

# TAX CREDIT SECTION 42 CRITERIA FOR RESIDENCY RESIDENT SCREENING AND SELECTION PROCESS



**CAMBRIDGE**  
real estate services

Thank you for applying to live at our community. This criteria is provided to you to define the process we use to select our residents. Cambridge Real Estate Services is an Equal Housing Opportunity provider, and seeks to process all applicants in a fair and consistent manner.

## OCCUPANCY POLICY

1. Occupancy is based on the number of bedrooms in a unit. A bedroom is defined as a habitable space within the premises that is used primarily for sleeping, with at least one window and a closet space for clothing.
2. Two persons are allowed per bedroom plus one additional occupant will be allowed for the apartment. For Project-Based Voucher (PBV) applicants, subsidy standards apply. See the PBV Provisions section of this tenant selection plan.
3. In addition to maximum occupancy guidelines, certain communities which have received funding from the HOME program may require minimum occupancy of 1 person for a one bedroom; 2 persons for a two bedroom; 4 persons for a three bedroom; and, 6 persons for a four bedroom apartment. Exceptions may be granted based on demonstrated need and following approval by government agencies and/or their designated program compliance administrators. Contact the site manager for further information regarding program restrictions and exceptions.
4. In order to provide housing to the greatest number of qualified individuals and comply with state and federal regulations, Cambridge Real Estate Services reserves the right to follow HUD, Rural Development and Tax Credit program guidelines designed to encourage the optimal utilization of housing. This may require that Cambridge declines applications in cases where the minimum number of occupants is less than one individual per bedroom for the apartment selected. This condition shall apply throughout the entire term of tenancy and may, if violated, require that the tenant vacate the premises following the legally required procedures for termination or, if all other conditions of residency continue to be met, relocate within the community upon re-screening) to the next available apartment of appropriate size upon written notification from the landlord.

## APPLICATION PROCESS

*Steps to become a resident.*

1. Select your apartment.
2. Complete the LIHTC (Low-Income Housing Tax Credit) Rental Application (one for each adult), Certification of Tenant Eligibility, and Section 42 Certification. Note: Inaccurate or falsified information will be grounds for denial.
3. Be prepared to wait 5-7 business days for the application verification process to be completed. More time must be allowed if the information proves difficult to verify. All verification forms including, but not limited to, Income Verifications, Employment Verifications and Asset Verification must be completed by qualified third parties before your application will be approved.
4. If the application is approved and you accept the available unit, you will be required to: 1) sign a minimum 12-month lease in which you will agree to abide by all the rules and regulations; and 2) pay your security deposit and pro-rated rent for the month. (After the 25th of the month, the following month's rent will be required as well.)
5. You are encouraged to read the lease agreement at the time of application. If you require assistance in completing the application, please contact the Manager.

## GENERAL REQUIREMENTS

1. Positive identification with a picture will be required for each adult applicant (a photocopy may be kept on file).
2. A complete and accurate Rental Application listing your current and at least one previous rental reference with phone numbers will be required (incomplete applications will be returned to the applicant).
3. Each legal applicant will be required to qualify individually. Any applicant who fully meets the criteria for this property may be admitted regardless of the qualification status of any co-applicants.
4. Applicants must be eighteen years of age or older, married, emancipated, or under the age of 18 and a) and/or b):
  - a) pregnant and expecting the birth of a child who will be living in the primary applicant's physical custody;
  - b) the parent of a child or children living in the physical custody of the person.
5. Households consisting solely of full-time students may not qualify. Consult Manager for exceptions.
6. Except for the birth, adoption or custody of a minor dependent, there shall be no changes in the household composition within the first six months of residency.

## INCOME REQUIREMENTS

1. Some form of lawful, verifiable evidence of income will be required for all applicants, except for PBV applicants (see the PBV Provisions section of this plan). Under California law, applicants with a government rent subsidy have the option, at the applicant's discretion, of providing lawful, verifiable evidence of income, including, but not limited to: bank statements, alimony/child support, trust accounts, social security, unemployment benefits, insurance benefits, AFDC, grants/loans, retirement funds, government benefit payments, and pay records. If you are unemployed and have no other source of income, evidence of at least six months of living expenses on hand will be required. "Living expenses" will be defined as the minimum required household income as specified in the rental criteria. If an eligible applicant elects to submit such alternative evidence, Landlord will consider that alternative evidence instead of the applicant's credit history.
2. Self-employed applicants will be required to show proof of income through copies of the previous year's tax returns.

## RENTAL REQUIREMENTS

1. One year of positive verifiable rental history from a third party reference will be required that falls within the past two years from the date of application.
2. A security deposit in the amount of up to one full month's rent for all renters will be required.

3. Home ownership will be verified through the county tax assessor's office. Home ownership negotiated through a land sales contract must be verified through the contract holder.
4. Five years of eviction free rental history.
5. Four or more non-payment of rent notices within a period of one year where the rent was paid within the time allowed in the notice, will result in a denial.
6. Three or more NSF checks within a period of one year will result in denial.
7. Rental history reflecting unpaid damage and/or past due rent will be denied.
8. Rental history demonstrating documented noise or disturbance complaints caused or contributed to by applicant, will be denied.

### CREDIT REQUIREMENTS

I. Landlord intends to request an investigative consumer report regarding the Applicant's character, general reputation, personal characteristics, and mode of living. Under Section 1786.22 of the California Civil Code, the files maintained on you by the investigative consumer agency shall be made available to you during business hours and on reasonable notice, provided you furnish proper identification, as follows: (1) You may appear at the investigative consumer reporting agency identified below in person, (2) you may make a written request for copies to be sent by certified mail to a specified addressee, or (3) you may make a written request for a summary of the file to be provided over the telephone. The agency may charge a fee, not to exceed the actual duplication costs, if you request a copy of your file. The agency is required to have personnel available to explain your file to you, and the agency must explain to you any coded information appearing in your file. If you appear in person, a person of your choice may accompany you, provided that this person furnishes proper identification. If you are accompanied by a person of your choosing, the agency may require you to furnish a written statement granting permission to the investigative consumer reporting agency to discuss your file in the other person's presence. The agency that will prepare the report(s) identified in this section is listed below: Background Investigations  
27600 SW 95th Avenue, Suite 100 Wilsonville,  
OR 97070

If you would like a copy of the report(s) that is/are prepared, please check the box below:

- I would like to receive a copy of the report(s) that is/are prepared

If the box above is checked, Landlord agrees to send the report to Applicant within three (3) business days of the date the report is provided to Landlord. Landlord may contract with another entity to send a copy of the report.

### CRIMINAL CONVICTION CRITERIA

Upon receipt of the Rental Application, Owner/Agent will conduct a search of public records to determine whether applicant or any proposed resident or occupant has a "Conviction" (which means: charges pending as of the date of the application; a conviction; a guilty plea; or no contest plea), for any of the following crimes: drug-related crime; person crime; sex offense; crime involving financial fraud, including identity theft and forgery; or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of residents, the landlord or the landlord's agent. Owner/Agent will not consider a previous arrest that did not result in a Conviction or expunged records.

If applicant, or any proposed occupant, has a Conviction in their past which would disqualify them under these criminal conviction criteria, and desires to submit additional information to Owner/Agent along with the application so Owner/Agent can engage in an individualized assessment (described below) upon receipt of the results of the public records search and prior to a denial, applicant should do so. Otherwise, applicant may request the review process after denial as set forth below, however, see item (c) under "Criminal Conviction Review Process" below regarding holding the unit.

A single Conviction for any of the following, subject to the results of any review process, shall be grounds for denial of the Rental Application.

- a) Felonies involving: murder, manslaughter, arson, rape, kidnapping, child sex crimes, or manufacturing or distribution of a controlled substance.
- b) Felonies not listed above involving: drug-related crime; person crime; sex offense; crime involving financial fraud, including identity theft and forgery; or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or the landlord's agent, where the date of disposition has occurred in the last 7 years.
- c) Misdemeanors involving: drug related crimes, person crimes, sex offenses, domestic violence, violation of a restraining order, stalking, weapons, criminal impersonation, possession of burglary tools, financial fraud crimes, where the date of disposition has occurred in the last 5 years.
- d) Misdemeanors not listed above involving: theft, criminal trespass, criminal mischief, property crimes or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or the landlord's agent, where the date of disposition has occurred in the last 3 years.
- e) Conviction of any crime that requires lifetime registration as a sex offender, or for which applicant is currently registered as a sex offender, will result in denial.

#### Criminal Conviction Review Process.

Owner/Agent will engage in an individualized assessment of the applicant's, or other proposed occupant's, Convictions if applicant has satisfied all other criteria (the denial was based solely on one or more Convictions) and:

- (1) Applicant has submitted supporting documentation prior to the public records search; or
- (2) Applicant is denied based on failure to satisfy these criminal criteria and has submitted a written request along with supporting documentation.

Supporting documentation may include:

- i) Letter from parole or probation office; iii Letter from caseworker, therapist, counselor, etc.; iii) Certifications of

treatments/rehab programs; iv) Letter from employer, teacher, etc. vi Certification of trainings completed; vii Proof of employment; and viii Statement of the applicant.

Owner/Agent will:

- (a) Consider relevant individualized evidence of mitigating factors, which may include: the facts or circumstances surrounding the criminal conduct; the age of the convicted person at the time of the conduct; time since the criminal conduct; time since release from incarceration or completion of parole; evidence that the individual has maintained a good tenant history before and/or after the conviction or conduct; and evidence of rehabilitation efforts. Owner/Agent may request additional information and may consider whether there have been multiple Convictions as part of this process.
- (b) Notify applicant of the results of Owner/Agent's review within a reasonable time after receipt of all required information.
- (c) Hold the unit for which the application was received for a reasonable time under all the circumstances to complete the review unless prior to receipt of applicant's written request (if made after denial) the unit was committed to another applicant.

Criminal History that will not be considered by Owner/Agent:

- (a) Arrests that did not lead to a conviction;
- (b) Information indicating that an individual has been questioned, apprehended, taken into custody, detained, or held for investigation by law enforcement;
- (c) Infractions;
- (d) Referral to or participation in a pre-trial or post-trial diversion program or a deferred entry of judgment program, unless the applicant offers this information as mitigating information;
- (e) Criminal convictions that have been sealed, dismissed, expunged, or otherwise rendered legally inoperative, unless the applicant offers this information as mitigating information;
- (f) Adjudications or matters processed in the juvenile justice system, unless pursuant to an applicable court order or unless the applicant offers this information as mitigating information.

## REJECTION POLICY

You have the right to dispute the accuracy of any information provided to the landlord by a screening service or credit reporting agency. If your application is rejected due to unfavorable information received during the screening process you may:

1. Contact the screening company that supplied the information to discuss your application. The screening company that processed your application is Background Investigations. Their name and the reference number for your file will be printed on the acceptance or denial letter.

Background Investigations  
27600 SW 95th Avenue, Suite 100 Wilsonville,  
OR 97070

- 2. Contact the credit reporting agency to identify who is reporting unfavorable information.
- 3. Correct any incorrect information through the credit reporting agent as per their policy.
- 4. Request the credit reporting agency to submit a corrected credit check to the appropriate screening company.
- 5. Upon receipt of the corrected and satisfactory information, your application will be evaluated again for the next available apartment. Be advised:
  - Incomplete, inaccurate or falsified information will be grounds for denial.
  - Any applicant that is a current illegal drug user or addicted to a controlled substance or has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance shall be denied.
  - Any individual whose tenancy may constitute a direct threat to the health or safety of an individual, or whose tenancy would result in physical damage to the property of others will be denied.
  - Applications and background screenings will be valid for a 90 day period from the date of submission. If the applicant(s) fails to execute a rental agreement within the stated 90 day period, an updated application/background screening will need to be obtained with costs paid by the applicant.
  - The Criteria for Residency applies throughout the duration of tenancy. Management reserves the right to update records to confirm continued eligibility for housing.

If your application has been denied and you feel that you qualify as a resident under the criteria set out above, you should do the following:

Write to: Equal Housing Opportunity Manager  
Cambridge Real Estate Services  
PO Box 2968, Portland, OR 97208

OR  
Email to: [info@cambridgeres.com](mailto:info@cambridgeres.com)  
And in the Subject Line of the email, put the name and the property you are applying for, your last name, and the words "Denial Appeal."  
For Example, "King Plaza – Smith – Denial Appeal"

In the letter explain the reasons you believe your application should be approved and request a review of your file. Within seven working days of receipt of your letter, your application file will be reviewed and you will be notified of the outcome of the review. Please be aware that an apartment cannot be held during the appeal process.

## REASONABLE ACCOMODATION STATEMENT AND POLICY

Under state and federal law, a Tenant meeting the definition of disabled has the right to make reasonable accommodations and or modifications, to the existing rented premises if the accommodations and or modifications are necessary to afford the person full enjoyment of the rented premises. All accommodations or modifications must first be approved by the Owner/Agent. For properties that receive project based subsidy, modifications are completed at the properties expense.

## LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Cambridge Real Estate Services has adopted this plan to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). In accordance with federal guidelines, Cambridge Real Estate Services will make reasonable efforts to provide or arrange free language assistance for its LEP clients, including but not limited to; applicants, recipients and/or persons eligible for housing programs.

## MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS

Meaningful access is free language assistance in accordance with federal guidelines. Cambridge Real Estate Services will periodically assess and update the following four factor analysis, including but not limited to:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by Cambridge Real Estate Services.
2. The frequency with which LEP persons using a particular language come into contact with Cambridge Real Estate Services properties.
3. The nature and importance of the program, activity or service to the person's life.
4. Cambridge Real Estate Services resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

## LANGUAGE ASSISTANCE

1. A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to Cambridge Real Estate Services programs and activities.
2. Language assistance includes interpretation which means oral or spoken transfer of a message from one language into another language; and/or translation, which means the written transfer of a message from one language into another language. Cambridge Real Estate Services will determine when interpretation and/or translation are needed and are reasonable.
3. Cambridge Real Estate Services staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English. If a client asks for language assistance and Cambridge Real Estate Services determines that the client is an LEP person and that language assistance is necessary to provide meaningful access, Cambridge Real Estate Services will make reasonable efforts to provide free language assistance. If reasonably possible, Cambridge Real Estate Services will provide the language assistance in the LEP client's preferred language.

Cambridge Real Estate Services has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

Cambridge Real Estate Services will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of clients.

4. Translation of Documents
  - a. Cambridge Real Estate Services will weigh the costs and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in an LEP group and other relevant factors. Cambridge Real Estate Services will undertake this examination when an eligible LEP group constitutes 5 percent of an eligible client group or 1,000 persons, whichever is less.
  - b. If Cambridge Real Estate Services determines that translation is necessary and appropriate; Cambridge Real Estate Services will translate the lease, selecting mailing and documents of vital importance into that language.
  - c. As opportunities arise, Cambridge Real Estate Services may work with other housing providers to share the costs of translating common documents, which may include language groups which do not (yet) reach the threshold level in Cambridge Real Estate Services client population.
  - d. HUD should provide prototype translations of standard housing documents in multiple languages in a timely fashion. HUD should provide this service to nonprofit housing providers and the hundreds or thousands of other non-profit housing providers whose limited resources hinder their LEP efforts.

- e. Cambridge Real Estate Services will consider technological aids such as Internetbased translation services which may provide helpful, although perhaps not authoritative, translations of written materials.

## 5. Formal Interpreters

- a. When necessary to provide meaningful access for LEP clients Cambridge Real Estate Services will provide qualified interpreters, including Cambridge Real Estate Services bilingual staff and contract vendors. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.
- b. Cambridge Real Estate Services may require a formal interpreter to certify to the following:
  - i. The interpreter understood the matter communicated and rendered a competent interpretation.
  - ii. The interpreter is covered by state law and will not disclose non-public data without written authorization from the client.
- c. Formal interpreters shall be used at the following:
  - i. Formal hearing for denial of admission to Cambridge Real Estate Services properties;
  - ii. Informal settlement conferences and formal hearing for termination of tenancy;
- d. Any Cambridge Real Estate Services staff interpreter may not be a subordinate to the person making the decision.

## 6. Informal Interpreters

- a. Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP client. Cambridge Real Estate Services staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However in many circumstances, informal interpreters, especially children, are not competent to provide confidentiality, competency or conflict of interest.
- b. An LEP person may use an informal interpreter of their own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by Cambridge Real Estate Services. If possible, Cambridge Real Estate Services should accommodate an LEP client's request to use an informal interpreter in place of a formal interpreter.
- c. If an LEP client prefers an informal interpreter, after Cambridge Real Estate Services has offered free interpreter services, the informal interpreter may interpret. In these cases the client and interpreter should sign a waiver of free interpreter services.
- d. If an LEP client wants to use their own informal interpreter, Cambridge Real Estate Services reserves the right to also have a formal interpreter present.

## 7. Outside Resources

- a. Outside resources may include community volunteers, Cambridge Real Estate Services staff or property residents.
- b. Outside resources may be used for interpreting services at public or informal meetings or events if timely request has been made.
- c. Cambridge Real Estate Services maintains relations with mutual assistance associations and other organizations that assist specific cultural and ethnic groups living in affordable housing. To help their clients obtain or keep housing assistance through Cambridge Real Estate Services, these organizations may provide qualified interpreters for LEP persons.

## MONITORING

- A. Cambridge Real Estate Services will review and revise this LEP Plan from time to time. The review will include:
  - i. Reports from staff on the number of Cambridge Real Estate Services clients who are LEP.
  - ii. A determination as to whether 5 percent or 1,000 persons from a Cambridge Real Estate Services client group speak a specific language, which triggers consideration of document translation needs as described above.
  - iii. Analysis of staff requests for contract interpreters: number of requests, languages requested costs, etc.
  - iv. Cambridge Real Estate Services will be asked to review the LEP Plan annually.

## LEP PLAN DISTRIBUTION AND TRAINING

The LEP Plan will be:

1. Distributed to all Cambridge Real Estate Services supervisors.
2. Available in Cambridge Real Estate Services Site Offices and the Corporate Office.
3. Explained in orientation and training sessions for Cambridge Real Estate Services supervisors and other staff who need to communicate with LEP clients.

# TRANSLATION/INTERPRETER SERVICES

## CALIFORNIA

Language World Services, Inc.  
(916) 333-5247 Fair Oaks Blvd.  
Carmichael, CA 95608

## Excel Interpreting LLC

(800) 915-0638  
1804 Tribute Rd., #207  
Sacramento, CA 95815

## ONLINE SERVICES

<http://www.freetranslation.com/>    <http://translation2.paralink.com/>    <http://babelfish.altavista.com/>    <http://wordreference.com/>  
[http://www.worldlingo.com/en/products\\_services/worldlingo\\_translator.html](http://www.worldlingo.com/en/products_services/worldlingo_translator.html)

## Violence Against Women Act (VAWA) Policy

The Violence Against Women Act (VAWA) provides protections to women or men who are applicants or residents who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. Cambridge Real Estate Services 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 as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to 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.

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.

Unless such requirements interfere with protections provided under the VAWA, being a victim of a VAWA crime is not reason to change the screening requirements set forth in the Tenant Selection Plan.

Being a victim of a VAWA crime is not reason to waive requirements set forth in the Lease or in any lease attachment or approved lease addendum unless being a victim of a VAWA crime was the cause of the lease violation.

Eligibility requirements for housing programs cannot be modified. Being a victim of a VAWA crime does not automatically make a person eligible for housing assistance.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she desires to exercise these protections.

### Requesting Documentation

To request a VAWA protection, the applicant/resident shall notify management by written request, or personal request in person/via email or phone. Management will provide reasonable accommodations to this policy for individuals with disabilities.

Cambridge Real Estate Services will provide the resident/applicant with a "Notice of Occupancy Rights" under the Violence Against Women Act and request a written statement to begin process. The documentation required:

- Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate documentation (Form HUD-5382); or
- A document: Signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- At the discretion of the housing provider, a statement or other evidence provided by the applicant or Resident.

### Submission of Documentation

Cambridge Real Estate Services requests documentation within 14 business days of the date resident/applicant submitted written/personal request for VAWA. However, Cambridge Real Estate Services may extend this period at its discretion. During the 14 business days and any extensions, no adverse actions, such as eviction or termination, will be taken against the resident/applicant requesting VAWA protection.

#### **Receipt of Documentation; Failure to Provide Documentation in a Timely Manner:**

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, Cambridge Real Estate Services will acknowledge receipt of the documentation in a timely manner.

If the applicant or Resident fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after being sent the written request for documentation by Cambridge Real Estate Services, or within the designated extension period, nothing in the VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

- Deny admission by the applicant or Resident to the housing or program;
- Deny assistance under the covered housing program to the applicant or Resident;
- Terminate the participation of the Resident in the covered housing program; or
- Evict the Resident, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings. If Cambridge Real Estate denies VAWA protections, it must still follow its established procedures for grievance hearings, informal hearings, or informal reviews.

### **Project-Based Voucher Provisions – Housing Authority of the County of Santa Cruz**

This section describes the tenant selection policies and procedures related to the HUD Project-Based Voucher (PBV) units, which are subject to statutes and regulations of the Housing Act of 1937, 24 CFR Part 983, and additional HUD guidance, as applicable. The PBV units are also subject to policies and procedures of the Housing Authority of the County of Santa Cruz (HACSC).

Applicants for PBV units may also be subject to other tenant selection policies and procedures as defined elsewhere in this document. Those policies and procedures may be more restrictive.

#### **Definitions**

Accessible Targeted Lottery List – the lottery for accessible Standard PBV units

Accessible Unit Targeted Mailing – outreach letters sent by HACSC to any number of applicants on the Housing Choice Voucher Waiting List, or searching voucher holders that indicate a need for a particular accessible unit, or current program participants with a verified need for the accessibility features of the unit

Accessible unit – a PBV unit with accessibility features for persons with mobility or sensory impairments

AMI – area median income

Family - A family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person (at least 50 years old but below the age of 62), or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:
  - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - (ii) An elderly family;
  - (iii) A near-elderly family (head, co-head, spouse, or sole member is at least 50 years old but below the age of 62);
  - (iv) A disabled family;
  - (v) A displaced family; and
  - (vi) The remaining member of a resident family.

General Mailing – outreach letters sent by HACSC to any number of top applicants on the Housing Choice Voucher Waiting List and/or searching voucher holders

General Lottery List – the lottery for non-accessible Standard PBV units

HACSC – the Housing Authority of the County of Santa Cruz

HUD – United States Department of Housing and Urban Development

Mixed family - Families that have a mix of members with citizenship or eligible immigration status and non-citizen members with ineligible immigration status

PBV – Section 8 Project-Based Voucher

PBV unit – a rental housing unit to which Section 8 Project-Based Voucher rental assistance is attached

Standard PBV unit – a PBV unit that is made available to top applicants on the HACSC Housing Choice Voucher Waiting List (HCV WL) or to searching voucher holders, without any other selection preferences, except those identified in HACSC’s most its recently published Housing Choice Voucher Administrative Plan and those required by HUD.

### **PBV Unit Breakdown**

This property has PBV units, which are identified in the PBV Housing Assistance Payments Contract executed between HACSC and the owner. The PBVs are provided by HACSC.

The PBV units are Standard PBV units, which are available to top applicants on the HACSC Housing Choice Voucher Waiting List.

The PBVs and their type are subject to change and the PBV Housing Assistance Payments Contract will ultimately govern this information.

### **Policies for Initial Occupancy, Turnover, and Transfers**

#### **Initial Occupancy**

All applicants in Standard PBV units are referred to the owner by the Housing Authority of the County of Santa Cruz.

- Non-Accessible Standard PBV Units – Eligibility to apply for non-accessible Standard PBV units will be based on having received a General Mailing outreach letter from HACSC and the submission of the owner’s complete project application.

If an applicant submits the owner’s project application by the owner’s application deadline and provides evidence that it received the General Mailing, the applicant will be added to the General Lottery List.

Applicants shall be randomized on the General Lottery List and selected for processing in order of lottery number. Upon initial occupancy of all the PBV units, the General Lottery List will be retired, and all outstanding applications will be discarded.

- Accessible Standard PBV Units – Accessible PBV units must first be offered to families who require the accessibility features that the unit provides, if any such families can be identified. These units are offered through a selection preference.

Eligibility to apply for accessible Standard PBV units will be based on having received an Accessible Targeted Mailing outreach letter from HACSC and the submission of the owner’s complete project application.

If an applicant completed the owner’s project application by the owner’s application deadline and provided evidence that it received the Targeted Mailing, the applicant will be added to the Accessible Targeted Lottery List.

Applicants shall be randomized on the Accessible Targeted Lottery List and selected for processing in order of lottery number. Upon initial occupancy of all the PBV units, the Accessible Targeted Lottery List will be retired, and all outstanding applications will be discarded.

Accessible Standard PBV units may be offered to families who only received the General Mailing letter and/or are only on the General Lottery List after all applicants from the Accessible Targeted Mailing and Accessible Targeted Lottery List have either accepted a unit offer, have declined a unit offer and are no longer considered for a unit in accordance with this tenant selection plan, or have otherwise been determined to be ineligible for a unit. However, the owner must first receive authorization from HACSC to offer accessible units to applicants who only received the General Mailing and/or are only on the General Lottery List. Additionally, the lease for such a family must require that the household may be required to vacate the accessible unit if another family that needs the accessibility features is identified.

Some applicants may have been included in both the General Mailing and Accessible Targeted Mailing and are eligible for both the General Lottery List and Accessible Targeted Lottery List. Such applicants will be placed on both lottery lists if they submit a project application by the deadline and will be randomized separately. Applicants will be processed in accordance with the respective lotteries, however, if the applicant is selected from either lottery list, they may choose to occupy either an accessible or non-accessible unit for which they are otherwise eligible, without prior authorization from HACSC.

#### **Turnover**

- Non-Accessible Standard PBV Units – the owner will notify HACSC of the vacancy in the PBV unit(s). HACSC will send a General Mailing. Households who receive the General Mailing are eligible to apply by contacting the property. Selection of interested applicants will be based on a first come first serve basis. Upon occupancy of the vacant unit(s), all outstanding applications will be discarded and no longer considered, unless HACSC permits the owner to establish a temporary waiting list not to exceed 90 days in existence. Upon authorization from HACSC, the owner may select an applicant from this temporary waiting list if another turnover unit becomes available within 90 days of the previous turnover unit. Applicants are date-stamped

and added to the temporary waiting list based on time of application for the original turnover unit, and selected for processing based on this date-stamp. The use of this temporary turnover waiting list is at the sole discretion of HACSC.

- Accessible Standard PBV Units - Accessible PBV units must first be offered to families who require the accessibility features that the unit offers. These units are offered through a selection preference.

The owner will notify HACSC of the vacancy in the PBV unit(s). HACSC will send a Accessible Targeted Mailing. Households who receive the Accessible Targeted Mailing are eligible to apply by contacting the property. Selection of interested applicants will be based on a first come first serve basis.

The owner will not offer the accessible PBV unit(s) to applicants that did not receive the Accessible Targeted Mailing, unless authorized by HACSC. If all applications have been exhausted and the unit(s) remain(s) vacant, the owner must notify HACSC and certify that all applicants from the Accessible Targeted Mailing have either accepted a unit offer, have declined a unit offer and are no longer considered for a unit in accordance with this tenant selection plan, or have otherwise been determined to be ineligible for a unit. HACSC may then perform another Accessible Targeted Mailing or General Mailing and may authorize the owner to offer the PBV unit(s) to applicants that do not require the accessibility features that it the unit(s) offer(s). Upon occupancy of the vacant unit(s), all outstanding applications will be discarded and no longer considered, unless HACSC permits the owner to establish a temporary waiting list not to exceed 90 days in existence. Upon authorization from HACSC, the owner may select an applicant from this temporary waiting list if another turnover unit becomes available within 90 days of the previous turnover unit. Applicants are date-stamped and added to the temporary waiting list based on time of application for the original turnover unit, and selected for processing based on this date-stamp. The use of this temporary turnover waiting list is at the sole discretion of HACSC.

### Unit Transfers

Families living in PBV units must be approved for a unit transfer by HACSC. The family may also need to receive approval from the owner.

Additionally, families may be required to vacate the unit or transfer to another unit if:

1. The family size no longer meets the applicable subsidy standards for their current unit/voucher size, as defined in HACSC's most recently published Housing Choice Voucher Administrative Plan; or
2. The family is occupying a unit with accessibility features that the family does not require and the unit is needed by a family that requires the accessibility features; or
3. The family is no longer eligible for the Project-Based Voucher Program.

For items 1 and 2 above, families will be offered continued housing assistance in accordance with policies identified in HACSC's most recently published Housing Choice Voucher Administrative Plan and HUD requirements.

### Property-Specific Preferences

Property-specific preferences do not apply to the PBV units, unless otherwise stated.

### **Rents**

Rents to owner and tenant rents are subject to change. HACSC will determine the official rents to owner and tenant rents in accordance with HUD requirements.

### Tenant Rents

For most families, tenant rents in PBV units are income-based and will be equal to the total tenant payment (TTP) minus the utility allowance (UA), as defined by HUD.

Mixed families may have tenant rents that exceed the TTP minus the UA due to a HUD requirement for HACSC to prorate rental assistance.

### Rents to Owner

Rents to owner are established in the PBV Housing Assistance Payments Contract. The maximum rent to owner is defined in HACSC's Housing Choice Voucher Administrative Plan and HUD requirements.

### **Application & Initial Eligibility Process**

The process described in this section is HACSC's initial eligibility process only. Applicants may also be required to complete the owner's eligibility process in accordance with another program's requirements.

In order to live in a PBV unit, the applicant must be determined eligible for the PBV Program by HACSC. An overview of the process is below:

1. Submit an Application & Provide Supporting Information

Applicants must complete and submit HACSC's application for rental assistance, must sign all forms required by HACSC and/or HUD, and must provide all required supporting documentation, which may include, but is not limited to, social security cards, proof of citizenship, photo identification, paystubs, bank statements, and benefit letters.

2. Criminal Background Screening

All household members aged 18 and older must sign the HACSC Criminal Background Check Consent Form. HACSC will conduct a criminal background screening on all household members aged eighteen (18) years or older. The HACSC criminal background screening criteria is identified on the Consent Form.

3. Attend an Interview

All household members aged 18 and older must attend an interview with HACSC staff. This interview may be over the phone or in-person, as required by HACSC.

4. Briefing

All applicants must attend and/or watch an oral briefing that describes how the PBV Program works. This briefing may or may not be at the same time as the interview.

5. Sign Additional Leasing Forms

Applicants must sign any other document or form as required by HACSC and/or HUD, which may include, but is not limited to, the PBV Statement of Family Responsibility and the PBV Tenancy Addendum.

Applicants may be determined ineligible for the PBV Program at any point in the eligibility process. Completion of one step does not guarantee eligibility at any other step in the process.

**Income & Assets**

Income Limits

At initial eligibility, families up to 50% AMI may be eligible for PBV units. Families up to 80% AMI may be eligible if they meet the additional criteria for 80% AMI families as identified in HACSC's most recently published Housing Choice Voucher Administrative Plan. At times, families may be limited to 30% AMI at initial eligibility due to HUD income-targeting requirements.

After initial eligibility, families may remain eligible for PBV units up to 80% AMI. However, the owner may have stricter requirements.

The income levels are defined by HUD and are subject to change.

Minimum Income Requirements

PBV units have no minimum income requirement.

Credit

PBV units have no minimum credit requirements.

Assets

Families may be ineligible for the PBV Program if the cumulative value of their unexcluded assets exceeds the asset limitation in accordance with HACSC policy and/or HUD requirements.

Families may also be ineligible for the PBV Program if they own residential real property that is suitable for occupancy and that they have the legal right to sell, in accordance with HACSC policy and/or HUD requirements.

**HUD Restrictions on Assistance to Students Enrolled in an Institution of Higher Education**

Students under 24 years old who are enrolled in higher education are generally ineligible for Section 8 benefits in accordance with HUD requirements. No PBV assistance shall be provided to any individual who:

1. Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 USC 1002);
2. Is under 24 years of age;
3. Is not a veteran of the United States military;
4. Is unmarried;
5. Does not have dependent child;
6. Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was not receiving assistance under section 8 of the Housing Act of 1937 as of November 30, 2005; and
7. Is not otherwise individually eligible, or has parents, who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the Housing Act of 1937

### **HUD Citizenship/Immigration Status Requirements**

To be eligible for PBV assistance, HUD requires that at least one member of the family must be a citizen of the United States of America (by birth or naturalization) or have eligible immigration status.

PBV rental assistance will be prorated for mixed families as required by HUD regulations..

### **Subsidy Standards**

To be eligible for any particular PBV unit, the applicant family must meet the subsidy standards for the applicable voucher/unit size, as identified in HACSC's most recently published Housing Choice Voucher Administrative Plan.

Families must meet the subsidy standards at initial eligibility and during continued occupancy of the unit.

Families that do not meet the subsidy standards may be determined ineligible for the unit or may be required to vacate the unit (see *Unit Transfers* above).

### **Security Deposit**

Families may not be charged security deposits in excess of private market practice, or in excess of amounts charged to non-PBV tenants.

### **Screening & Application Charges**

PBV applicants may not be charged screening or application fees.

### **Application Decision**

If a family applies for a PBV unit and is rejected, the owner/property manager must provide the family in writing with a rejection notice that explains the reason for the rejection. The owner/property manager must also provide a copy of this notice to HACSC.