

# Brainerd Park Apartments

Effective: June 6, 2018

## TENANT SELECTION PLAN

Brainerd Park Apartments, located at 8900 S. Loomis, Chicago, Illinois 60620, has a total of 36 Low Income Housing Tax Credit units. Of the total units, nine are pledged pursuant to an AHAP from The Chicago Housing Authority with an initial effective date of 6/27/2017. In addition, eight units are designated solely for Homeless persons as defined by Federal Home Loan Bank AHP. See Attachment A. The unit mix and income limits are defined as follows:

Unit Size	Number of Units	Income Limit	Program Type
One-Bedroom	2	30%	
Two-Bedroom	2	30%	
Three-Bedroom	2	30%	
Four-Bedroom	1	30%	
One-Bedroom	3	50%	
Two-Bedroom	4	50%	
Three-Bedroom	2	50%	
Four-Bedroom	1	50%	
One-Bedroom	1	60%	
Two-Bedroom	3	60%	
Three-Bedroom	4	60%	
Four-Bedroom	2	60%	
One-Bedroom	2	60%	Project Based CHA
Two-Bedroom	5	60%	Project Based CHA
Three-Bedroom	2	60%	Project Based CHA

The criteria in this Tenant Selection Plan outlines the method by which we secure residents for the property to ensure that all applicants or potential residents are treated uniformly. Management will follow all applicable Federal, State and local laws, ordinances and regulations, including the Federal Fair Housing Law and all HUD regulations in soliciting and selecting tenants for Brainerd Park Apartments.

### SMOKE FREE HOUSING – DESIGNATED SMOKING AREA

Other than in designated smoking areas, smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, property staff, applicants, residents, guests, and servicepersons.

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

## **ELIGIBILITY REQUIREMENT**



Brainerd Park Apartments is a Low Income Housing Tax Credit Affordable Housing Program. Brainerd Park Apartments is not designated as housing exclusively for any particular tenant type. This is known as "Family". The development does accept Housing Choice Vouchers. Eligibility requirements may change at any time when HUD and or Low Income Housing Tax Credit Program issues new guidance.

## **INCOME LIMITS**

Income limits vary by household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. <http://www.huduser.org/datasets/il.html>. HUD requires that property managers incorporate the most recently published income limits when determining eligibility.

The household's annual income must not exceed the current published Section 42 Low Income Housing Tax Credit 60% income limit. In addition, every household must demonstrate the ability to pay the monthly rent. Management will verify that the household's monthly income is at least two times the maximum monthly rent as allowed under Section 42. Households with rental assistance may be exempt from this requirement.

## **CITIZENSHIP/IMMIGRATION STATUS REQUIREMENTS**

Assistance in subsidized housing is restricted to the following:

- A) U.S. citizens or nationals; and
- B) Noncitizens who have eligible immigration status.

All applicants for assistance must be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application. The entity responsible for receiving the documentation, where possible, must arrange to provide the notice in a language that is understood by the individual if the person is not proficient in English.

All family members, regardless of age, must declare their citizenship or immigration status.

Noncitizens (except those age 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Noncitizens age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship. Owners may establish a policy of requiring additional proof of citizenship for those declaring to be U.S. citizens or nationals.

A mixed family—a family with one or more ineligible family members and one or more eligible family members—may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance.

Applicants who hold a noncitizen student visa are ineligible for assistance, as are any noncitizen family members living with the student.

## **SOCIAL SECURITY NUMBER (SSN) REQUIREMENTS**



The applicant(s) must disclose and provide documentation of social security numbers (SSN) for all household members.

Management of Brainerd Park Apartments will implement the following to all persons applying for, or residing in the community:

**The Social Security Number requirements do not apply to:**

- A) Individuals who do not contend eligible immigration status.
  - Regulations pertaining to pro-ration of assistance of screening for MIXED families remain.
  - In such instance the owner will maintain the Citizenship Declaration on file - whereby the individual did not contend eligible immigration status to support the individual not being subject to SSN disclosure and verification requirements.
  
- B) Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
  - Eligibility determination is based on participation in a PIH or Multifamily HUD assisted program. The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
  - When determining the eligibility of an individual who meets the exception requirements for SSN disclosure, Brainerd Park Apartments will obtain documentation from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010 that verifies the applicant's exemption status. The documentation will be retained in the resident file. Brainerd Park Apartments will not accept a certification from the applicant stating they qualify for the exemption.
  - Note: The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.
  
- C) A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, Brainerd Park will terminate tenancy.

**Rules Pertaining to Applicants:**

- A) Applicants do not need to disclose or provide verification of SSN to be placed on the waiting list.
- B) Applicants must disclose SSN and provide adequate documentation to verify the SSN for all non-exempt members before they can be housed.
- C) If all non-exempt household members have not disclosed and or provided verification of SSN at the time a unit becomes available, the next applicant must be offered the available unit.

1. The applicant who has not provided required SSN for all non-exempt members has 90 days from the date they are first offered the available unit to disclose/verify SSN;
2. During the 90 day period the applicant may retain its place on the waiting list;
3. After the 90 days if the applicant is unable to disclose/verify the SSN of all non-exempt members of the household, the applicant will then be determined ineligible and removed from the waiting list.

**Rules Pertaining to Residents:**

- A) All Residents, except those who are exempt, must disclose and provide verification of their SSN at the time of their next interim or annual recertification if they:
  1. Have not previously disclosed a SSN;
  2. Have not previously disclosed a SSN that HUD or the Social Security Administration determined was valid;
  3. Have not previously been issued a SSN.
- B) Failure to disclose and provide verification of SSN will result in termination of residency in accordance with 24CFR 5.218.
- C) If SSN is not provided because doing so was outside the control of the Resident, Management will defer the termination and Resident will be provided an additional 90 days to be compliant considering they are able to do so.

**Rules to Adding a Resident Household Member:**



- A) When adding a household member age six or order, documentation of the new member must be provided at the time of the request or at the time of the certification that includes the household member being added.
- B) Management will not add the new household member until the SSN on the member is provided.
- C) When adding a household member under the age of six with a SSN, the SSN must be disclosed and verified at the time Management prepares the certification including the new member.
- D) When adding a household member under the age of six without a SSN, the household will be given 90 days to provide documentation for the child. An additional 90 days will be granted if the failure to provide the SSN documentation is due to circumstances outside control of the Resident. Examples being:
  1. Delayed processing of the SSN application
  2. Natural disaster
  3. Fire
  4. Death in family
- E) If the SSN is not provided, the household is subject to termination of residency.

**Assignment of New SSN:**

If Resident or any member of the household has been assigned a new SSN, the Resident must provide the SSN and documentation to verify the SSN at:

- A) Time of receipt of new SSN

- B) The next interim or scheduled annual recertification
- C) Other such earlier time specified by Management

**Verification of SSN:**

Management of Brainerd Park Apartments will verify and document each disclosed SSN by:

- A) Obtaining documentation from each member of the Applicant's or Resident's household.
- B) Making a copy of the original documentation that is submitted, returning the original and retaining the copy of the Resident file.

**Acceptable Forms of SSN Verification:**

- A) Social Security Card
- B) Other such documents:
  1. Original document issued by a federal or state government agency containing the name, SSN and other identifying information of the individual;
  2. Driver's license with SSN;
  3. Earnings statements on payroll stubs;
  4. Bank statement;
  5. Form 1099;
  6. Social Security Administration benefit award letter;
  7. Retirement benefit letter;
  8. Life insurance policy;
  9. Court records.

**Rejection of Documentation:**

Documents used to verify Social Security Numbers will be rejected if:

- A) Not an original document; or,
- B) Is an original document that has been altered, mutilated or is not legible; or
- C) Appears to be forged or not authentic.

**Applying for a Social Security Number:**

Management of Brainerd Park Apartments will make available Form SS-5, Application for a Social Security Card, to anyone who has never been issued a SSN card or who has lost their SSN card for their convenience of applying for a Social Security Card.

**SOLE RESIDENCE**

The unit must be the applicant's sole residence in order for the applicant to be eligible for housing.

## **APPLICATION AND RESIDENT SELECTION PROCEDURES**

**Taking pre-applications** When the waiting list is open, preliminary questionnaires will be made available via online, CCHC sites or at the management office. A preliminary questionnaire must be completed in its entirety in order to be processed. Misrepresentation on the preliminary questionnaire or failure to complete the preliminary questionnaire will be grounds for denial. All preliminary questionnaires must be returned by mail only. No walk in preliminary questionnaires will be accepted.

All applicants age 18 and older must complete a pre-application form. As a reasonable accommodation, the office will mail applications to individuals who cannot get access to the preliminary questionnaire due to disability.

While it is not required at the time of the preliminary questionnaire please note that all applicants are required to sign all required consent forms and all applicable verification forms necessary to verify all income and assets and any other household characteristics and/or circumstances that will affect their eligibility.

It is the applicant's responsibility to contact the office in writing to notify management if there are any changes in information provided on the application.

### **Preferences**

Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances.

Preferences affect only the order applicants are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible. Preferences are not permitted if they in any way negate affirmative marketing efforts or fair housing obligations. The following apply to Brainerd Park Apartments:

#### **1. Existing Tenant Preferences**

Residents who are requesting new units and who meet the qualifications will be placed on the preferred waiting list based on the date and time the completed Unit Transfer Request is received. These existing residents will be placed first.

- A) Verified need for an accessible unit
- B) Verified need for a reasonable accommodation
- C) Verified medical need
- D) Imminent Threat (VAWA Emergency Transfer)
  - i) VAWA Emergency Transfer (Internal Transfer) In some cases, families that qualify for a VAWA Emergency Transfer may receive preference over other residents. Please see the VAWA Policy and the VAWA Emergency Transfer Plan and/or contact property management for additional information.

- E) Resident is currently living in an accessible unit and no longer needs the features
- F) Over/Under housed (unit is too large/small)

## 2. **State Mandated Preferences**

Brainerd Park Apartments must comply with all three Illinois mandatory preferences required in Section 11 and 12 of 20 ILCS3805 as described below:

- A) Displaced from an urban renewal area.
- B) Displaced as a result of a government action.
- C) Displaced as a result of a major disaster.

## 3. **Limited Preference for Homelessness**

Brainerd Park Apartments offers a limited preference for homelessness. Specifically, pursuant to HUD Notice H 2013-21 and in support of the United States Interagency Council on Homelessness (USICH) "Opening Doors: A Federal Strategic Plan to Prevent and End Homelessness", Brainerd Park Apartments will provide a limited preference as follows:

A preference will be provided for 25% of the units intended to serve homeless populations. Specifically, the owner has implemented a preference for homeless families referred by Christian Community Health Centers as supportive service partner. In order to qualify for this preference, CCHC must confirm that the applicant requesting a preference meets at least one of the following definitions:

- A) Individuals and families who lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or a place not meant for human habitation immediately before entering that institution;
- B) Individuals and families who will imminently lose their primary nighttime residence;
- C) Unaccompanied youth and families with children and youth who are defined as homeless under other federal statutes who do not otherwise qualify as homeless under this definition; or
- D) Individuals and families who are fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member.

Accessible units will always be offered to residents and applicants who need the features of the accessible unit before they are offered to residents and applicants who do not need the features of an accessible unit.

### **Verification of Preferences**

All preferences will require a third party verification conducted and verified by Christian Community Health Center (CCHC).

Special consideration applies when a VAWA Emergency Transfer Request is submitted by a victim of a VAWA crime. If this is your situation, please contact the property staff for additional information.

### **When a Preference is Denied**

- A) If it is determined that an applicant does not meet the criteria for receiving a preference, the applicant will promptly receive written notice of this determination from Management. The notice will contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with the Management's designee to review this decision. If the applicant requests a meeting, it will be conducted by person or persons designated by Management.
- B) An applicant who has been denied and has requested a meeting with management regarding the denial, the applicant may in addition meet with Christian Community Health Center (CCHC) to seek assistance with the appeal process.
- C) Denial of a preference does not prevent the applicant from exercising any legal rights the applicant may have against Management and /or Owner.

### **Change in Preference Status While on the Waiting List**

Occasionally households on the waiting list who did not qualify for a preference when they applied will experience a change in circumstances that qualifies them for a preference. In such cases, it is the responsibility of the applicant to contact the owner/agent so that their change in status may be verified and the waiting list can be updated to reflect the preference as appropriate.

To the extent the verification determines the household does now qualify for a preference, they will be selected from the waiting list in accordance with the preference and the date the application was received.

### **Exceptions to the Preference Rule**

Management will give priority to current residents:

- A) Residing in a unit that has been determined uninhabitable due to flood, fire or other natural disaster
- B) When a unit is designated for rehabilitation or repair

These situations represent extenuating circumstances and the normal selection order may be adjusted to address the needs of these residents.

### **Applicant screening criteria**

Brainerd Park Apartments will conduct a credit and criminal background on anyone 18 and over. Medical bills will not be considered in determining an applicant's credit-worthiness.



A Summary Credit Report is ran through Yardi Resident Screening which contains summary information derived from a more thorough detailed Report which the property staff does not have access to (the Regional Manager does have access to the detailed Report).

If any applicant takes exception with any findings, the applicant is solely responsible for making any corrections and reapplying.

If any applicant is "accepted with conditions" or "declined," they will be given the name, address, and telephone number of the consumer reporting agencies that provided your consumer information to Brainerd Park Apartments.

The Summary Credit Report model used is set up to Decline an application for the following reasons:

- An applicant has a bankruptcy within the last 24 months
- An applicant has outstanding debt to a previous landlord within the last 60 months.
- An applicant has outstanding utility debt within the last 24 months or any utility debt resulting in the inability to get utility services turned on in the applicant's name.
- An applicant has a verified eviction record within the last 60 months.
- An applicant has more than 1 verified eviction INITIAL filings within the last 24 months.
- An applicant has apartment collections within the past 60 months.
- An applicant has more than 1 default and/or eviction notice in the last 24 months in the Yardi Screening database.
- An applicant has an eviction filed in the last 60 months in the Yardi Screening database.
- An applicant cannot pass a Social Security Number fraud analysis.
- An applicant has other names associated with the social security number they provided.

#### CRIMINAL POLICY:

A Criminal Background Check will be conducted in accordance with HUD and the property's policies. An application will be rejected for any of the following:

- Any household containing a member(s) who was evicted in the last three years from a federally assisted housing for drug-related criminal activity. Brainerd Park Apartments may, but is not required to, consider two exceptions to this provision:
  - A) The evicted household member successfully completed an approved, supervised drug rehabilitation program; or
  - B) The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household)
- Any household member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.
- Any household member who is subject to a state sex offender lifetime registration requirement.
- If there is reasonable cause to believe that any household member's behavior, due to abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.
- Felony/Misdemeanor conviction(s) or No Contest plea(s) on file with any state, county or federal court unless the applicant has been pardoned or if record has passed the following times calculated from the time of final disposition according the following guidelines:

Decline for any Drug Conviction – Felony 20 years, Misdemeanor 2 years.

Decline for any DUI Felony Conviction – 10 years.  
Decline for Unclassified Conviction- Felony 10 years, Misdemeanor 5 years.  
Decline for Property Conviction – Felony 100 years, Misdemeanor 10 years.  
Decline for Sex Conviction- Felony 100 years, Misdemeanor 10 years.  
Decline for Theft by Conviction- Felony 10 years, Misdemeanor 5 years.  
Decline for Theft by Check Conviction- Felony 10 years, Misdemeanor 5 years.  
Decline for Traffic Felony Conviction – 10 years.  
Decline for VCAP conviction – Felony 100 years, Misdemeanor 100 years.  
Decline for Weapons – Felony 100 years, Misdemeanor 5 years.  
Decline for any Terrorism related Conviction – No time limit.  
Decline for the following Conviction Statuses: Active, Probation, and Parole.  
Decline for “Adjudication Withheld” or “Deferred Adjudication” conviction status within 10 years of date of application.  
Once the applicant is selected from the waiting list in accordance with the Tenant Selection Plan, they will be contacted to complete the full application for rental housing including all required consent forms and all applicable verification forms.

### **Procedures for rejecting ineligible applicants**

A) Rejection notices must be in writing. The written rejection notice must include:

- The specifically stated reason(s) for the rejection;
- The applicant’s right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection, and
- The applicant’s right to meet with Christian Community Health Center for assistance in the appeal process, and
- That persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

B) Owner Meetings with Applicants to Discuss Rejection Notices

- Any meeting with the applicant to discuss the applicant’s rejection must be conducted by a member of the owner’s staff who was not involved in the initial decision to deny admission or assistance.
- Within 5 business days of the owner response or meeting, the owner must advise the applicant in writing of the final decision on eligibility.

If an application is denied for poor credit, management’s responsibility is limited to informing the applicant that the application has been rejected based on confidential information received from a credit bureau. The applicant will be given the name, address and phone number of the credit bureau. If the applicant believes the credit report is in error, he/she must contact the credit bureau directly. Upon notification by the applicant that any issues with the credit report have been resolved, a new credit report will be obtained from the credit bureau. The application is considered rejected until such updated information is obtained.

The position on the waiting list will be suspended pending receipt of corrected information; however, the suspension will be allowed for a maximum of sixty (60) days, after which time the rejection will become final.

If an applicant is denied due to information obtained on the Criminal Activity Background check, management's responsibility is limited to informing the applicant that the application has been rejected based upon confidential information received from this report. The applicant will be given the name, address and phone number of the agency or the bureau from which the report was received. If the applicant believes the information on the Criminal Activity Background is inaccurate, the applicant must contact the agency directly and obtain a copy of the report.

### **OCCUPANCY STANDARDS**

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that residents are treated fairly and consistently and receive adequate housing space and in accordance to state and local ordinance.

Per the State of Illinois and the City of Chicago, every family unit and every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, or if of original configuration need only comply with the regulations in effect at the time of its construction. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age. For the purpose of this section a person under two years of age shall not be counted as an occupant. Persons completing an application may apply for more than one apartment size and may be placed on more than one waiting list provided both of the following conditions apply:

- The household meets the occupancy standards described above for each size of apartment they are applying for.
- The waiting list is open for each size apartment they are applying for.
- The following will be counted as members of the household:
  - Fulltime household members
  - Unborn children
  - Children in the process of being adopted
  - Children whose custody is being determined
  - Foster Children
  - Children temporarily in a foster home
  - Children in joint custody 50% of the year or more
  - Children away at school but home for recess
  - Live in aides
  - Foster adults

### **UNIT TRANSFER POLICIES**

In order for a current resident to be considered for a unit transfer they must first complete a Unit Transfer Form (all adult household members intending to transfer must sign the Unit Transfer Form). Current residents who request or need an apartment transfer due to a reasonable accommodation, certified medical reasons or due to change in household size or composition that results in the unit being over or under occupied will be given preference over those on the waiting list. Current resident transfers are outlined in Section 2.

Others residents wishing to apply for a larger or smaller apartment may do so if they have lived in their current apartment for at least one year, the waiting list is open for the apartment size they are requesting, their apartment has been kept in good condition with no damages, they do not have any delinquent rent or damages, there have been no confirmed complaints against the household, there have been no lease violations within the past 12 months and they meet the occupancy standards stated above for the size of unit requested. If the request for transfer is approved, the resident will be placed on the requested waiting list in the order in which their application was completed.

### **POLICY TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973**

In compliance with Section 504 regulations, management does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in its federally assisted programs. Management will consider requests from individuals with disabling conditions or mobility impairments for reasonable accommodations in policies, practices, or facilities, so long as such requests do not present an undue administrative or financial burden to management, or alter the fundamental nature of the program or property.

### **POLICY TO COMPLY WITH THE FAIR HOUSING ACT AMENDMENTS OF 1988**

The Fair Housing Act Amendments of 1988 ("Fair Housing Act") prohibits discrimination in housing on a basis of race, color, religion, sex, disability, familial status and national origin regardless of any federal financial assistance. Fair Housing Act obligations include the following:

- Management will not refuse, either directly or indirectly, to rent or negotiate for rental of a dwelling based on race, color, religion, sex, disability, familial status and national origin.
- Management will not (i) engage in activities that steer potential tenants away from or toward a particular unit by words or action, (ii) make housing units and related services unavailable to any potential tenants, (iii) purposely provide false information to applicants about the availability of units that limits the living options of prospective tenants, and (iv) deny or limit services based on race, color, religion, sex, disability, familial status and national origin.
- Management will market available units in a nondiscriminatory manner.
- It is unlawful to coerce, intimidate, threaten or interfere with any person's exercise or enjoyment of any Fair Housing right.
- Fair Housing Act provides additional protections for persons with disabilities. It requires that the Management make reasonable accommodations in rules, policies, practices or services as may be necessary to afford handicapped persons equal opportunity to use and enjoy a dwelling. Moreover, it contains specific accessibility requirements that apply to the design and construction of new multi-household housing.
- Fair Housing Act provides equal access to housing in HUD programs without regard to actual or perceived sexual orientation, gender identity, or marital status. As an administrator of HUD assisted housing, management may not inquire about the sexual orientation or gender identity of an applicant or occupant for purposes of determining eligibility.

### **CIVIL RIGHTS AND NONDISCRIMINATION REQUIREMENTS**

General civil rights laws addressing fair housing prohibit discrimination against applicants or tenants

on the basis of race, color, national origin, sex, age, disability, religion, and familial status. The Illinois Human Rights Act addressing fair housing prohibits discrimination against applicants on the basis of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service.

The remaining paragraphs in this section provide brief descriptions of key federal civil rights laws regarding fair housing and accessibility.

Owner and Management shall be familiar and comply with the regulations implementing these applicable federal civil rights laws and any state civil rights laws or local ordinance fair housing and accessibility.

### **Age Discrimination Act of 1975**

Age Discrimination Act of 1975 (the "Age Discrimination Act") prohibits discrimination based upon age in federally assisted and funded program, except in limited circumstances. It is not a violation of the Age Discrimination Act to use age as screening criteria in a particular program if age distinctions are permitted by statute for that program or if age distinctions are factor necessary for the normal operation of the program or the achievement of a statutory objective of the program or activity.

### **PRIVACY POLICY**

It is the policy of the owner/agent to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the owner/agent.

Neither the property owner nor its agents shall disclose any personal information contained in its records to any person or agency, other than HUD, its Contract Administrators or other federal/state entity or investor auditing entities, unless the individual about whom information is requested gives written consent to such disclosure. Such consent may be provided in an equally effective manner, as a reasonable accommodation, when there is the presence of a disability.

This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

### **POLICY ON USE OF MARIJUANA IN MULTIFAMILY ASSISTED PROPERTIES**

Per HUD Memorandum published on December 29, 2014, the use of 'medical marijuana' is illegal under federal law even if it is permitted under state law and thus as required under the Quality Housing and Work Responsibility Act of 1998 (QHWRA), management will deny admission or occupancy to any household with a member who the owner determines is using a controlled substance e.g., marijuana.

Further, the usage of marijuana will be reason for termination of tenancy as it is illegal under federal law, and may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

## **POLICY TO COMPLY WITH STUDENT RULES**

**LIHTC Rules** Section 42 of the IRS Code prohibits tax credit units being used as dormitories. Generally, households made up entirely of full-time students do not qualify.

- A) A full-time student is defined as any individual of any age who:
- 1) Attends a school with facilities and regular student body (including online-based learning).
  - 2) Attends all or parts of any 5 months out of the calendar year (not necessarily consecutively).
  - 3) Is considered full-time by the school that they attend, based on that school's definition of a fulltime work load.
- B) There are five exceptions to the student rule prohibiting households made up entirely of full time students. Full-time student households must meet one of the exceptions continually to live in an LIHTC for the period of time that everyone is a full-time student.
- 1) All adults are married and entitled to file a joint tax return.
  - 2) An adult member is a single parent with a minor child in the unit, the adult is not a tax dependent of any third party, and the children are not claimed as a tax dependent by anyone other than one of their parents (even if the other parent is not in the unit).
  - 3) The household includes a member who receives welfare assistance in the form of Temporary Assistance to Needy Families (TANF).
  - 4) The household includes a member who formerly received foster care assistance (that means they were a foster child or adult).
  - 5) The household contains a member who gets assistance from the Job Training Partnership Act (JTPA) or similar programs. (NOTE: The "Workforce Investment Act" has replaced JTPA).

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

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either 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; when the student:

- A. Is living with his or her parents who are receiving Section 8 assistance
- B. Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance.
- C. Is a veteran of the United States military;
- D. Is married;
- E. Has a dependent other than a spouse (e.g. dependent child);
- F. Is at least 24 years of age;
- G. Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
- H. Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  1. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;

applicable verification forms necessary to verify all income, assets and any other household characteristics and/or circumstances that will affect their eligibility.

- Any applicant that does not respond within the 10 days will be removed from the waiting list and no further contact will be made.
- The applicants that respond and are interested in moving will complete the above mentioned full application and forms.
- If the applicant responds within the 10 days but states that they are not ready to move at this time they will remain on the waiting list in their same position and they will be contacted again when the next unit becomes available provided that at least 60 days has elapsed since the last contact. If an applicant is contacted twice for two different units and cannot move they will be removed from the waiting list.

### 3. Offering/Assigning an Apartment

- An apartment will be offered to an eligible applicant based on their position on the waiting list provided they have completed all required paperwork in a timely manner and their application is approved.
- Once an applicant is offered a unit they will have 2 days from the date of offer to either accept or reject the unit.
- If the applicant rejects the unit within the 2 days they will remain on the waiting list in their original spot provided this is not the 2<sup>nd</sup> unit they have been offered. If it is the 2<sup>nd</sup> unit they have been offered, they will be removed from the list.
- If the applicant accepts the unit, they are agreeing to the conditions on the Unit Availability Agreement which includes moving in within 10 days of the unit becoming rent ready and paying all monies owed (deposit, if necessary). The applicant will be contacted at least 5 days prior to the unit becoming rent ready to confirm a move in date.
- If the applicant accepts the unit and fails to move in within 10 days of the unit becoming rent ready and cannot pay all monies owed (deposit, if necessary), the applicant will be removed from the waiting list. This will not apply to applicants obtaining financial assistance.
- Those applicants that completed their full application and other required paperwork and were not offered a unit will remain on the waiting list in their original position. Management reserves the right to re-verify any information prior to offering an applicant another unit.

### **REMOVING APPLICANTS FROM THE WAITING LIST**

The owner/agent will remove an applicant's name from the waiting list when if any of the following apply:

- Applicant requests that the household name be removed
- The unit that is needed – using household size as the basis – has changed, and no appropriate size/type unit exists in the property
- The unit that is needed – using household size as the basis – has changed, and the waiting list is closed for that unit size/type
- Applicant fails to meet eligibility requirements
- Applicant fails to meet occupancy standards
- Applicant fails to meet screening requirements
- Applicant is rejected for any reason described in this plan
- Applicant cannot be contacted by US Mail and or phone

- Applicant was clearly advised, in writing, of the requirement to tell owner/agent of his/her continued interest in housing by a particular time and failed to do so

If an applicant is removed from the waiting list, and subsequently the owner/agent determines that an error was made in removing the applicant, the applicant will be reinstated at the original place on the waiting list.

If an applicant is removed from the waiting list and later, the applicant household feels that they are now qualified for assistance/tenancy, the applicant household must submit a new application. The applicant will be placed on the waiting list, as necessary, based on the submission date and time of the new application.

There are certain situations when the owner/agent may refuse to accept an application. The owner/agent will not accept applications from individuals who were previously rejected because the applicant:

- Is subject to a state lifetime sex offender registry
- Has been convicted of a crime as indicated in the criminal screening criteria (certain time restrictions apply)
- Has been evicted from a federally assisted property for drug use in the last three years

In addition, if an applicant previously accepted a unit offered by the owner/agent and the applicant failed to take possession of the unit on the agreed upon date without notice to the owner/agent, the owner/agent reserves the right to refuse all future applications.

## **VERIFICATION**

The owner/agent shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development. After the preliminary eligibility determination, no decision to approve an application shall be made until information provided on the application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed.

All information relative to the following items must be verified as described in these procedures.

### **Information to be verified**

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

- 1) Eligibility for Admission, such as
  - a) Income
  - b) Assets And Asset Income
  - c) Identification
  - d) Age
  - e) Household Composition
  - f) Social Security Numbers
  - g) Citizenship And/or Legal Status
  - h) Student Status
  - i) Current HUD Assistance
- 2) Compliance with Resident Screening Guidelines, such as
  - a) Criminal History
  - b) Credit History
- 3) The Need for an Accessible Unit



## **Methods of verification**

Verifications will be attempted in the following order:

1. Third Party
2. In the absence of any of the above, notarized or witnessed statements from the household member (the owner/agent is not required to accept family/self certification). Each file will be documented, when appropriate, to show that staff attempted to obtain third-party verification before relying on family certification.

## **Sources of information**

Sources of information may include, but are not limited to:

- Any member of the applicant household
- Present and former housing providers/landlords
- Present and former employers
- Banks
- Insurance Companies
- Any Asset Manager
- Family members
- Any person or organization providing gifts/regular contributions to the household
- Credit Screening providers
- Criminal Screening providers
- Social workers/Parole Officers
- Court records
- Drug Treatment Centers
- Health Providers
- Physicians
- Clergy
- Schools/Institutes of Higher Education
- Department of Homeland Security (DHS)
- Department of Health and Human Services (HHS)
- The Internal Revenue Service (IRS)
- The Social Security Administration (SSA)
- Medicare/Medicaid
- Representative of the United States Armed Forces
- Any federal/local benefit providers
- Pharmacies
- Utility Providers
- Local and non-local law enforcement
- Automated criminal databases
- Sexual Offenders registries when available
- The world wide web (internet)

The owner/agent will be the final judge of the credibility of any verification submitted by an applicant. If the owner/agent questions the validity of a document or the validity of information provided, it will be reviewed by management staff for a ruling regarding acceptability.

## **Period for verification**

Only verified information that is less than 120 days old may be used for verification. Verified information not subject to change (such as a person's date of birth) will not be re-verified.

## **Consent and verification forms**

Regardless of age, the Head-of-Household (HOH), the co-Head-of-Household (HOH) the spouse of the Head-of-Household (HOH) and all adult members of a household must sign HUD's consent forms so that the owner/agent can verify eligibility.

1. HUD-9887, Notice and Consent for the Release of Information to HUD and to a PHA
2. HUD-9887-A, Applicant's/Resident's Consent to the Release of Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance)

Consent and verification forms protect the rights and privacy of residents and applicants by allowing them to have control over any information collected about them.

All adult members of an applicant or resident household must also sign individual verification forms authorizing the owner/agent to verify household income and applicable eligibility factors (e.g., disability status) and to allow for screening.

### **Provisions for refusal to sign required verification forms**

If any member of the applicant's household, does not sign and submit the consent forms as required, the owner/agent must reject the application and deny assistance and/or tenancy.

### **Misrepresentation**

Any information, provided by the applicant that proves to be untrue may be used to disqualify the applicant because of misrepresentation or attempted fraud. The owner/agent will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until the owner/agent has independently investigated the information. The owner/agent considers false information about the following to be grounds for rejecting an applicant:

- Identity
- Social Security Numbers/Information
- Income
- Assets/Income From Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, And/or Eligible Immigration Status
- Criminal History
- Sexual Offender Status
- Eligibility For Preferences and Priorities
- Status As A Student

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicants.

### **SECURITY DEPOSIT REQUIREMENTS**

The Security Deposit must be paid in the form of a Personal Check, Cashier's Check or Money Order and is due on the scheduled move-in day when all the move-in paperwork is signed.

Payment plans might be available for extenuating circumstances.

The Security Deposit amount will be equal to one month's rent.

## **APARTMENT INSPECTIONS**

All apartments must undergo periodic inspection conducted by the on-site management team, HUD or HUD's representatives/agents. These inspections include not only interior but also exterior inspections. Residents have the right to be present, and are, in fact encouraged, to be present during unit inspection.

The move-in inspection is an opportunity to familiarize the new resident with the property and the unit, as well as to document its current condition. By performing move-in inspections, the owner/agent and residents are assured that the unit is in livable condition and is free of damages. A move-in inspection gives the owner/agent an opportunity to familiarize residents with the operation of appliances and equipment in the unit.

The move-out inspection is conducted when a household vacates a unit. The owner/agent will list the damages on the Unit Inspection Form and compare it with the Unit Inspection Form completed at move-in to determine if there is any damage or excessive wear-and-tear.

In addition, the owner/agent will perform unit inspections on at least an annual basis to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced. This is also an opportunity to determine any damage to the unit and, if so, make the necessary repairs. At this time, residents may be charged for damages to the unit so long as those damages are not the result of normal wear-and-tear.

HUD, or its authorized contractor(s), has the right to inspect the units and the entire property to ensure that the property is being well maintained. These inspections assure HUD that owners and their agents are fulfilling their obligations under the regulatory agreements and/or subsidy contracts and that residents are provided with decent, safe, and sanitary housing.

Before executing the Lease, a management representative and the resident will inspect the apartment. Any items needing cleaning or repair will be noted on the inspection form and show a date as to when the work will be completed. The date must be no more than 30 days after the effective date of the lease. The resident has 2 days to report any additional deficiencies to the management office.

## **FAILURE TO MEET LIHTC ELIGIBILITY GUIDELINES**

Applicants must meet all Low Income Housing Tax Credit Programs and/or HUD income and student eligibility. Failure to meet eligibility will result in denial of application.

## **VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT PROTECTIONS PROVIDED UNDER THE VAWA**

The Violence Against Women Act (VAWA) provides protections to women or men who are applicant to or residents of any "covered housing program" and who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. The owner/agent understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated persons which are defined as follows:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, resident/applicant, or lawful occupant living in the household of that individual.

Other than what is described above, VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident. (Note from RBD – while this statement is correct, OAs must decide if they want to include this statement in the final policy. Please delete this note before completing your policy)

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of a VAWA crime.

### **Confidentiality**

The Notice of Occupancy Rights under the Violence Against Women Act provides notice to the resident/applicant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to the owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

1. Requested or consented to by the victim in writing and denoting a specific timeframe; or
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

The owner/agent will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

### **Requests & Certification**

The person seeking VAWA protections may make a request for a VAWA accommodation in any reasonable manner. The resident/applicant may:

- Complete a VAWA request form provided by the owner/agent
- Submitted a written request (including email but not texting)
- Make a personal (oral) request either in person or via phone/Facetime, etc.

Once a request is made, the owner/agent requires that the applicant certifies their status as a victim of a VAWA crime using one of the following methods. Applicants and residents decide which of the following methods is used to certify their status as a victim of a VAWA crime or as someone affiliated with the victim of the VAWA crime.

When the owner/agent responds to a request to exercise protections provided under the VAWA The owner/agent will request that an individual provide the HUD approved Form - *Certification as a Victim of Domestic Violence, Dating Violence, Stalking or Sexual Assault* to certify status as a VAWA victim or as a person affiliated with a victim. The person seeking VAWA protections may obtain this form from the property staff or from HUD's web site. The owner/agent understands that the delivery of the certification form to the applicant/resident via mail may place the victim at risk, (e.g., the accused perpetrator may monitor the mail). The owner/agent will work with the applicant/resident in making acceptable delivery arrangements.

Alternatively, if the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit written proof of this outreach in lieu of the certification form.

The owner/agent will accept a federal, state, tribal, territorial, or local police record or court record other official record documenting status as a victim of a VAWA crime or a person affiliated with a victim of a VAWA crime as defined in this policy.

The owner/agent will also accept a document signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the person seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse. This document must be signed by the applicant/resident. The signatory attests under penalty of perjury (28 U.S.C. §1746) that the professional believes it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking.

Based on HUD's instruction above, the written statement must be signed, dated, and notarized or witnessed, and must include the following language:

*Name of person seeking protections has worked with me or this organization to receive assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse.*

*Name of professional providing documentation believe it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking*

*Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 208 (a) (6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. 408 (a) (6), (7) and (8).*

*The information provided above is true and is based on my knowledge of incidents involving domestic violence, dating violence, sexual assault or stalking.*

*Signed and dated by person providing certification: \_\_\_\_\_*

*I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction. In addition, providing false information may prompt the owner/agent to*

*notify HUD and pursue civil action related to fraud based on HUD requirements. I am requesting to exercise protections provided through the VAWA because I am a victim of domestic violence, dating violence, stalking and/or sexual assault (VAWA crimes) or I am a person affiliated with someone who is a victim of a VAWA crime as defined in this document.*

*Signed and dated by person seeking VAWA protections: \_\_\_\_\_*

If the resident is currently living in a shelter established to protect victims of violence covered under the VAWA, The owner/agent will accept verification of such living arrangement in lieu of certification methods described above.

The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

The person seeking VAWA protections will have thirty (30) calendar days from the date of the written request to provide such certification. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If the owner/agent receives documentation that contains conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the owner/agent will require an applicant or tenant to submit third-party documentation, as described above, within thirty (30) calendar days of the date of the request for the third-party documentation.

### **Lease Bifurcation**

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides the owner/agent the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any accused perpetrator), while allowing the victim, who lawfully occupies the home, to maintain tenancy.

The owner/agent may attempt to evict the accused perpetrator, but applicants and residents should know that state/local tenant/landlord laws prevail and the owner/agent must comply with such laws. The owner/agent cannot guarantee that a court will award or enforce an eviction.

The resident must keep in mind that eviction of or termination action must be in accordance with the procedures prescribed by federal, state, and local law. The owner/agent is committed to attempting to assist the victim and persons affiliated with the victim, however, evictions are generally carried out through the court system and the owner/agent cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a "remaining household member".

### **Lease Addendum**

The HUD approves lease addendum will be implemented and provided in accordance with HUD guidance.

### **VAWA Emergency Transfer**

A resident/applicant who is a victim of a VAWA crime is eligible for an emergency transfer when:

1. The person making the request is a victim of a VAWA crime or is a person affiliated with a victim of a VAWA crime
2. There is a request for a VAWA Emergency Transfer; and
3. The resident reasonably believes that there is a threat of imminent harm if the resident remains within the same unit; or

If the resident is a victim of sexual assault, the resident may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar day period preceding a request for an emergency transfer.

This is true even if the resident is not a resident in good standing.

A resident/applicant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in the property VAWA Emergency Transfer (VET) Plan.

For more detailed information about the protections provided under the VAWA or for more information about the property's VET Plan, please contact the property management staff.

Management is required to attach the HUD-approved Lease Addendum, Form HUD-91067, which includes the VAWA provisions, to each existing or new lease.

### **EXECUTIVE ORDER 13166 – LIMITED ENGLISH PROFICIENCY**

Executive Order 13166 requires management to take reasonable steps to ensure meaningful access to the information and services they provide for persons with limited English proficiency. This may include interpreter services and/or written material translated into other languages.

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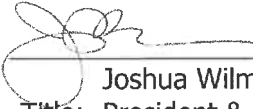
IN WITNESS WHEREOF, the Owner and Agent by their duly authorized officers have executed this Plan on the date first above written. The Principal Parties certify that the content of this Plan will be followed as written, and that no other Tenant Selection Plan has been executed for the Development at this time.

**OWNER:**

**Brainerd Park Apartments Limited Partnership**  
an Illinois limited partnership

By: Brainerd Park GP, LLC,  
its general partner

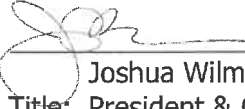
By: Full Circle Communities, Inc.  
an Illinois not-for-profit corporation, its managing member

By:   
\_\_\_\_\_  
Joshua Wilmoth  
Title: President & CEO

**AGENT:**

**Full Circle Management, LLC**

By: Full Circle Communities, Inc.,  
an Illinois not-for-profit-corporation, its sole member

By:   
\_\_\_\_\_  
Joshua Wilmoth  
Title: President & CEO





- Individuals and families who lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who is exiting an institution where s/he resided for ninety (90) days or fewer and who resided in an emergency shelter or a place not meant for human habitation immediately before entering that institution.
- Individuals and families who will imminently lose their primary nighttime residence.
- Unaccompanied youth and families with children and youth who are defined as homeless under other federal statues who do not otherwise qualify as homeless under this definition.
- People who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member.

