



BANYAN STREET MANOR

TENANT SELECTION PLAN

1122 Banyan Street, Honolulu, HI 96817

Phone: (808) 843-0021

Fax: (808)376-0042

Email: manager@banyanstreetmanor.com

OVERVIEW

Banyan Street Manor is a 55-unit, multi-family community in downtown Honolulu, Hawaii, that provides housing for low-income households without regard to race, color, religion, ancestry/national origin, sex, familial status, disability, marital status, age, sexual orientation, or gender identity.

Banyan Street Manor operates under the HUD Multifamily Section 8 program requirements as outlined by the Department of Housing and Urban Development (HUD).

SECTION 504 AND FAIR HOUSING ACT COMPLIANCE

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD. The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, national origin, sex, and physical or mental disability. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

Banyan Street Manor is an Equal Opportunity Housing Facility admitting persons in accordance with local, State and Federal Fair Housing laws, HUD Section 8 Program Regulations, Low Income Housing Tax Credit (LIHTC) and the Affirmative Fair Housing and Marketing Plan (AFHMP) HUD Form 935.2A. All marketing, tenant selection and residential management policies and procedures shall be conducted in accordance with these laws.

Management operates and administers the property to enable persons with disabilities to have equal access to participate in the program. Banyan Street Manor will ensure effective communication with applicants, tenants, and the public to ensure that policies regarding how the property is operated do not adversely affect applicants, tenants and the public.

When a family member requires an accessible feature(s), policy modification, or other reasonable accommodation to accommodate a disability, Banyan Street Manor will provide the requested



accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden.

A reasonable accommodation is a change, exception, or adjustment to a program, service, building or dwelling unit that will allow a qualified person with a disability to:

1. Participate fully in the housing program;
2. Take advantage of a service; or
3. Live in a dwelling.

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

The requirement to provide a reasonable accommodation is present at all times throughout the tenancy of a person with disabilities, including during lease enforcement. Reasonable Accommodation Request forms are available from management upon request.

The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).

Section 504 Coordinator

Holly Paterson, Director of Compliance

5415 California Ave. SW Seattle, WA 98136

Telephone 206-230-9874/TDD 800-735-2929

INCOME LIMITS

Applicant's household income limit cannot exceed the maximum income limits for the household size as set forth by the US Housing and Urban Development (HUD).

To qualify for Section 8 assistance, a household's gross income may not exceed the maximum income limit per household size for the low-income limit as published annually by HUD.

Zero Income: When an applicant or resident who claims zero income or nominal income for the household applies, recertifies, and/or has an income change, Management must have the applicant or resident complete an Income Asset Statement. In addition, an applicant or resident who claims zero or nominal income for the household will be required to complete and sign a Certification of Non-Income form. Once both of these forms have been signed management will: a) Run a check through HUD's Enterprise Income Verification (EIV) system (used only for existing residents); b) require residents with little or no income to complete a current zero income certification bi-annually.

Management may not require verification of benefits not being received if an applicant/resident does not apply for benefits for which they may be qualified (e.g., AFDC, unemployment, child support, etc.).



However, there must be a signed statement from the applicant/resident verifying that they have chosen not to participate in the benefit program for which they may be eligible.

The applicable income limits are attached and available in the Banyan Street Manor office.

APPLICATION PROCEDURES

Waitlist applications are taken for the waiting list. All prospective residents 18 years and over must fill out the application in full and complete the accompanying HUD form 92006 (by providing emergency contact information or certifying on the form they wish to not provide). Applications will only be distributed immediately prior to opening of the waiting list and while the waiting list is open. Applications will not be distributed when the waiting list is closed.

Applications will be available online, in the office during normal business hours, or by requesting an application by telephone or email. Each applicant must complete a waiting list application as well as a rental application and be willing to submit to a credit history, rental history, and criminal background inquiry, as well as income and asset verifications.

All application entries are to be made in ink or typed. Corrections or changes are to be made by lining through the original entry and entering the correct data. Such changes must be initialed by the person making the change. The form is reviewed with the applicant(s) to make sure that answers are clear and that all information is given. All persons intended to reside in the apartment must be named, and no one not listed may live in the unit. If an appropriate unit is available now or in the near future, and no eligible waiting list applicant has priority, the application is processed immediately for approval or rejection. The application information allows tentative determination (subject to confirmation) of the applicant's eligibility (family size, household characteristics, estimated anticipated annual income, assets now owned and disposition of assets during the previous two years.) Verification of accessible feature needs is required only if the applicant is requesting an accessible unit or special accommodations.

Signed and dated applications, electronic signature is acceptable, will be processed on a first-come, first-served basis. The application must be completed and signed by the head of household and all household members over 18 before an applicant can be placed on the Waiting List. If an application is not completely answered, the date of it being fully completed will be the date that the application is considered accepted for rental purposes.

Returned applications will be stamped with the date and time of receipt then each application will be placed on the waiting list according to a first come basis. To ensure fair housing opportunity is provided applications can be mailed upon request.

The three (3) applicants at the top of the waiting list are considered active prospect even if a unit is not yet available. Steps are taken to qualify the applicants so that when a unit becomes available the pre-screening, including verifications, is already completed. Verifications are kept current within 120-day periods. If the top applicant is found to ineligible, the next party on the waiting list becomes the lead applicant.



An interview is held to determine final qualifications or the applicant to be placed in the next available unit. Application information is updated, the applicant is advised of the penalty for false information, current income and asset data are checked, and additional verification forms are signed if needed. Social Security information or certifications are given.

Potential accommodation for handicapped applicants is considered. Final occupancy determination is not made until certification procedures are completed.

The waiting list is maintained for all unit sizes. Based on current experience with turnover on that size unit, an estimate is made as to the possible length of waiting time. No promise is made, since conditions, time schedules and priorities may change. An applicant may be on multiple waiting lists (or waiting for more than one unit size). Applicants will be placed on each waiting list for which their household qualifies based on the application date and time. The applicant is notified when an appropriate unit is available.

WAITLIST INTEREST AND PURGING

Applicant interest is verified annually. Applicants are asked to notify the property when any information on their application forms has changed. However, management is responsible for reviewing the list and confirming continued applicant interest and eligibility. An annual inquiry letter sent by management accomplishes this. If there is no response from an applicant within 14 calendar days after sending the update letter, or a negative response (returned undeliverable), the applicant is removed from the waiting list.

Applicants who are offered occupancy and refuse an apartment two different times will be removed from the waiting list unless the applicant has a verified "hardship". A "hardship" will be defined as, but not limited to, undue financial burden or poor health. If the applicant is removed from the waiting list, and later the owner determines that an error was made in removing the applicant such as incorrect address was used in sending mail to the applicant, applicant did not respond to information or updates because of a disability, the applicant will be reinstated at the original place on the waiting list.

An apartment will be held for a maximum of five (5) calendar days for an applicant from final move in certification approval to effective date of the lease. All changes to the application and waiting list updates must be from the applicant. Changes to the application will become effective when received from the applicant at the rental office. It is the responsibility of applicant to notify management of any changes to the contact information.

Applicants may be rejected if they do not keep management informed of current contact information. When the applicant's name nears the top of the waiting list, the detailed verification process begins.

The resident file contains documentation of all verifiable data. All information pertinent to the eligibility, admission and continued occupancy of a resident household must be verified in accordance with Federal program regulations.

Interviewing and documentation will be completed by the management staff to ensure that all applicants/residents are made aware of the Federal program regulations. If an applicant does not



appear for the 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.

Verifications completed during the interview appointment will be used to determine if all of the information contained on the application/recertification checklist is true and correct.

Information to be verified includes, but is not limited to:

- 1) Family Composition,
- 2) Assets,
- 3) Income from all Sources,
- 4) Allowances,
- 5) Rental History,
- 6) Credit History,
- 7) Criminal Records, and
- 8) Sex Offender screening.

The eligible applicant/resident is interviewed by the management representative to determine their eligibility status. At this time the applicant/resident is requested to sign releases for verification. All “permanent” documents (i.e., photo identification, drivers’ licenses, birth certificates, social security cards, etc.) are photocopied and placed in the applicant/resident file, at the time of application. Third parties are used as a primary source for information.

All applicants and residents (over the age of 18) are required to sign consent to the release of information (HUD 9887 and 9887-A) at admission, annual recertification, or initial certification. Failure to do so is grounds for rejection or termination of assistance. All information provided on the application will be verified. False, inaccurate, or incomplete information may disqualify you. All income will be verified by management via third party confirmation, (i.e., verification form completed by employer, at least six consecutive paychecks and/or tax returns, marriage certificate, six months consecutive bank statements, and financial assistance in excess of amounts received for tuition that an individual receives under the Higher Education Act of 1965. (Some exceptions may apply, letter from social Security and/or Public Assistance, etc.).

ADMINISTRATION OF WAITING LIST

The property is required to maintain a Waiting List of all eligible applicants. Applicants must be placed on the Waiting List and selected from the Waiting List even in situations where there are vacancies and the application is processed upon receipt. This procedure is necessary to assure the complete and accurate processing of all documentation for all applicants.

The property has a Waiting List that is established and maintained in chronological order based on the date and time of receipt of the Waitlist Application. The Waiting List contains the following information for each applicant:



1. Applicant Name
2. Address and/or Contact Information
3. Phone Number(s)
4. Unit Size
5. Household Composition
6. Preference/Accessibility requirements
7. Income level
8. Date/Time of Application

Applicants must report changes in writing to any of the information immediately.

Applicants will have the opportunity to decline the first two (2) apartments offered and retain their place on the Waiting List. Should the applicant decline the offer of third available unit, they will be removed from the Waiting List.

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

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.

PURGING THE WAITING LIST

The Waiting List will be purged periodically. Each applicant will receive a waitlist update letter from the property, which will request updated information and ask about their continued interest. This letter must be returned within 14 calendar days of the date of the letter or their application will be removed from the Waiting List. It is the responsibility of the applicant to maintain current contact information with the office in order to receive waitlist correspondence. Any correspondence returned undeliverable will result in the application being removed from the waitlist.

OPENING/ CLOSING OF WAITING LIST

The waiting list may be closed when it contains one (1) year plus waiting period, based on current turnover experience. The waiting list will be closed and reopened using the Affirmative Marketing Plan as a guideline which will be communicated to referral groups in accordance with the plan and publicly

advertised as indicated in the HUD approved Affirmative Fair Housing Market Plan. Advertisement of waitlist closure will begin no less than 30 days prior to the effective closing date.

Applications are not accepted when the waiting list is closed.

PREFERENCES

It is the policy of Banyan Street Manor that a preference does not guarantee admission. Every applicant must still meet the property's Tenant Selection Plan standards for acceptance as a tenant.

For units accessible to or adaptable for persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have first priority.

Forty percent (40%) of Banyan Street Manor's Section 8 subsidized vacancies each year must be set-aside for households whose income does not exceed 30% of the area median income (extremely low-income) as published by HUD. Therefore, persons lower on the Waiting List could be offered an apartment first to satisfy this 40% regulation.

To implement this preference the property will select the first extremely low-income applicant on the Waiting List (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the Waiting List (regardless of income level) for the next available unit. As subsequent units become available, Tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the Waiting List until the 40% target is reached.

Where preferences apply, applicants with a verified preference will be moved to the top of the Waiting List above persons without a preference.

UNIT TRANSFER POLICY

Banyan Street Manor will allow unit transfers for the following reasons:

- A change in household size or household composition that causes an over/under utilization of the current unit and the transfer is required by HUD regulations/managment;
- A need for the accessible features of another unit; or
- Another reason verified by a qualified professional.

Transfer requests that do not meet one of the above reasons will not be approved. A Unit Transfer Waiting List is maintained for those tenants who have been approved for transfer for one or more of the above reasons and are in good standing. Tenants on the Unit Transfer List will have priority over applicants on the Waiting List.

If a household is being moved to a different unit as a reasonable accommodation due to household member's disability, the owner will pay for the move unless doing so would constitute an undue



financial and administrative burden. Transfer to a dwelling that will allow a person with a disability to have an equal opportunity to participate in HAP housing programs is permitted.

OCCUPANCY GUIDELINES

In general, this property will not allow occupancy of any rental unit by a household consisting of fewer people than bedrooms contained in the unit.

Occupancy guidelines are the criteria established for matching a household with the most appropriate size and type of apartment. "Two plus one" occupancy guidelines will be followed to avoid under or over utilization of the units as follows:

Bedroom Size	Household Minimum	Household Maximum
1	1	3
2	2	5

To determine the proper bedroom size for which a household may qualify, the following household members are to be included:

1. All full-time members of the household,
2. Live-in attendants,
3. Foster children,
4. Unborn children, and
5. Minors in the household in the process of being adopted.

NOTE: Live-in attendants are subject to the criminal and landlord provisions of this plan with the exception of criteria that determines ability to pay rent.

Exceptions to these Occupancy Guidelines may be made when required as a reasonable accommodation for a disabled household member.

DISCLOSURE OF SOCIAL SECURITY NUMBERS

All applicants applying for assistance and program participants must disclose the social security numbers (SSNs) assigned to themselves and all members of their household. The timeframe for applicants to disclose and/or verify the SSNs for non-exempt household members is 90 days from the date they are first offered an available unit.

Exemptions are provided for:

- Non-citizens who do not contend eligible immigration status. Assistance to these household members will be prorated.
- Current participants who are 62 years of age or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010. Qualifying seniors are exempt from the SSN disclosure mandate for all future examinations, even if the senior moves to a new HUD-assisted property.

Documents required for verification of social security numbers as required by Handbook HUD 4350.3, appendix 3, include:

- Original Social Security card
- Original document issued by a federal or state government agency which contains the name, SSN, and other identifying information of the individual
- Driver's license with SSN
- Identification card issued by a medical insurance provider, or by an employer or trade union.
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

New household members under the age of 6 who have already been assigned an SSN are subject to the same disclosure and verification requirements as new household members who are at least 6 years of age.

If a child under the age of 6 years was added to the applicant household within the 6-month period prior to the household's date of admission, the applicant may become a participant, so long as the documentation as required in Appendix 3 of HUD Handbook 4350.3 REV-1, is provided to management within 90 calendar days from the date of admission to the program.

For new members who have not been assigned a SSN, a 90-day period for verification is allowed. If the household does not provide the SSN and verification within 90 days due to unforeseen circumstances outside the tenant's control, Banyan Street Manor will grant an extension of one additional 90-day period.

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

If the owner has determined that the applicant household is otherwise eligible for admission into the property, and the only outstanding verification is that of disclosing and providing verification of the SSN, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation.



After 90 days, if the applicant has been unable to supply the required SSN and verification documentation, the applicant should be determined ineligible and removed from the waiting list.

Management will grant an extension of one additional 90-day period if they determine that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant.

The entire household MAY lose its tenancy or assistance if one member of the household does not comply with the SSN disclosure requirements.

RESTRICTION ON ASSISTANCE TO NON-CITIZENS

By law, only US citizens and eligible non-citizens are qualified for rental assistance. All family members, regardless of age, must declare their citizenship or immigration status.

The following documents are required:

1. Family Summary Sheet and Owner Summary Sheet (lists all household members who will reside in the assisted unit),
2. Citizenship Declaration (Each household member listed must complete. Parents will complete and sign for household members under 18),
3. Forms and/or evidence of citizenship/immigration status.

Applicants that are U.S. Citizens must sign a declaration of citizenship and provide documents as proof of citizenship. Verification of the declarations will be completed. The most common documents that establish U.S. citizenship are Birth Certificate, U.S. Passport, Certificate of Citizenship, or Naturalization Certificate.

Applicants that are non-citizens claiming eligible status must sign a declaration of eligible immigration status consent form and provide a DHS-approved document. Applicants must provide appropriate immigration documents or verification of eligible immigration status.

Non-citizens not claiming eligible immigration status must sign a declaration that they are not claiming eligible immigration status.

The property is required to verify the validity of documents submitted by the applicant with the Department of Homeland Security (DHS) through their automated verification system. An applicant that provides documentation but is later determined by the DHS to be invalid documentation will have the assistance removed for that household member. Non-citizens aged 62 and older must provide proof of age and sign a declaration that they have eligible immigration status.

Mixed families, a family that contains both eligible and non-eligible members, may receive prorated assistance. Applicants who hold non-citizen student visas and noncitizens living with the student are considered ineligible for assistance.

Applicants who cannot provide documentation of eligible immigration status at the time of the applicant interview will be given a 14-day period to provide this documentation, if they provide a certification that the documentation is temporarily unavailable. Provided that at least one family member has provided documentation, the family may move in with prorated assistance provided they are otherwise eligible. Families that are found to be ineligible have the right to appeal the decision. The notice of ineligibility will describe the applicants' options.

RESTRICTION ON STUDENT ASSISTANCE (Section 8)

Eligibility for Section 8 assistance will be determined at move-in, annual recertification, initial certification (when in-place tenants begin receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.

Section 8 assistance shall not be provided to any individual who:

1. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; *and*
2. Is under the age of 24; *and*
3. Is not married; *and*
4. Is not a veteran of the United States Military; *and*
5. Does not have a dependent child; *and*
6. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005. (See Definition E in Figure 3-6); *and*
7. Is not living with his or her parents who are receiving Section 8 assistance; and
8. Is not individually eligible to receive Section 8 assistance *or* has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

Unless a student applicant can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance and the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance.

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While owners may use additional criteria for determining the student's independence from parents, owners must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. If the student meets all other eligibility requirements, passes screening criteria and is:

1. Living with parents/guardians; or
2. 24 years of age or older; or
3. A veteran of the United States armed services; or

4. Married; or
5. Has a dependent child; or
6. Can prove independence of parents including:
 - a. Being of legal contract age under state law;
 - b. Having lived separately from parents or legal guardians for at least one year or meeting the U.S. Department of Education's definition of an independent student;
 - c. Certification that parents or legal guardians did not claim the student as a dependent pursuant to IRS regulations and certification of the financial assistance provided by parents and signed by the individual providing the support, even if no assistance is provided.
7. Disabled and was receiving Section 8 assistance as of November 30, 2005: or
8. Having parents who are income eligible for the Section 8 program.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

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

DRUG RELATED AND CRIMINAL ACTIVITY

Banyan Street Manor is required by HUD regulations to deny the application that, during the past 3 years, any member of the household has been involved in drug-related or violent criminal activity or other criminal acts that could harm the health, safety, or peace of a community.

While part of our process includes checking criminal conviction and arrest records, applicants may be denied on the basis of credible information regardless of whether there has been any arrest or conviction for such behavior. If the behavior constitutes a felony involving serious injury, kidnapping, death, arson, rape, sex crimes and/or child sex crimes, extensive property damage, drug-related offenses, felony burglary or felony robbery the application will be denied regardless of how long ago the behavior occurred. If the behavior constitutes any felony or it constitutes any misdemeanor or gross misdemeanor involving assault, intimidation, sex related, drug related, property damage or weapons violations the application will be denied if the behavior occurred 7 years ago or less.

All other cases of criminal behavior not specifically listed above, your application will be denied unless those, who engaged in such acts, provide evidence sufficient to verify that such individual(s) have not engaged in any such activity during the last three years.

Drug-related criminal activity including means the illegal manufacture, sell, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug. Banyan Street Manor shall permanently prohibit admission to any applicant if any household member has been

convicted of the manufacture or production of methamphetamine on the premises of federal assisted housing.

Banyan Street Manor prohibits admission of applicants currently engaged in illegal use of drugs or if there is reasonable cause to believe that illegal use or pattern of illegal use of a drug may interfere with health, safety, right to peaceful enjoyment by residents.

Eviction in last 3 years from federally assisted housing for illegal drug activity: Banyan Street Manor shall deny admission to housing program to applicants who have been evicted from public or other federally assisted housing due to drug-related activity within the last three (3) years. Regardless of past criminal behavior individuals who constitute a likely threat to the health or safety of an individual, the apartment community, or the property of others will be denied.

Pattern of abuse of alcohol: Banyan Street Manor shall deny admission to a household if it has cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.

Also, Banyan Street Manor shall deny admission for a felony or misdemeanor involving violence against a person or property; possession, manufacturing, , or distributing a controlled illegal substance, possession of an unregistered firearm or illegal weapon. Applicants have an opportunity to explain all adverse reference. Individuals with such records will not be admitted even if other eligible family members are admitted.

Any applicant or household member who has been arrested for any of the above-described offenses will have their application suspended until the case has been legally resolved.

Lifetime Sex Offender: Applications that include any household members who are subject to a state sex offender lifetime registration requirement will be rejected.

If management rejects an applicant for any reason, a rejection letter will be sent to the applicant. This letter will state in writing the reasons and provide an opportunity for the applicant to respond or ask for a meeting. If applicant wishes to appeal the rejection, they must do so within 14 calendar days. If requested by the applicant, the meeting will be with a staff member or agent who is not the same person who made the original rejection determination. A follow-up written response will be sent within ten (10) days of the rejection hearing. Rejection records will be kept at least three years.

Please note that applicants with no verifiable rental or credit history will be given due consideration using personal references from three reliable sources other than relatives or close friends (e.g. clergyman, teachers, employers, etc.).

GROUND FOR REJECTION

The following are reasons why applicants will be rejected:

1. **HUD Criteria:** The applicant does not meet HUD's occupancy requirements, including unit size, unit type, income limits, etc.

2. **Lack of Information:** The applicant refuses to or cannot provide all required application information including Social Security numbers or certifications. Refusing to sign required documents (i.e. Verification Authorization forms, Consent to Release Information, etc.) will be grounds for rejection.
3. **Misrepresentation:** An applicant who lies, engages in fraud, or falsifies their application will be rejected.
4. **Negative References:** The prior landlord(s) up to three years back or other references provide negative reports regarding keeping of lease terms, payment of rent and other occupancy obligations, housekeeping habits, engaging in illegal activity, or incompatibility with other resident and neighbors. These reports are verified as much as possible, and the applicant is given a fair opportunity to overcome negative reports by explaining mitigating circumstances. These circumstances can include items that were related to disability when there is the potential to overcome those problems through reasonable accommodation.
5. **Credit:** All available credit references are checked without charge to the applicant. Rejection is possible if credit reports contain substantive negative information. (If other criteria are satisfactory, the applicant is given an opportunity to respond to negative credit reports.) Examples of poor credit are left prior housing owing money to landlord; prior eviction; two or more credit accounts over 90 days past due with unpaid bills up to \$3500.00; two or more accounts in collection status; bankruptcy within the last five years for reasons other than medical emergency, divorce, death of spouse; civil judgements against the applicant not yet resolved. Circumstances will be reviewed, and applicant responses considered. Applicants who have disclosed a previous eviction or a current eviction on their application will be rejected upon third party validation.
6. **Criminal:** 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.

In accordance with HUD regulations, there will be no charge to an applicant for credit checks in HUD assisted housing; the cost will be billed directly to the property. The credit, eviction, and criminal background check will occur prior to income and asset verifications being obtained.

Under Fair Credit Reporting Act Section 605(h) "if...the request includes addresses for the consumer that substantially differs from the addresses in the file of the consumer...the consumer reporting agency shall notify the requestor of the existence of the discrepancy." Should management receive notice of such a discrepancy they shall verify that the address reported does indeed belong to the applicant(s).

Verification may be through any/all of the following methods:

- Ask the applicant about the address.

- Cross check accounts on screening report against information provided by applicant.
- Cross check information provided by third party verifiers against report.

Should you wish to dispute any discrepancies reported, management can provide you contact information for the applicable screening company.

NOTE: If the applicant is a person with disabilities, Management must consider extenuating circumstances where this would be required as a matter for reasonable accommodation.

GRIEVANCE/APPEAL PROCESS

Failure to meet one or more of the foregoing screening criteria may be grounds for rejection, however, each application is considered as a whole, and the above factors are considered as part of a weighted formula. Should the applicants fail to meet the screening criteria, they will receive a notice in writing indicating that they have the right to appeal the decision directly with the screening company.

In the case that an applicant household is denied for circumstances not directly related to the screening company, an appeal meeting may be requested. The first appeal meeting will be held with the Community Director and if requested, a final appeal meeting may be requested with the Investment Manager or other Indigo designated member of management. These meetings can be held in person or via video conference within 10 business days of receipt of the applicant's request.

Informal Appeal with Community Director: This is an informal meeting between you and the on-site Community Director to discuss your grievance. The goal of this appeal is to resolve the issue without the need to have a second appeal meeting with the Investment Manager. In the event the dispute is not settled, you are entitled to request an appeal meeting with the Investment Manager. However, for all community related grievances, you must first meet with the Community Director.

Formal Appeal with Investment Manager: The final authority to resolve grievances is the Investment Manager. All appeals must be requested and presented in writing; the appeal meeting will then be scheduled either in person or via teleconference with the Investment Manager. Decisions made by the Investment Manager are final.

Within 10 business days of the appeal meeting, the property will advise the applicant in writing of the final decision regarding eligibility. Vacant units will not be held for those applicants in the appeal process.

VIOLENCE AGAINST WOMEN ACT OF 2005

The Violence Against Women Act of 2005 (VAWA) applies to project-based Section 8 and LIHTC units and offers the following protections against eviction or denial of housing based on domestic violence, victims of sexual assault, dating violence or stalking:

1. An applicant's or program participant's status as a victim of domestic violence, victims of sexual assault, 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, victims of sexual assault, 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.
5. 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.
6. The provisions protecting victims of domestic violence, victims of sexual assault, dating violence or stalking engaged in by a member of the household, may not be construed to limit Banyan Street Manor, 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.
7. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if Banyan Street Manor 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, Banyan Street Manor will not subject victims to more demanding standards than other tenants.

The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, victims of sexual assault, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, victims of sexual assault, dating violence or stalking.

Please see the emergency VAWA transfer plan for more details.

AVAILABILITY OF TENANT SELECTION PLAN

The Tenant Selection Plan shall be posted in a conspicuous and public area at the site. Changes to the Plan will be sent via U.S. mail to all persons on the active Waiting List. When the Waiting List opens, the Tenant Selection Plan will be distributed with applications and are available by request from management.

ANNUAL/INTERIM RECERTIFICATION REQUIREMENTS

All tenants must be re-certified annually. Tenants are also required to report all interim changes to management that occur between annually scheduled re-certifications.



PETS

No pets are allowed on the premises without written permission from management. Only service/companion animals are accepted per Section 504 requirements. Please notify management if you require a service or companion animal.

ENTERPRISE INCOME VERIFICATION (EIV)

In an effort to ensure accurate rental assistance is provided to the residents of project-based HUD assistance properties, the Department of Housing and Urban Development (HUD) has provided property managers with access to a new verification database called the Enterprise Income Verification (EIV).

The EIV database has been available since 2007; however, its use by Owners and/or Management Agents became mandatory January 31, 2010. All household members, age 18 and older consent to the release of this information by signing forms HUD-9887 and HUD-9887A at the time of move in and annual recertification.

EIV provides information about project-based HUD assistance recipients.

The database is used to verify

- Applicants with signed HUD-9887/9887A on file:
 - Whether the applicant(s) are currently receiving subsidy at another multifamily or public Indian housing community. This report would be run prior to move in and only indicates if subsidy is received. No other information is released to management.
 - The existing tenant search report is pulled from the EIV system for each applicant to determine if the applicant or any member of the applicant's household are being assisted under a HUD rental assistance program at another location prior to occupancy.
- For residents with signed HUD-9887/9887A on file:
 - Certain types of reported income with records maintained in the Social Security Administration data bases and the Department of Health and Human Service National Database of New hires.
 - SSA provides information about current social security income received and whether the social security number provided for an individual matches their database.
 - HHS provides information about current/prior employment and unemployment insurance information. This report is run as part of the Household's recertification process.


If discrepancy is discovered by HUD between the EIV database and what your household indicated during your initial and/or annual recertification, our office will contact you for clarification of the information provided. You may be asked to provide additional documentation of individual citizenship and/or income.

We are required to do this, so we can assure that you are receiving all assistance for which you are eligible. If it is discovered subsidy was received by a member or all members of a household as a direct result of a fraudulent act(s) (unreported income, purchase or stolen social security numbers, etc.), we



are required to take the necessary steps to recapture all subsidy from households as well as report individuals to HUD, and in some cases pursue the eviction of the household and judgment for monies owed as a consequence of the rental subsidy received under the false pretense.

Equal housing opportunity: Banyan Street Manor does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

Property Name: Banyan Street Manor	does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988). We do business in accordance with the Federal Fair Housing Act and provide persons with disabilities reasonable accommodation upon request. TTY# (for hearing impaired) 711. Persons with language barriers may request or arrange interpretation alternatives or services based on the property's LEP Policy.	
504 Coordinator Name: Holly Paterson		
Address: 1122 Banyan Street, Honolulu, HI 96817		Telephone #: 808-843-0021