

TENANT SELECTION PLAN INDIO GARDEN APARTMENTS

I. General

The information contained herein sets forth the criteria, policies and procedures that shall be used to select residents at **Indio Garden Apartments**. The term "Property" used in the context of this document refers to employees of **Indio Gardens** and employees of Peak Living, LLC.

It is understood that depending upon the individual property type it may be necessary to formulate criteria that differs from the criteria established herein. Any deviation from these procedures must be requested and approved in writing in advance at the corporate level and the changes must be documented.

The following procedures set forth the basic criteria, policies, systems, and procedures which are to be followed in accepting applications, conducting interviews, obtaining and verifying information from applicants for the purpose of:

- Accepting applications;
- Screening applicants;
- Placing applicants on the waiting list;
- Non-discrimination, reasonable accommodation and equal opportunity requirements;
- Determining whether the household meets the conditions of eligibility for admission set forth in these procedures;
- Applying the resident selection criteria contained in these procedures;
- Determining the rent and security deposit to be charged;
- Determining the type and size of apartment required;
- Determining when applicants may be rejected;
- Procedures for selecting between current residents and applicants on the waiting list.

II. Fair Housing and Equal Opportunity Requirements

The Property is a multifamily housing complex designed for federally assisted housing regulated by the Department of Housing and Urban Development (HUD).

The Property does not discriminate on the basis of race, color, religion, sex, national origin, familial or handicapped status in the admission or access to, or treatment, or employment in its federally assisted programs and activities.

The Property and its employees are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing.

As applicable, it is the policy of the Property, to comply fully with:

- Title VI of the Civil Rights Act of 1954,
- Title VIII and Section of the Civil Rights Act of 1968,
(As amended by the Community Development Act of 1974)
- Executive Order 11063,

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- Section 504 of Rehabilitation Act of 1973,
- The Age Discrimination Act of 1975, I .The Fair Housing Amendments Act of 1988,
- The Americans With Disabilities Act of 1990, and
- State and local fair housing and civil rights laws, tenant-landlord laws, and zoning restrictions, and

Any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

Equal Opportunity Housing

The Property is an Equal Housing Opportunity provider and does not discriminate against applicants or residents on the basis of race, color, religion, sex, national origin, age, familial, or handicapped status.

Reasonable Accommodations

It is illegal to reject an applicant because he or she has a disability, or for reasons that could be overcome by the Property's reasonable accommodation of the applicant's disability. If, even with reasonable accommodation, applicants with disabilities cannot meet essential program requirements or perform conditions under the lease, it is permissible to reject the applicant. Such insurmountable problems might arise because of:

- behavior or performance of applicant, applicant's children or applicant's guests in past housing,
- inability to comply with the terms of the Property's lease, or
- Needed services from Property staff that represent an alteration in the fundamental nature of the Property's program.

The Property will implement all reasonable accommodations for persons with disabilities in consideration of extenuating circumstances in the screening process and in regard to assistive animals for the disabled, and all permitted criteria under HUD Handbook 4350.3, including policies that are promulgated by Federal, State, or local laws.

In accordance with Section 504 of the Rehabilitation Act of 1973, as amended, the Property will make reasonable accommodation for individuals with disabilities (applicants or residents). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.

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

In addition, the Property may perform structural modifications to housing and non-housing facilities on sites where such modifications would be necessary to afford full access to the housing program for qualified individuals with disabilities.

In reaching agreement as to a reasonable accommodation with or performing structural modifications for, otherwise qualified individuals with disabilities, the Property is not required to:

- A. Make structural alterations that require the removal or altering of a load-bearing structural member;
- B. Provide support services that are not already part of its housing programs;
- C. Take any action that would result in a fundamental alteration in the nature of the program or service;

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- D. Take any action that would result in an undue financial and administrative burden on the Property (including structural impracticality as defined in the UFAS).

Units may be made accessible for individuals with disabilities in accordance with the HUD Handbook 4350.3 REV I, Chapter 2, Section 3, Subsection 4.

Any questions regarding Reasonable Accommodation decisions, contact Peak Living, LLCs' 504 Coordinator:
Kellianne Crapo (908) 907-0949 TTY 711

III. Statements of Non-Discrimination

The Property shall not automatically deny admission to a particular group or category of otherwise eligible applicants. The Property will seek to prevent situations and will not develop or implement procedures, which create a barrier to equal housing opportunity for all.

The Property shall not discriminate because of race, color, sex, religion, age, handicap, disability, familial status or national origin in the leasing, rental, or other disposition of housing or related facilities (including land), included in any development or developments under its jurisdiction or in the use or occupancy thereof. The Property shall not on account of race, color, sex, religion, age, handicap, disability, familial status or national origin:

- 1) Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
- 2) Provide housing which is different than that provided others;
- 3) Subject a person to segregation or disparate treatment;
- 4) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- 5) Treat a person differently in determining eligibility or other requirements for admission;
- 6) Deny a person access to the same level of services;
- 7) Deny a person the opportunity to participate in a planning or advisory group, which is an integral part of the housing program;
- 8) Deny admission of children to family housing.

The Fair Housing Act prohibits discrimination based upon familial status, unless the housing is exempt as housing for older persons as provided for by the Fair Housing Act.

HUD does not restrict the admission of single persons to assisted housing.

The Property guarantees to all applicants and program participants the following in the implementation of its policies and procedures:

- Opportunity to participate;
- Equality of Benefits
- Equality of opportunity;
- No unnecessary differences or separateness;
- No assistance to entities that discriminate
- Opportunity to serve on boards;
- No denial of right to a dwelling;

- No discriminatory limitation of benefits;
- Most integrated setting possible.

IV. Private Policy

It is the policy of the Property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individual's records maintained by the Property.

Therefore, except as required by law, neither the Owner or its agents, shall disclose or receive any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure and as provided in the:

- Form 9887, Notice and Consent for the Release of Information to the U.S. Department of Housing and Urban Development and to a Public Housing Agency; I
- Form 9887-A, Applicant's Tenant's Consent to the Information Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance and
- HUD Fact Sheet.

This privacy policy in no way limits the Property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

All information including information received pursuant to Section 504 of the Rehabilitation Act of 1973 (as amended), regarding handicap or disability will be treated in a confidential manner. "Confidential manner" is defined a limited access by staff members and maintained in restricted locked files.

V. Income Limits

Establishing Income Limits

HUD establishes and publishes limits for each county or Metropolitan Statistical Area in the country. The income limits are based on the median income of **Riverside-San Bernardino-Ontario, CA MSA for Indio Garden Apartments**.

The income limits are published annually and are available from the local HUD office or on-line at www.huduser.org.

Income limits are based on family size and the annual income the family receives.

Timing of Income Eligibility

We will determine income eligibility prior to approving applicants for tenancy. We will compare the family's annual income as stated on the application to the appropriate income limit prior to placing an applicant on the waiting list. However, we will not verify the applicant's income until a unit is available.

Program Income Limits

This community must determine eligibility under Very-low income limits for assisted families. The Very-low income limit is 50% of the median income.

Income Targeting

This community must lease not less than 40% of the dwelling units that become available for occupancy during the year to extremely low-income families, which is 30% of the median income. To meet this requirement, we market the community as noted in the Affirmative Fair Housing Marketing Plan.

VI. Qualifying for Admission**Eligibility Requirements**

Applicant eligibility is not an entitlement to housing, applicant must meet the Resident Selection Criteria.

There are two levels of applicant eligibility:

- 1) Level One is the Pre-Application.

In this stage an applicant is considered for placement on the waiting list. In the first level of eligibility the following conditions are evaluated

- Household type, household size and household composition
- Income for eligibility
- Assets and assets disposed of in past 2 years
- Unit size needed/requested
- Unit type needed/requested
- Identification of household members
- Unit accessibility needed/requested
- Special unit needs

- 2) Level Two of the applicant eligibility process is the Application Update

In this stage an applicant is selected from the waiting list and considered for an apartment. At this level the following conditions are evaluated:

- Changes/updates to the Pre-Application
- Social Security Numbers for all family members claiming eligibility.
- Verifications of income/assets/expenses
- Verifications of non-financial criteria (i.e., age for an elderly household, landlord references for past three years)
- Existing Tenant Search for all household members through EIV (HUD Systems) to determine if household is already receiving subsidized housing.
- Credit report
- Citizenship or Eligible Non-Citizen status
- Verification of eligibility for deductions
- Verification of accommodation/accessibility needs
- Criminal background, including sex offender status

To be eligible for admission to the Property applicants must:

- Sign all release and consent forms
- Have household income that does not exceed the applicable income limit
- Meet the admission occupancy standards set forth in this policy
- Have demonstrated conduct, habits, and practices which would not prove detrimental to the Property, management, the residents, and the community.
- The unit for which the household is applying for must be the only residence

VII. Application Intake and Processing

Our staff is prepared to assist any applicant who might need assistance completing any of the application forms. This assistance might include answering questions about the application, helping applicants who might have literacy, vision, hearing, mobility or language difficulties, in general, making it possible for interested parties to apply for housing.

If the assistance is "unreasonable", the interviewer must inform the site manager or property manager. An assessment must be made to identify and provide reasonable accommodation.

Management may make and document exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, for example, medical situations.

Pre-Application Process

Pre-Application and property information forms are to be given, mailed or emailed to all applicants requesting an application. Application will be collected in person, fax or via mail. However, if the waiting list is closed, applications are not collected, given, or mailed out. If the waiting list is open then an application is given to all requesting one.

Specific determinations regarding accepting or rejecting applicants may not be made without a PreApplication; however, we would be happy to answer any questions concerning program and eligibility requirements.

Procedure Governing Receipt of Applications

The Pre-Application constitutes the basic record of each household applying for admission. Each applicant, therefore, will be required to:

- Supply information as called for on the form, and
- Sign the application and certification attesting to the accuracy of the information provided.

Each application shall reflect the date and time received. The date and time on the application must be shown on the waiting list. The application and all other materials relating to the applicant's eligibility are to be maintained in a separate file for each active applicant. Whenever information is received from an applicant it must show the date and time received by the Property.

Accepting Applications

Pre-Applications are to be accepted from all "apparently eligible" applicants seeking admission to the property. "Apparently eligible" means, based on stated information and applicant certification (prior to verification) the applicant may qualify to be placed on the waiting list.

- The Pre-Application must be completed and signed by the head of household and all household members over 18 before an applicant can be placed on a waiting list.
- An applicant must always be placed on a waiting list and selected from a waiting list to be housed.
- A Rental Application Update completed and signed by the head of household and all household members over 18 is required before an applicant can be housed.

Placing Applications on the Waiting List

Pre-Applications will be accepted and reviewed to determine whether the household can be placed on the waiting list. Applicants will be placed on the waiting list based on the applicants' certification of information on the Pre-Application.

There are three primary considerations when assessing the information contained on the Pre-Application:

- 1) Does the household fall within the income limits and eligibility criteria for the property/program?
- 2) Is there an apartment of the type and size that the household needs/requests?
- 3) Is the Waiting List open?

If the answer to all three of these questions is "yes", the household/application is placed on the waiting list in "Waiting" status.

If all of the answers are yes except for the apartment type, and there is not a correct apartment type to meet the applicant's housing needs, then a determination must be made by the property manager whether the Property/unit must be made accessible and/or if reasonable accommodation is warranted.

If the household does not fall within the income limits for the property/program, or there is not an apartment of the appropriate size, or the waiting list is closed, then:

- The application is rejected and the reason written on the application
- The applicant is notified of the rejection in writing and they are advised that they may reapply if their circumstances change, or when the waiting list reopens, and
- There is no further review of the application.

An applicant must be advised of the rejection in writing and a copy of the written determination attached to the application. This may be done at the time the application is received or within five (5) days of receipt, by mail.

Processing Applications

The Property will maintain one waiting list based on date and time. Applications will be accepted and applicants will be placed on the waiting list based on the applicants' certification of information on the Pre-Application.

Completing the Application

The Application Assistance and information page of the application informs applicants that upon request, assistance and/or reasonable accommodation in completing the application will be provided by the property.

All Application entries are to be made in ink, indelible pencil, or typed. Corrections or changes are to be made by lining through the original entry and entering the correct data. Such changes are to be dated and initialed by the person recording the change and the reason and authority for such changes noted on the application.

Proof of identity and age will be requested of, and must be provided, by all household members over age 18. Examples of proof of identity are a valid driver's license or identification card issued by a State agency or birth certificate.

Each household member must fill out a citizenship declaration. If there is a minor the parent or legal guardian must fill out and sign on their behalf. If a non-citizen makes declaration of eligibility status and is under the age of 62, we must also receive a signed verification consent form and one of the DHS-approved documents as listed on the Citizen Declaration Form.

If for any reason, the documents required from the DHS-approved list are not currently available; the applicant can request an extension.

Social Security numbers must be provided for all household members and foster adults/children that are contending eligibility. Documentation of Social Security number is not required for individuals claiming eligibility that were 62 or older as of January 31, 2010 and were receiving federal subsidy on January 31, 2010. Management will verify this information to enable this exception. If unable to provide the required Social Security numbers; the applicant can request an extension.

If an extension is requested, we will inform the applicant in writing if an extension request is granted or denied. If the request is granted, we will include in the letter the deadline of no more than 90 days for submitting the documentation. Household will be skipped for current unit and will remain on waiting list. If the request is denied, we will state the reasons for the denial in the written response.

If a household member is claiming eligibility and unable to provide the required Social Security documentation after an extension of 90 days has been granted, the household will be denied.

Proof of age and relationship must be provided for all household members under age 18.

The pre-application and application update must be signed by all household members over age 18.

VIII. Preference Categories for Admission

Preferences and Priorities

It is the policy of the Property that a preference does not guarantee admission. Every applicant must still meet the Property's Resident Selection Standards for acceptance as a resident.

In-place residents on the waiting list shall have priority consideration over outside applicants.

If a household applies that has been displaced by government action or a declared presidential emergency. These applicants will take priority over other outside applicants.

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Applicants whose household income is below 30% of median income will receive priority for subsidized apartments to meet income targeting requirements.

Preference for Accessible or Adaptable Units

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, (as applicable for a particular unit's features).

NOTE: Current residents requiring accessible/adaptable units shall be given priority over applicants requiring the same type of unit. Where no such applicants or current residents are waiting, management reserves the right to hold such units available while outreach efforts are in process to obtain applicants with need for such units. Where non-handicapped persons are moved into units designed to meet special needs, they shall do so only after signing an agreement to move to a unit with no such design features should an applicant or current household require an accessible unit of the same type.

Preferences for Elderly Housing

This is an Elderly community, so in order to apply the head, co-head or spouse must be at least 62 years of age or older or permanently disabled.

As a result of the above listed priorities and preferences, applicants may be skipped over. Applicants that are skipped over will remain on the waiting list and will retain their placement in line once another apartment becomes available.

IX. Admission Occupancy Standards

APARTMENT SIZES

The Property leases/rents the following bedroom size(s), when available

- **ONE (1) BEDROOM**

OCCUPANCY STANDARDS

Occupancy standards are the criteria established for the purpose matching a household with the most appropriate size and type of apartment.

Apartments will be leased in accordance with the standards and guidelines, which avoid over/under utilization of an apartment, as it affects the following:

- subsidy usage;
- physical impact on the apartment;
- demand for the particular unit size/type.

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Apartments will be leased in accordance with the following minimum and maximum household compositions in each unit size:

Bedroom Size	Persons per Household	
	Minimum	Maximum
1	1	3

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

- all full-time members of the household;
- all children anticipated to reside in the unit including children away at school who live in the apartment during school breaks;
 - Except Students that have established residency at another address.
- children subject to custody agreements or joint custody, residing in the apartment at least 50% of the time or a minimum of six (6) months out of the year;
- Temporarily absent household members (active-duty military, rehab facilities, etc.)unborn children;
- foster children;
- live-in attendant.

X. Administration of the 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 waiting list is maintained in chronological order based on the date and time of receipt of the Pre- Application.

The list contains the following information for each applicant:

- 1 Application Date and Time received
- 2 Applicant Name
- 3 Household Income
- 4 Family Size
- 5 Address
- 6 Phone Number(s)
- 7 Preference/Priority
- 8 Unit Size and Type
- 9 Notification Date(s)
- 10 Response Date(s)
- 11 Comments/Status
- 12 Special Needs

Applicants may report changes to any of the information and retain their place on the waiting list based on the original date and time.

Closed Waiting List

The waiting list is closed when the numbers of applications on hand are such that the pre-application household would be unlikely to be offered a unit within one year.

The formula for determining the number of names that should be on the waiting list is; multiply the average number of vacancies for the past three years times two. For example, a property had 10 vacancies in the one- bedroom apartments last year and 14 vacancies the year before, and 17 vacancies three years ago. The total is 41, divide by 3 and multiply times 2. The minimum number of names that should be maintained on the waiting list for the one-bedroom units is 27.

If based on the average turnover for one year, it appears that the waiting list will cause future applicants to wait longer than one year, applications will no longer be accepted and the waiting list will be closed.

When the waiting list is closed, a notice is posted in a conspicuous location, in or near the rental office, and an ad in the local newspaper indicating:

- 1) The date the list closed,
- 2) Applications are not being accepted, and
- 3) Reason for the closure

The Property must not accept or maintain lists of potential applicant names when the waiting list is closed. Applicants inquiring about a unit when the list is closed must be advised that the list is closed and they may apply when the list is reopened.

Opening a Closed Waiting List

To open a closed waiting list, the Property must follow the HUD-approved Affirmative Fair Housing Marketing Plan (AFHMP). The AFHMP must be reviewed periodically and in advance of opening a closed waiting list to assure that it is current.

Opening the waiting list and marketing vacant apartments in the Property must provide an equal opportunity for households to participate in and benefit from the housing programs.

Updating the Waiting List

From time to time the Property will have to update information on the waiting list.

Such a need may occur when:

- the applicant notifies the Property of a change or when
- the applicant's name is reached on the waiting list and the changes are identified when the Pre-Application is updated.

If the applicant's income/household composition changes and the change results in a change in the applicant's status, the original application date is retained.

If the change in household circumstances is such that the applicant is no longer eligible to be on a waiting list, i.e., over the income limits:

- the application will be inactivated, and
- the applicant will be notified in writing of the inactive status.

Waitlist Applicants and current residents for transfer when offered a unit have the opportunity to pass up a unit **one time** and retain their placement on the waiting list. When applicant/resident is offered second unit and it is not accepted:

- the application will be inactivated, and
- the applicant will be notified in writing of the inactive status.

Purging the Waiting List

The waiting list is purged based on applicant contact every six months or automatically by the Property staff. It is critical that applicants are made to understand that they must continue to contact the Property to remain active on the waiting list

It is the responsibility of the applicant to notify the Property at least every six (6) months to remain active on the waiting list. The head of household or spouse/co-applicant must contact the Property in person or by mail (unless some other reasonable accommodation is requested by applicants with verifiable disabilities).

At the time of such notification the applicant may update information or simply indicate that they are still interested in an apartment.

If an applicant does not contact the Property during any six-month period their application will be inactivated. For this reason it is important that applicants update their application, either in person or by mail, and the update must be clearly documented with the date, time and applicant name.

It is also the applicant's responsibility to immediately notify the Property whenever there is a change in the information provided on their Pre-Application. The change may result in the need to place the applicant on a different waiting list.

The waiting list will be periodically purged by the Property staff to determine if applicants on the active list are still interested in an apartment. When purging notices are sent out from the Property an applicant's failure to respond within the designated time frame may result in the application being removed from the active list and being placed on an inactive status.

Changes in Waiting List Status

An applicant's status may change as the result of changes in their income, household composition or other circumstances. Such a need may occur when the applicant notifies the Property of the change or when the applicant's name is reached on the waiting list and the changes are identified when the Pre-Application is updated. If the applicant's circumstances change and the change requires a different waiting list status for the applicant, such change may not affect the date of the original application.

Placing In-Place Residents on the Waiting List

In-place residents receiving assistance who need to transfer to a different unit are placed on the waiting list even when the waiting list is closed. In other words, an in-place household may be placed on the waiting list at any time.

Current market rate residents not receiving assistance may be placed on the waiting list only if the list is open as a result of a resident request or management recognition of need. They are placed on the waiting list as of date and time of application.

For example: A market household's income may decrease to a level that they would qualify for Section 8 assistance. If the waitlist is open, they would be placed on the waiting list as of the date and time the application was received.

In-place residents receiving assistance shall have priority over the outside applicants when any of the following conditions exist:

- Decrease in income causing a change in housing program from a non-assisted program to an assisted program.
- Household size changes so that the current apartment size is no longer appropriate and the household is over crowded or under housed and a unit transfer is required.
- The household develops a need for an accessible unit (if available).
- A unit transfer is needed for medical reasons or VAWA.
- An accessible unit is occupied by a household that does not require the accessible features and there is an applicant or current household requiring the accessibility.

A current household that would like to transfer to a different unit size, but do not meet one of the criteria listed above will be placed on the waiting list by the date and time the request is received. These households will not have priority over outside applicants and will be selected from the waiting list based upon date and time application was received.

A current household may request a unit wherein only part of the household will move to the new unit and remaining members will continue to reside in the original unit. This is not considered a transfer but rather a new household is being created. In this case the new household will be placed on the waiting list according to the date and time received. The new household must meet all eligibility criteria in the same manner as outside applicants.

Additions to Existing Household

Household compositions will change over time. Additions to households do not need to be placed on the waiting list to be added to an existing household receiving assistance. The request for the additional resident will need to be reported to the office and approval will need to be obtained by management before the new household members take occupancy. The new household member must meet all eligibility criteria in the same manner as an outside applicant.

If the existing household moves out within one year of the new household members being added, the entire household must vacate. Exceptions to this will be determined on a case-by-case basis, when extenuating circumstances exist.

Unit Transfers Due to Reasonable Accommodations

If a tenant is transferred as a reasonable accommodation due to a household member's disability, then the owner must pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden.

XI. Verification Requirements**Verification and Documentation of Application Data**

All decisions keyed by the application form require verification and/or documentation of applicant and resident data prior to the final decision.

When the applicant is reached on the waiting list for consideration, the information submitted by each applicant will be verified to assure that:

- The data for determining eligibility, preference/priority status, rent to be paid, and size, type, accessibility, and accommodation of apartment required is true and complete.
- Complete and accurate records of verification will be maintained by the Property.

Written verification directly from the source must be obtained when possible. Documentation of attempts to verify information from the source is required whenever alternative methods of verification are used.

All information relative to the following items must be verified.

- A) Eligibility for admission, including:

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- 1) Income;
 - 2) Assets, asset income and assets disposed of for less than fair market value within the past two years;
 - 3) Family composition;
 - 4) Social Security numbers.
 - 5) Student Status
- B) Allowances, including
- 1) Age, disability, or handicap, of family members;
 - 2) Full-time student status;
 - 3) Child care expenses;
 - 4) Handicap expenses;
 - 5) Medical Expenses (elderly household only).
- C) Compliance with Resident Selection Criteria, including;
- 1) Documented ability and willingness to abide by lease requirements,
 - 2) Previous history of tenancy, rent paying, caring for a residence,
 - 3) Criminal activity of any household member, including sex offender status.

Attempted Fraud

Any information provided by the applicant/household that verification proves to be untrue may be used to disqualify the applicant for admission or the household for continued tenancy on the basis of attempted fraud. The Property considers false information about the following to be grounds for rejection/disqualification:

- Income, assets, family composition; Social Security Numbers;
- Allowances;
- Previous resident history or criminal history.

Unintentional errors that do not secure an advantage with regard to program eligibility, preferences or rental assistance will not be used as a basis to reject/disqualify applicants and residents.

XII. Determination of Applicant Eligibility

Applicant Eligibility

Applicant eligibility is not an entitlement to housing. Every applicant must meet the Resident Selection Criteria.

Applicant Screening

Applicant screening is required for all applicants before being admitted to the Property. It is a tool used by management to select residents who will pay rent on time, keep the rental in good condition, comply with the provisions of the lease and cooperate with the quiet and peaceful enjoyment of the community.

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The following factors will be considered when screening applicants:

- A. In order to determine the effect an applicant's conduct would be likely to have on the property or its residents, applicants would be evaluated regarding their prior residency.

- B. Current/previous landlord references will be considered in regard to the following:
 - 1. Past rental history, including non-payment of rent, frequency of late payments;
 - 2. Failure to cooperate with recertification procedures and requirements;
 - 3. Violation of house rules;
 - 4. Violations of lease/rental agreement;
 - 5. History of disruptive behavior (including household members and guests);
 - 6. Termination of assistance for fraud;
 - 7. Previous eviction/unlawful detainer;
 - 8. Conviction involving illegal manufacture or distribution of controlled substance;
 - 9. Willingness to maintain previous housing premises, grounds and/or parking in decent, safe and sanitary mannner;
 - 10. History of illegal activity (drugs or alcohol abuse) that will interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

C. Violence Against Women Act

Due to protections under the Violence Against Women Act, any negative landlord reference as a result of domestic violence as defined in the Violence Against Women Act, will be excluded and have no impact on the applicant's consideration for residency.

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of assistance, or occupancy rights if the resident or an immediate member of the resident's household is the victim or the threatened victim of that abuse. An incident(s) of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be "good cause" for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Form HUD-5382, *Certification of Domestic Violence, Dating Violence or Sexual Assault, or Stalking and Alternative Documentation*. All current tenants will be provided the option to complete form HUD-5382, *Certification of Domestic Violence, Dating Violence or Sexual Assault, or Stalking and Alternative Documentation*. This form will also be made available to all families at the time of admission

Form HUD-91067, *Lease Addendum for VAWA*

Form HUD-91067, HUD's lease addendum for the VAWA provisions, is a required addendum to every lease. If it is determined that physical abuse caused by a tenant is clear and present, the law provides management the authority to bifurcate the lease, and remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction of, or termination action against the individual, will be done in accordance with the procedures prescribed by

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Federal, State, and local law. If such action is deemed necessary, an interim recertification will be processed reflecting the change in household composition.

- D. Verifications letters and reports of interviews or telephone conversations with reliable sources, such as current and previous landlords, employers, social worker, parole officer, court records, drug treatment centers, clinics, physicians, personal references, and police departments. To the extent possible, these reports shall include the date, source of information, name and title of person contacted, and a summary of the information received.
- E. Credit references will be obtained and considered for all applicants.

A negative report will be grounds for disapproving an application as follows:

1. Reports that are not recommended by the credit-reporting agency will be disapproved for housing;
2. Accounts in collections that have not been paid at the time of applying for housing;
3. Accounts that show an average rating of "5" or lower;
4. Unsatisfied Internal Revenue Service (IRS) liens;
5. Defaulted educational loans;
6. Un-discharged bankruptcy.

No Credit - While "bad" credit may be grounds for rejection of an application, no credit will not be grounds for rejection.

- F. A Criminal Background Check will be obtained and considered for all applicants.

Any felony conviction is grounds for denial. Any arrest for any activity concerning an illegal controlled substance is grounds for denial.

Any household member who has been evicted from Federally assisted housing for drug-related criminal activity, for three years from the date of the eviction will be denied. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, the Owner may, but is not required to, admit the household.

Applicants will be denied if the Owner determines that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. (Examples of evidence of illegal activities may include a conviction record, former landlord references, etc.)

Applicants will be denied if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, Owners shall establish

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standards that prohibit admission to any Federally assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. This check is conducted via the National Sex Offender Registry.

During the admissions screening process, the Owner must perform the necessary criminal history background checks in the state where the housing is located and in other states where the household members are known to have resided.

Applicants will be denied if the Owner determines that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

Note: Existing residents that have turned 18 since the last certification will have criminal backgrounds run as per the current criminal criteria at the time of annual or if the household reports for an interim for other changes. We will not process an interim on a household just due to a member turning 18.

G. Eligibility Under the Student Rule

Owners are required to determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8) and at the time of an interim recertification if one of the household composition changes reported is that a household member is enrolled as a student. The owner will use the following HUD guidelines as indicated in Chapter 3 of HUD's occupancy handbook, HUD Handbook 4350.3 REV-I.

Students Who are NOT Eligible for Section 8 Assistance

According to Section 327(a) of the law, Section 8 shall not 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.
- Is under the age of 24;
- Is not married;
- Is not a veteran of the United States Military;
- Does not have a dependent child;
- Is 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;
- Is not individually eligible to receive Section 8 assistance and has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

Students Who are NOT Eligible for Section 8 Assistance

Student status must be disclosed for all adult members of the household.

If the head, co-head, or spouse are students they must meet one of the following:

1. Must be 24 years of age or older.
2. Married

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3. Have dependent child
4. A Veteran
5. A person with disabilities that had been receiving assistance as of 11-30-2005.

If the student does not meet one of the criteria above there is a two part test that must be met for the student to be eligible for Section 8 Assistance:

The student must be eligible for Section 8 Assistance (Income & has passed all required screening criteria.)
AND

The student's parents, individually or jointly, must be income eligible for Section 8 Assistance. This would be determined by the parents provided copies of their tax returns to determine if parent's current household size and income limit in the area in which they reside is below the eligible income limit to receive subsidy.

If the parents refuse to provide the necessary documents the applicant will be denied assistance. This is treated on an individual basis, so if you have multiple individuals moving into a unit and one does not meet the criteria, they still may move in, but the household's subsidy will be subsidized as they are not eligible for assistance.

Exception to this is if the student can demonstrate his or her independence from parents.

- H. The need for units for persons with handicaps will be assessed and assigned in accordance with Section 504 of the Rehabilitation Act of 1973 (as amended) when the applicant requests such a unit and appropriate verification is obtained.
- I. The need for assistive animals will be assessed and accommodated based on appropriate verification.
- J. Requests for reasonable accommodation, by persons with handicaps, in the application process will be considered.

To be eligible for admission to the Property applicants must

- A. Have household income that does not exceed the applicable income level allowed.
- B. Meet the admission occupancy standards set forth in this policy.
- C. Have demonstrated conduct, habits, and practices which would not prove detrimental to the Property, management, the residents, or the community.

To be eligible each applicant (household) must complete an application and

- A. Be willing and able to pay rent and other charges (as demonstrated by rent-paying history and credit report)
- B. Have demonstrated a willingness and ability to maintain the apartment;
- C. Not have caused or allowed household members or visitors to damage the Property;

- D. Not have caused serious interpersonal problems disrupting peace, and privacy and quiet enjoyment of their neighbors.

XIII. Determination of Applicant Qualification

Summary of Verified Data

Verified data will be reviewed and evaluated as received for completeness accuracy and conclusiveness. Where the information received is not completely adequate in all respects, follow-up or new efforts to obtain such information are to be made and carried through to conclusion. If during the verification process, it becomes evident that for one or more reasons an applicant is ineligible, the application processing is to be discontinued and the applicant notified of his/her ineligibility and the reasons thereof.

As verification of all necessary items for each application is completed, a summary of the verified information is to be prepared. This summary is to cover the following determinations and the basis for such:

- Eligibility of the family with respect to income limits for admission;
- Eligibility of the family with respect to previous tenancy;
- Size of unit to which the family should be assigned;
- Type of unit to which the family should be assigned;
- Applicable rent range; and
- Priority status of the family.

Notification to Applicants

A determination that an applicant is eligible for a unit may be made only after all verified information has been received and reviewed. When eligibility is determined, each applicant is contacted.

To expedite the process applicants should be contacted by telephone. If the applicant is not reached by phone, then a written notice will be served. A written notification is required in addition to the telephone contact. Ineligible applicants will be informed of their right to an informal review in order to reply to the ineligible determination.

Eligible applicants will be asked to contact the office within 10 days, to setup an interview. Eligible applicants who do not respond to the interview notice within the 10-day period will be dropped from the waiting list and their application will be considered inactive. The applicant will be notified of this action and advised that they must reapply if they are still interested in a unit. Their name will be placed on the waiting list as of the date of the new application.

XIV. Security Deposits

Security Deposits provide us with some financial protection when a tenant moves out of the unit and fails to fulfill his/her obligations under the lease. Any deposit collected will be placed in an interest-bearing account and allocate the interest to the tenant upon move out.

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To assist in returning as much of the deposit to the tenant, each tenant will receive a copy of charges that may be assessed upon move out at the time of move in.

Security Deposits Collected from Tenant

It is a requirement that we must collect the security deposit at the time of move in. The amount collected as a security deposit will not fluctuate as the rent may with income changes.

The security deposit collected will be equal to an amount up to, but no greater than one month's total tenant payment, but no less than \$50.00.

Security Deposits for Tenants Transferring to Another Unit

When a tenant transfers to a new unit, we will charge a new deposit and refund the deposit for the old unit.

Under special circumstances the decision may be made to transfer the security deposit to the new unit. This will be on a case-by-case basis.

XV. Rejection of Ineligible or Unqualified Applicants

Rejection of Applicants

The Property complies with applicant rejection requirements set forth in of the HUD Handbook 4350.3, REV I, Section 4, Subsection 9.

Applicants will never be rejected based on the following factors:

- RACE
- COLOR
- RELIGION
- ANCESTRY
- NATIONAL ORIGIN .AGE
- SEX
- MARITAL STATUS
- RECEIPT OF PUBLIC ASSISTANCE
- PARENTAL STATUS
- POLITICAL IDEOLOGY
- HANDICAP OR DISABILITY (including mental or emotional illness)
- ASSISTIVE ANIMAL

After an application is received and placed on the waiting list, it may be rejected for one or more of the following reasons:

- Applicant does not meet essential program requirements;
- Household fails to meet criteria set forth in this policy;
- Adverse findings in verified information;
- Applicant deliberately provided false information.
- Applicant does not respond in a timely manner to communication from management.

Rejection Procedures

When Management rejects an applicant, the applicant will be notified of this decision in writing. This written statement, which will be sent in a timely fashion, will include the reason(s) for the rejection, and state that the applicant has the opportunity to request a meeting with Management to discuss the rejection. The applicant will be further instructed to request the meeting in writing within fourteen (14) days of their receipt of the rejection letter. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

If the applicant wants to request a meeting, the applicant's written request must be sent to the Property within fourteen (14) days of the applicant's receipt of the rejection notice. The requested meeting will be held by Management within a reasonable period of time (usually 5-7 days); with a different official from the one originally rejecting the applicant and who has the authority to revise the rejection decision should it be necessary.

After the meeting, the applicant will be notified, in writing, within five (5) calendar days whether or not the original decision has been changed. All of this material (original application, rejection letter, and applicant's request for meeting, summary of the meeting and the final decision) will be kept on file for three (3) years.

XVI. Acceptance and Move-in of Eligible, Qualified Applicants**Rechecking Applicants prior to Admission**

If there is a delay of 120 days or more between the determination of a family's apparent eligibility and the time of admission, the family will be required to update their application to determine continued eligibility. If changes are reported, they will be verified to determine their effect on eligibility, preference, rent, and unit size required.