shall be immediately terminated. Tenants shall be notified when they sign rental agreements and building rules that annual income certifications are required.

**3.1 (c) Selection:** The Program shall select a tenant for a vacant apartment who meets the following criteria:

**(i) References:** If available, the applicant must provide landlord references and credit references to demonstrate a responsible history.

An applicant who cannot provide landlord references may substitute with family housing/landlord and/or third party professional references such as a pastor, teacher, case manager, work supervisor or senior manager.

Denial of application may result from the following:

- Verified eviction showing on credit report or confirmed with landlord.
- Rental collection verified on credit report
- Balance owing to a landlord
- 4 or more late payments and or NSF checks and/or noise complaints within a 12 month rental period.
- Any 3 day notice served by landlord
- Falsification of rental application
- Breaking lease agreement that will result in collection filing.

**(ii) Criminal checks:** We do not automatically deny applicants based on criminal history. Rather, criminal history is considered based on the nature of the offense and time passed since the date of final disposition (e.g. applicant was released from prison, probation or parole.) We limit consideration to those convictions, the dates of final disposition of which pre-date the report by no more than seven years. Convictions (and pending case, including warrants) for the following:

- Murder ( 1<sup>st</sup> and 2<sup>nd</sup> degree)
- Manslaughter (1<sup>st</sup> degree). Current use of illegal drugs. Fair Housing laws do not allow for a set time period to define “current”, rather, Congress intended the American’s with Disabilities Act (ADA) to be interpreted in a manner consistent with a reasonable person’s idea of whether an individual’s drug use is recent enough to be regarded as current. The Director of Property Management will be responsible to determine what current drug use is Based on the following information - the Director of Property Management will use as guidance written documentation from a licensed professional that the applicant has either a) successfully completed a rehabilitation program; b) has otherwise been rehabilitated successfully; or c) is participating in a treatment program.
- Conviction for theft (1<sup>st</sup> & 2<sup>nd</sup> degree), burglary (1<sup>st</sup> & 2<sup>nd</sup> degree & vehicle prowling 1<sup>st</sup> degree), assault (1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> degree, Robbery ( 1<sup>st</sup>, 2<sup>nd</sup> degree)
- Rape (All counts)
- Rape of a child ( All counts)
- Child molestation ( All counts)
- Kidnapping ( All counts)
- Malicious Mischief ( 1<sup>st</sup> degree )
- Possession with intent to deliver (All counts)
- Delivery Sale (All counts)

- Evicted in the last three years from federally assisted housing for drug-related criminal activity.
- Household is currently engaged in illegal use of drugs or there is reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may cause interference.
- Any member who is subject to a sex offender lifetime registration.
- Reasonable cause of behavior from abuse or pattern of abuse of alcohol, may interference.

In accordance with HUD regulations, there will be no charge to an applicant for credit checks in HUD housing. The cost will be billed to Fort Vancouver Terrace Apartments. The credit, eviction, and criminal background check will occur prior to income and asset verifications being obtained by the applicant. An applicant who lies, engages in fraud or falsifies their application will be denied housing. If an applicant is denied housing, an explanation letter will be sent to applicant. (Exhibits 33a, 33b, 33c) they may request a meeting within in 10 days to discuss their declination.

**(iii) Occupancy Load:** In general, the Program will not allow occupancy of any rental unit by a household consisting of fewer people than bedrooms contained in the unit. In no case shall occupancy load exceed two persons per bedroom unless the applicant requests on their application a smaller unit. Fort Vancouver Terrace Apartments will allow 2 persons per bedroom plus 1 per unit if the tenant requests it (i.e. maximum occupancy in a studio is 3 persons; 1 bedroom is 3 persons). This "2 plus 1" policy is based on our intent to manage noise level per unit, traffic to the unit which is a factor in the security of the building, cost of the use of utilities, and wear and tear to the unit.

Generally, we market our units to the general public apply and lease our rental units. We reserve the right to hold 3 bedroom units for households of 4 or more people in accordance with our Extended Use Agreement with Washington State Finance and Development Commission. We reserve the right to invoke the 30 day rule if no large household is found within 30 days of rent ready. If an applicant requires a live-in care provider and the two adults need a two bedroom, the Director of Property Management may waive the reservation for minors rule in order to make reasonable accommodation for a handicapped individual.

One bedroom units will be rented to 1 or 2 persons (or 3 if they request it) and will not be restricted to only adults. If a single parent with a child requests a studio or one bedroom, they will be considered along with all other applications. No limit on the age of the child will be made. It is the parent's choice if they want to live in a studio or one bedroom with their child

**(iv) Emancipation:** The Program will not prohibit tenancy to an "emancipated" person under the age of 18 solely because of their age. In Washington, there are two ways for a minor to become emancipated. First, if the minor marries a person 18 or older, the minor is automatically deemed to be emancipated as of the time of the marriage. The second way a minor becomes emancipated is through a court order. All minors claiming emancipation must provide legal documentation. Units may not be rented to any person under the age of 18 unless they can prove emancipation.

**(v) Assistive or Service Animals:** Documented assistive or service animals are allowed in all Indigo properties. There are no restrictions in units or common areas. Traditional "seeing eye" dogs are the most common, but other non-traditional assistive animals are allowed if tenant can provide documentation of need from a medical professional.

(vi) **Income-Targeting:** Fort Vancouver Terrace’s waiting list enables the owner to meet the 40% requirement of extremely low income households. Fort Vancouver Terrace selects, in chronological order, eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. Once this target has been reached, applicants are admitted in waiting list order. If a resident has to be skipped in order to meet the income targeting requirements, they will maintain their place on the wait list. Once the 40% requirement is met, the skipped resident(s) will be moved into the next available unit, in chronological order.

(vii) Multiple Subsidy Review: All Applicants MUST disclose if they are currently receiving HUD housing assistance. The Fort Vancouver Terrace will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides Fort Vancouver Terrace with information about an applicant’s current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. Utilizing the EIV Existing Tenant search is part of the screening process.

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to

- 1) Minor children where both parents share 50% custody
- 2) Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant’s “misrepresentation” of information.

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

#### **4. STUDENT ELIGIBILITY REQUIREMENTS**

The new eligibility restrictions imposed on students enrolled at institutions of higher education and seeking section 8 assistance are set out in two parts: Section 327(a) and Section 327(b) of the Act.

##### **A. Requirements of Section 3 27(a) of the Act and 24 CFR 5.612 of the Final Rule.**

The new eligibility restrictions of Section 327(a) are implemented and codified in HUD’s regulation at 24 CFR 5.6 12 and provide as follows:

No assistance shall be provided under section 8 of the 1937 Act to any individual who:

- Is enrolled as a part-time or full-time student at an institution of higher education to obtain a degree, certificate, or other program leading to a recognized educational credential, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child,
- Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C.1437a(b)(3)(E)) and was not receiving assistance under section 8 as of November 30, 2005,
- Is not living with his/her parents who are receiving Section 8 assistance,
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

For a student under the age of 24 who is not a veteran, is unmarried, does not have a dependent child and who is seeking section 8 assistance, Section 327(a) of the Act sets up a two part income eligibility test. Both parts of this test must be affirmatively met. That is, both the student and the student's parents (the parents individually or jointly) must be income eligible for the student to receive section 8 assistance. If it is determined that the parents are not income eligible, the student is ineligible to receive section 8 assistance.

As noted earlier in this guidance, based on program practices and criteria already in place, a student under the age of 24 who meets the additional criteria of Section 327 of the Act may be income eligible for assistance in circumstances where an examination of the income of the student's parents may not be relevant or where the student can demonstrate the absence of, or his or her independence from, parents. These practices and criteria include but are not limited to consideration of all of the following:

- The individual must be of legal contract age under state law.
- The individual must have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of an independent student.
- The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
- The individual must 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.

PHAs, Owners, and Managers of section 8 assistance will need to verify a student's independence from his or her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by taking into consideration all of the following:

- Reviewing and verifying previous address information to determine evidence of a separate household, or

- Reviewing and Verifying the student meets the U.S. Department of Education’s definition of “independent student”; and
- Reviewing prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent (except if the student meets the Department of Education definition of “independent student”); and
- Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.

As also noted earlier in this guidance, the new law and HUD’s rule do not affect students residing in a section 8 assisted unit with his or her parents or who reside with parents who are applying to receive section 8 assistance. The law and HUD’s rule focus on a student under the age of 24 who meets the additional eligibility requirements of Section 327 of the Act *and* who is already residing in a section 8 assisted unit without his or her parents, or who is seeking on his or her own to reside in a section 8 assisted unit.

**Definition of an Independent Student:** Owners must use, and the student must meet, the following criteria to be eligible for Section 8 assistance as an independent student. The student must:

- Be 24 years of age or older by December 31 of the award year;
- Is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court at many time when the individual was 13years of age or older;
- 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 individuals state of legal residence;
- Is a veteran of the Armed Forces of the United States or is a currently service on active duty in the Armed Forces for other than training purposes;
- Is a graduate or professional student;
- Is a married individual;
- Has legal dependents other than a spouse;
- 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 as unaccompanied, at risk of homelessness and self-supporting;
- Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

**B. Requirements of Section 327(b) of the Act and 24 CFR 5.609 of the Final Rule.**

For section 8 programs only and as provided in 24 CFR 5.6 12, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 10001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)) shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. (See definition of “dependent child” in Appendix A.) For purposes of this paragraph, “financial assistance” does not include loan proceeds for the purpose of determining income.



HUD's final rule issued on December 30, 2005, amended § 5.609(b) to add a new paragraph (b)(9) to include, as annual income, any financial assistance in excess of amounts received for tuition that a student who meets the criteria of the new § 5.612 receives. With the exception of students who are over the age of 23 with dependent children, students under the age of 24 who are seeking section 8 assistance will need to meet the income requirements for the section 8 program, taking into consideration the additional eligibility restrictions provided in 24 CFR 5.609(b)(9) and 5.612. Therefore, in determining the income eligibility of a student, the student's financial assistance in excess of tuition as defined in § 5.609(b)(9) will be included in the calculation of annual income. (Also see definitions "financial assistance" and "tuition" in Appendix A of this notice.) If the student's financial assistance in excess of tuition makes the student income ineligible for section 8 assistance, the student cannot receive section 8 assistance. The income eligibility of a student will also rely on program practices and criteria already in place that assess the student's independence from his or her parents as addressed in paragraph 1, above.

As noted in this guidance, Section 327 was not intended to affect the section 8 eligibility of a student's parents when the student is receiving financial assistance and residing with his or her parents, or is residing with parents who are applying to receive section 8 assistance, but only the eligibility of students applying for or receiving section 8 assistance separately from their parents. The amendment of the procedure for the determination of annual income at § 5.609 by the December 30, 2005, final rule is consistent with this intent.

A student's financial assistance under new § 5.609(b)(9) is considered income only in the context of that student's application for, or retention of, section 8 assistance separately from the student's parents. This is consistent with the language of Section 327(b), which states, in relevant part, "For the purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives...shall be considered income to that *individual*," (emphasis added). The focus of Section 327(b), and of Section 327 as a whole, is on the income eligibility of a single student under the age of 24 who is not a veteran, is unmarried, does not have a dependent child, and whether the financial assistance of that individual student in excess of tuition makes that student income ineligible, and whether the income of the student's parents makes the student income ineligible. There is no apparent intent to affect the eligibility of a student's parents when the student resides with his or her parents.

The financial assistance of a student residing with his or her parents therefore would continue to be excluded from annual income under § 5.609(c)(6), which excludes student financial assistance from income. The December 30, 2005, final rule amended the exclusion of student financial assistance from income at § 5.609(c)(6) by making the exclusion, "Subject to paragraph (b)(9) of this section," which is the new section adding student financial assistance as income only to a student applying separately from his or her parents for section 8 assistance.

### **C. Recertification of Students Already Receiving Section 8 Assistance.**

HUD strongly encourages PHAs, Owners, and Managers to recertify those section 8 participants who may be affected by this new law as soon as it is practicable. The latest time, however, that the eligibility and income requirements can be implemented is at the time of annual recertification.

PHAs, Owners, and Managers must ensure at each annual recertification, a student remains eligible to receive section 8 assistance under the restrictions of this new law.

PHAs, Owners, and Managers have an obligation to make sure that section 8 assisted units are provided to those truly in need of such assistance.

#### **D. All Other Eligibility Requirements Apply.**

While the new law and HUD's recently issued rule focus on the income eligibility of students, all student applicants for section 8 assistance must also meet all other HUD program requirements that determine eligibility for the section 8 assistance.

### **5. Rejecting Applicants and Denial of Rental Assistance**

Fort Vancouver Terrace Apartments does not discriminate against any applicant based on race, color, religion, sex, national origin, familial status, or disability.

All applicants will be promptly notified in writing of the denial of admission or assistance including the reason why they were denied and the chance to appeal the decision within 14 days.

#### **A. Conditions under Which Owners May Reject Applicants**

An owner may reject an applicant if the applicant:

- Is ineligible for occupancy in a particular unit or property.
- Is unable to disclose and document SSNs of all household members or does not execute a certification stating that no SSNs have been assigned;
- Does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A);
- Has household characteristics that are not appropriate for the specific type of unit available at the time, or has a family of a size not appropriate for the unit sizes that are available;
- In such cases, Fort Vancouver may deny the applicant admission to a specific unit, but the applicant may continue to wait for another unit.
- Does not meet the Fort Vancouver's tenant screening criteria.

### **6. UNIT TRANSFER POLICY**

Fort Vancouver Terrace Apartments prefers to make vacant units available to households not currently served by Fort Vancouver Terrace Apartments, drawing from the properties wait list. However in order to meet changing household needs, to serve the needs of other residents, and to provide a need for a deeper subsidy, or to achieve improved overall building management, a unit transfer may be allowed for existing tenants. This may occur in one of two ways: (1) a

current tenant of a Fort Vancouver Terrace Apartments may request a unit transfer to another unit or (2) Fort Vancouver Terrace Apartments may initiate a move to another unit. .

Accommodation as defined by Federal law. (See the Reasonable Accommodation Policy for any such request). A request for a unit transfer may be initiated by a tenant at any time. The tenant request will be handled like that of any other member of the public who requests to be on the wait list. A tenant who requests a unit transfer for medical reasons must provide certification from a Medical Professional that they have a medical need for a different apartment.

Fort Vancouver Terrace will transfer residents to different units as a reasonable accommodation for a household member's disability. Transfers which are needed as a reasonable accommodation will be made on a priority basis. Fort Vancouver Terrace will transfer tenants to a different unit in the need for an accessible unit. Transfers that are in need of an accessible unit will be made on a priority basis. If multiple residents are in need for these transfers a waitlist will be provided based on the time that the request was made.

The property manager may also initiate a unit transfer to meet changing household needs, including the following: based on household size or composition, building need, household income, tenant need that is timely, noise or interpersonal conflicts with neighbors. For example, if the number of household members decreases to less than one person per bedroom, the household will have to move to a smaller unit in the building as soon as one becomes available. A household that occupies a handicapped-accessible unit and does not need the special features of that unit may have to move to allow a household with one or more members who need the features of that unit to move in. Moving cost will be borne by tenant.

Fort Vancouver Terrace residents awaiting a unit transfer will take priority over the property waitlist for vacant units. Reasonable accommodations and the need for accessible units are first priority. Fort Vancouver Terrace residents awaiting a unit transfer for underutilization may take priority over the property waitlist. Fort Vancouver Terrace will keep an in-house transfer waitlist for the purpose of reasonable accommodation, accessible units and underutilizing. The waitlist will be based on the date and time the request was made. Reasonable accommodations and accessible units will take priority on the waitlist over the underutilization.

- A.** To be considered for a unit transfer the tenant **MUST FILL OUT A COMPLETE RENTAL APPLICATION** and be processed through our screening company, regardless of when they moved in initially.
- B.** An applicant for a unit transfer will go on the wait list and will be contacted about vacancies according to their unit transfer application date. Current tenants do not have priority over applicants on the wait list. Upon the recommendation of the Property manager who may authorize a departure from this policy in unusual or extraordinary circumstances if that is in the interest of the program.
- C.** The date that the unit transfer application was deemed by Fort Vancouver Terrace Apartments to be complete is the effective date of the unit transfer application. Tenants who filled out the previous "lateral move" form must submit a new application, but the date they first applied for a unit transfer will be considered their application date (NOT the initial date they applied to Fort Vancouver Terrace Apartments for housing).
- D.** An applicant for a unit transfer must have a positive rental history with Fort Vancouver Terrace Apartments. A tenant who has had 10-day notices or 3-day notices in the previous twelve months generally is not eligible for a unit transfer however they will be

eligible if they require a transfer due to a medical reason/accessible unit verified by a medical professional or underutilizing of a unit.

- E. The current building manager and/or Property Manager will act as a reference for the tenant. This will include a walk-through of the tenant's current unit at the time the unit transfer is being considered, as well as considering the results of the last annual inspection. If the unit the resident is currently living in is damaged or poorly maintained, the tenant may not be eligible to move into another Fort Vancouver Terrace Apartments unit until they have demonstrated the ability to maintain their current unit.
- F. If transferring to a HUD/236 unit, the new security deposit will be the Tenant Rent for the new unit. The first security deposit will be refunded by check to the tenant after move-out, minus any actual costs for cleaning, repairs, etc.

## **7. POLICIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAIR HOUSING ACT AND OTHER RELEVANT CIVIL RIGHTS LAWS AND STATUTES**

All applicants to the Fort Vancouver Terrace Apartments are processed in accordance with Fair Housing Laws, the Americans with Disabilities Act, and subject to the Department of Housing and Urban Development requirements. We comply with all Fair Housing Laws and do not discriminate based on race, color, religion, sex, national origin, disability, or familial status. We comply with Title VI of the Civil Rights Act and do not discriminate on the basis of race, color or national origin under any circumstances. The Tenant Application you are given at the time you apply for an apartment is designed to help us comply with these laws.

Special accommodation will be made for applicants and residents with disabilities.

- A. Hearing impaired applicants can apply for housing by calling the Washington State TDD Relay Service at (800) 833-6388. Applicants can ask the relay service to contact Fort Vancouver Terrace Apartments at (425) 353-0300. The relay service is also available to hearing impaired residents.
- B. For the sight impaired, a Fort Vancouver Terrace Apartments staff member will read the Tenant Application to the applicant – in its entirety. Someone in the Fort Vancouver Apartments office is available to assist in reading other required management documents as needed.
- C. For the mobility impaired, the site manager may arrange to meet in a special place if the site office does not accommodate a wheel chair or is not accessible to a wheel chair.
- D. Where auxiliary aids are necessary to provide effective communication with a person with disabilities, management will provide and pay for them. This includes large print materials, materials in Braille, or a sign language interpreter. An applicant may also bring his or her own interpreter.

## **8. Violence Against Women Act**

The VAWA protections apply to families applying for or receiving rental assistance payments under the project-based Section 8 program. The law protects victims of domestic violence, dating violence, sexual assault or stalking, as well as their immediate family members generally,

from being evicted or being denied housing assistance if an incident of violence that is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence, sexual assault or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking is not grounds for terminating the victim's tenancy. A lease may be bifurcated in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit.

- A. Definitions:** The following definitions are provided as assistance in understanding and implementing the VAWA protections. The definitions for domestic violence, dating violence, sexual, assault, stalking and immediate family member have been incorporated into the United States Housing Act.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence** means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

**Stalking** means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

**Immediate Family Member** means, with respect to a person: (a) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

**Bifurcate** means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

**Sexual Assault** means any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

**B. PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING**

The law offers the following protections against eviction or denial of housing based on domestic violence, dating violence or stalking:

1. An applicant's or program participant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
2. An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed 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.
3. Criminal activity directly related to domestic violence, dating violence or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
4. Assistance may be terminated or a lease "bifurcated" 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 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.
5. The provisions protecting victims of domestic violence, dating violence or stalking engaged in by a member of the household, may not be construed to limit Fort Vancouver Terrace Apartments, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
6. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if Fort Vancouver Terrace Apartments can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, Fort Vancouver Terrace Apartments may not subject victims to more demanding standards than other tenants.
7. The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.

### **C. Tenants Rights and Responsibilities**

Tenants and family members of tenants who are victims of domestic violence, dating violence or stalking are protected by the VAWA from being evicted or from housing assistance being terminated because of the acts of violence against them.

If requested, tenants are required to submit to the landlord a completed Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other supporting documentation within 14 business days of the request, or any extension of that date. If

the certification or other supporting documentation is not provided within the specified timeframe, the landlord may begin eviction proceedings.

If the tenant has sought assistance in addressing domestic violence, dating violence or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the tenant may submit written proof of this outreach.

It is possible for someone lawfully occupying the unit, who is also a victim, to be evicted or removed from the home. If the victim commits separate criminal activity, a landlord may evict them for engaging in crime. Furthermore, if a victim poses “an actual and imminent threat to other tenants or those employed at or providing service to the property,” they could be evicted, despite the VAWA. Of paramount consideration within the VAWA is that the landlord may not hold the victim to a more demanding standard than other tenants.