

Summit Park Tenant Selection Plan

Effective date: October 1, 2025

Owners: Summit Preservation Limited Dividend Housing Association Limited Partnership, a Michigan limited partnership

Property Manager: Full Circle Management LLC

Total Development Units – 33*
3 - 1 Bedroom Units
24 - 2 Bedroom Units
6 - 3 Bedroom Units*
*includes one management unit

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Overview

Summit Park (the “Development”) will preserve 31 existing affordable housing units and add two new units. The objective of this Tenant Selection Plan (the “Plan”) is to consolidate relevant policies and procedures affecting the selection of tenants for subsidized and non-subsidized units, pursuant to applicable federal and state requirements. The following tenant selection policies have been established to minimize subjective factors in deciding whom we will select for residency. The Plan sets out a procedure for processing and selecting applicants for subsidized and non-subsidized units, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements. The Plan may

not include all of the policies and procedures affecting the selection of tenants. Property Manager is responsible for understanding and following all relevant requirements of the LIHTC regulations and subsidy program applicable to the Development.

Selection of residents will be made on an equal opportunity basis without discrimination as to race, color, creed, sex, religion, national origin, handicap, familial status, disability, age, ancestry, marital status, sexual orientation, gender identity or unfavorable discharge from military service. Management does not discriminate on the basis of handicap in violation of Section 504 of the Rehabilitation Act of 1973. In addition, management will not unreasonably refuse to lease a dwelling unit to, or discriminate against, a prospective tenant because the tenant is the holder of a Certificate of Family Participation or a Voucher under Section 8 of the United States Housing Act of 1937 (42 USC Section 1437f).

A copy of these policies is available from the on-site office upon request. These policies are subject to change without notice to previous recipients.

The remaining paragraphs in this section provide brief descriptions of key federal civil rights laws regarding fair housing and accessibility. Owners and Management shall be familiar and comply with the regulations implementing these applicable federal civil rights laws and any state civil rights laws or local ordinance regarding fair housing and accessibility.

1. Determining Eligibility for Tenancy at the Development

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

- a) The Development is designated as housing for families.
- b) Units within the Development receiving federal or state housing subsidies may only be occupied by those individuals meeting the criteria of the subsidizing program.
- c) Household annual income must not exceed current income limits for the program to which application is made.
- d) Third party verification shall not be required until final screening for occupancy. Property Manager must verify the information needed to determine an applicant's eligibility.
- e) No person may be refused the right to apply for housing unless the Development's waiting list is closed for a particular unit size or type, and notice of the closed waiting list.
- f) In fulfilling its requirements to rent subsidized units within the Development to low income persons, Property Manager will accept referrals of tenants from the Public Housing Authority or Housing Finance Agency in the state, city or town in which the Development is located, and will not unreasonably refuse occupancy to any prospective tenants so referred who are otherwise determined to be eligible and suitable for tenancy under this Plan.
- g) The unit must be the applicant's sole residence in order for the applicant to be eligible for housing in the Development.
- h) It is the policy of the Owners and Property Manager to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing. These enactments include: The Fair Housing Amendments Act of 1988, 42 U.S.C.A. §§3601-3620, as modified by the Housing for Older Americans Act of 1995, 42 U.S.C.A.

§3607(b)(2)(C), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A §794 *et seq.*, The Americans with Disabilities Act of 1990, 42 U.S.C.A. §§12101-12213, Title VI of the Civil Rights Act of 1964, 42 U.S.C.A §2000d, the Age Discrimination Act of 1975, 42 U.S.C.A.

- i) Persons using a wheelchair or requiring similar accommodations may apply for a standard unit, as well as an accessible unit, in their discretion.
- j) In carrying out this Plan, Property Manager shall not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, class, sex, sexual orientation, familial status, disability, military/veteran status, source of income, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy. Property Manager shall affirmatively market to minorities and persons with disabilities.
- k) Only applicants and tenants who are either United States citizens or eligible non-citizens may benefit from Federal rental assistance, per program regulations.

Eligibility for PBV Vouchers

Summit Park will maintain a minimum of five (5) units and up to seven (7) units that will have preference for homeless, previously homeless or disabled families. Preference will be on a first come, first serve basis. Homeless or previously homeless households will be determined based on the HUD definition as follows: “A homeless person is someone who is living on the street or in an emergency shelter, or who would be living on the street or in an emergency shelter without HUD’s homelessness assistance”. Disabled households will be determined based on the HUD definition as follows: “A person who has a disability, as defined in 42 U.S.C. 423 and is determined to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impede his or her ability to live independently, and be of such a nature that the ability to live independently could be improved by more suitable housing conditions, or has a developmental disability as defined in 42 U.S.C. 6001. This definition includes persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence; and means “individual with handicaps,” for purposes of reasonable accommodation and program accessibility for persons with disabilities.”

This criteria will be subject to verification of homeless or disabled status through a sponsoring agency, including the Housing Agent, Pine Grove Housing Service, LLC and the Lead Agency, Housing Resources Inc.

2. Income Requirements

Summit Park offers both unsubsidized and subsidized rents. For subsidized rents, this means the rent that a tenant pays is based on the tenant’s household income. Therefore, the rent paid by tenants may vary among tenants, and from time to time, the individual tenant. All other unsubsidized units are subject to the rules and regulations of the Low Income Housing Tax Credit program. Income limits vary by household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site per the Michigan State Housing Development Authority: https://www.michigan.gov/mshda/0,4641,7-141-5555_8002_26576_26582-76409-,00.html

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

The income targeting agreed to with the MSHDA Low-income Housing Tax Credit Application is described in the following rent structure table. A three bedroom Manager unit is included below:

| # of Bedrooms | # of Baths | Sqft/ Unit | Description | # of Units | AMI Target |
|---------------|------------|------------|----------------------|------------|------------|
| 1 Bedroom | 1 | 760 | Apartment | 1 | 30% |
| 1 Bedroom | 1 | 760 | New Construction PBV | 1 | 60% |
| 1 Bedroom | 1 | 760 | Apartment | 1 | 50% |
| 2 Bedroom | 1 | 860 | Apartment | 3 | 30% |
| 2 Bedroom | 1 | 860 | Apartment | 7 | 50% |
| 2 Bedroom | 1 | 860 | Apartment | 5 | 60% |
| 2 Bedroom | 1 | 860 | Apartment PBV | 4 | 40% |
| 2 Bedroom | 1 | 860 | New Construction PBV | 1 | 60% |
| 2 Bedroom | 1 | 900 | 4 Flats | 1 | 50% |
| 2 Bedroom | 1 | 900 | 4 Flats | 3 | 60% |
| 3 Bedroom | 1.5 | 1,238 | Townhome | 1 | 30% |
| 3 Bedroom | 1.5 | 1,238 | Townhome | 1 | 50% |
| 3 Bedroom | 1.5 | 1,238 | Townhome | 2 | 60% |
| 3 Bedroom | 1.5 | 1,238 | Townhome PBV | 1 | 50% |
| 3 Bedroom | 1.5 | 1,238 | Manager's Unit | 1 | Manager |

3. Preferences

This section describes the preferences that shall be applied in the selection of residents. Preferences are not permitted if they in any way negate affirmative marketing efforts or fair housing obligations. Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference, and take precedence over date of submission of application. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change an Owners' right to adopt and enforce tenant screening criteria. State- or Federally-mandated preferences override this preference list, when prescribed.

Property Manager shall inform each applicant about available preferences, and provide an opportunity for each applicant to show that they qualify for available preferences.

If it is determined that an applicant does not meet the criteria for receiving a preference, the applicant will promptly receive a written notice of this determination from Property Manager. The notice will contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with Property Manager’s agent. If the applicant requests a meeting, it will be conducted by a designated agent of Property Manager.

Denial of a preference does not prevent the applicant from exercising any legal rights the applicant may have against Property Manager or Owner.

Per federal and State law, preferences for Occupancy will be given to ALL applicants who have been displaced by government action or presidential declared disaster areas. In order to give preference based on the above, the applicant may use a Letter of Priority Entitlement (LOPE) or similar letter issued by a housing authority, government entity, or disaster relief organization (i.e. American Red Cross).

NOTE: Preferences affect ONLY the order of applicants on the waiting list, they are not ranked or rated by nature of preference. They do not make anyone eligible who was not otherwise eligible, and they do not change an owner's right to adopt and enforce tenant screening criteria.

Existing Tenant Preferences

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

- A. Verified need for an accessible unit
- B. Verified need for a reasonable accommodation
- C. Verified medical need
- D. Imminent Threat (VAWA Emergency Transfer). Please see Section 12 of this document and/or contact property management for additional information.
- E. Resident is currently living in an accessible unit and no longer needs the features
- F. Over/Under housed (unit is too large/small)

Appropriately sized units must be available within the development. Units are assigned according to household size. See Occupancy, Section 9. for further information.

Exceptions to Preferences

The Development will always give preference to current households when their units are designated for rehabilitation and/or current households are residing in a unit within that Development that has been designated as uninhabitable by Federal, state, local municipalities or Property Management due to fire, flood or other natural disaster.

In the event that there are no current residents of the Development to fill the vacant unit, Property Manager shall offer the vacant unit to the next qualified applicant for that unit type found on the waiting list. If there are no qualified applicants for the unit type on the waiting list, Property Manager shall advertise the unit for rent in accordance with the Development's Affirmative Fair Housing Marketing Plan.

4. Outreach

Public Media Plan

Property Manager will advertise in community media according to the Affirmative Fair Housing Marketing Plan. Property Manager will affirmatively market to minorities and persons with disabilities, as indicated in that plan. Media will also target a diverse cross section of cultural, race and ability populations as reflected in the community that is served.

If marketing and outreach efforts do not generate a sufficient number of interested persons for the apartments, the Managing Agent will initiate additional marketing efforts by placing appropriate advertisements in the local

newspapers and sending flyers to community groups as per the marketing plan. Such marketing shall include the name and telephone number of the rental office; the approximate date the units will be available; and the size of the units available. The advertisements will request that interested individuals contact the rental office.

5. Application and Selection Process

Applications

To be considered for selection, applicants must submit a completed application and relevant forms. Other requirements include:

1. Applicant(s) must be at least 18 years of age or older.
2. Applicant(s) must have eligibility income less than or equal to the program's established income limits. The household will not exceed the applicable rent restrictions as defined in Section 42 (g)(2c) of the Internal Revenue Code of 1986. Income requirements will be provided upon request by Applicant.
3. At the time of admission, the applicant(s) are not receiving assistance on any other unit.
4. All applicants must provide evidence of citizenship or eligible immigration status at time of application For all household members, regardless of age, per the Section 214 Eligibility Rule Self Certification.
5. Applicants must agree to a formal credit check conducted by Trans Union, PO Box 1000, Chester, PA 19022, or another credit check agent, and have acceptable credit history according to our established standards as follows:
 - a. Applicants must not have any unpaid non-medical collections pending
 - b. Applicants must not have any unpaid non-medical MOP ratings higher than an O3. Student Loan MOP ratings will not cause a denial.
6. Applicant(s) must show a willingness to maintain premises in sanitary condition with no evidence of undesirable noise, odor, or disruptions to the quiet and peaceful enjoyment of other residents.
7. Applicant(s) must:
 - a. Agree to pay rent and any utilities not covered by the owner (according to Lease Agreement);
8. Agree to pay the rent required by the formula used in the housing program or the income requirements the applicant may be admitted under.
9. Applicant(s) must have one (1) year of rental history or acceptable other to contact. Rental history or acceptable other must be acceptable to our established standards. These are as follows:
 - a. Applicant(s) must not have a history of late payments, violations or damages.
 - b. Applicant(s) must have an approved cosigner* if minimum rental of 1 year has not been established.

Approved co-signers must meet all the requirements as established by these criteria and any MOP rating above an '03, must show as paid OR a zero balance prior to the date of credit processing. Co-signers do not have the right to an appeal should they be denied, nor do they have any legal rights to the unit for which they may choose to co-sign

10. The unit must be the applicant's only residence.
11. Applicant(s) must agree to annual recertification of household income and assets within the established time frames per the Lease Agreement and program descriptions.

All persons interested in applying for residency should contact the Property Manager. Applications can be mailed upon request or they can pick up an application package at the rental office. All persons can request assistance from Property Manager for assistance with the application package.

Fees

No application fee will be charged.

Confidentiality of Applications

Property Manager will establish a confidential file for each applicant.

Processing Applications

Names will be selected from the waiting lists to fill vacancies according to the waitlist procedures below. The wait list is to remain open at all times. All completed applications will be recorded with the date and time they are received at the rental office. The applicant head of household name, household size, desired unit size, estimated household income, preference categories), as well as the requirement for any reasonable accommodations will be recorded on the project waitlist.

Procedures for Accepting Applications:

- a. Each adult occupant must fill out a separate application. Every section must be completed, signed, and dated.
- b. All state-issued photo identification and social security cards or other acceptable social security number verification will be collected.
- c. All applicants should complete the following documents:
 - Authorized Release Statement
 - Income and Asset Checklist
 - All Third-Party Verification Request Forms
- d. Credit, criminal, and landlord references will be completed.
- e. Applications should be date and time stamped to ensure proper placement on wait list, if applicable.

*In the event the applicant cannot complete the approved application for occupancy, an alternative method for submitting an application for occupancy would be approved as a reasonable accommodation

Contacting Persons on the Waiting List

If Property Manager anticipates a unit becoming available and chooses to pre-qualify applicants, or when a unit actually becomes available, the first 10 people on the waiting list for that unit size and type will be contacted by telephone as well as first class mail to schedule an interview. Property Manager will complete the initial telephone calls and mailings to these individuals on the same day. If Property Manager anticipates a unit becoming available and is pre-qualifying applicants in advance, the household that is highest on the waiting list and completes the interview, has all third party verifications returned, otherwise has the application file completed at the time the unit becomes available, and meets all tenant selection criteria will be offered the unit. Those persons who respond as required and are not offered the unit, but still appear qualified at that time, will be notified that the unit has been rented and that they will retain their position on the waiting list. If a unit actually becomes available and Property Manager has not pre-qualified any applicants, the household that is highest on the waiting list and is first to complete the interview, have all third party verifications returned, otherwise have

the application file completed, and meets all tenant selection criteria will be offered the unit. Those persons who respond as required and are not offered the unit, but still appear qualified at that time, will be notified that the unit has been rented and that they will retain his/her position on the waiting list.

Those applicants who were not offered the unit but were eligible to remain on the waiting list will be considered pre-approved if they have otherwise completed the entire application process and met all tenant selection criteria. When another unit of the same size and type is expected to become available or actually becomes available, the pre-approved applicant who is highest on the waiting list will be offered the unit. If more than ninety (90) days have passed since the date management received the pre-approved applicant's verifications, management will re-verify the necessary information. If the applicant is no longer qualified for the unit, management will inform the applicant of this fact. Management will then contact and process the next highest, pre-approved applicant on the waiting list.

Accommodations

Property Manager shall offer assistance to the applicant in completing the application, explain the tenant selection process, define preferences, and explain the verification process with respect to preferences. Property Manager shall, for example, arrange for sign language interpreters or other communication aides for interviews during the application process.

Property Manager will also inform prospective tenants that units may include special physical features that accommodate disabilities, reduce harm, and promote health among tenants; or may be modified in order to accommodate those needs.

6. Notifications

Property Manager shall call and send a written response to the applicant advising the applicant of the status of the application. Alternate formats for responding to an applicant with a disability or special need, or other reason for accommodation shall be provided upon applicant's request. If Property Manager has not made a determination to reject the applicant, the written response shall include the status of the application with respect to:

- result of the preliminary determination of eligibility;
- position on the waiting list;
- SSN disclosure and verification requirements;
- estimate of the time it may take before the applicant will be offered assistance;
- notice that the applicant is responsible for reporting changes in address, phone number, and preference status;
- where applicable, the applicant's qualification for a preference(s) for admission; and
- a statement that the applicant has the right to meet with the Agent to discuss the determination made with respect to the application

Interview

Property Manager will conduct an interview with all potential residents. The interview will be used for purposes of verifying and clarifying information in the application, to familiarize the applicant with the project, and to explore

the ability and willingness of the applicant to meet financial commitments and to assume the other responsibilities of tenancy. At the interview, the following items will be reviewed:

- a) Eligibility requirements and reasons for rejection
- b) Information on application and verification forms
- c) Explain the time frame for the acceptance process
- d) Review the Lease Agreement
- e) Site Rule and Responsibilities
- f) Answer any questions the applicant may have

Applicant will be given an opportunity to explain negative credit history, history of rental non-payment, and any discrepancies between information they reported and the verified information.

When an interview is scheduled but the applicant fails to attend, Property Manager will attempt to contact the applicant by telephone. If there is no contact after three (3) attempts within 48 hours, the applicant's application will be placed in the inactive file. If the Managing Agent contacts the applicant, another appointment will be scheduled, if the applicant has good cause such as illness or accident for failure to keep the appointment. If the applicant again fails to attend the interview, the applicant's application will be placed in the inactive file.

7. Selection/Rejection of Applicant

Property Manager shall apply the screening criteria uniformly to all applicants to prevent discrimination and avoid fair housing violations. The costs of screening shall not be charged to the applicant, but shall be borne by the Development as an operating expense.

In determining whether the applicant will be selected, Property Manager will consider the various criteria, along with any related explanation offered by the applicant, concerning the facts involved, including changes in the circumstances and extenuating circumstances.

NOTE - Developments Receiving Project-Based Section 8 Rental Subsidies: Pursuant to the Violence Against Women Act (42 U.S.C. 1437f and 42 U.S.C. 1437d) and regulations promulgated in accordance therewith at 24 CFR Part 5, Subpart L, admission to the development shall not be denied on the basis that the applicant is or has been a victim of domestic violence, dating violence or stalking, as defined in the aforementioned regulations, if the applicant or household member otherwise qualifies for admission.

Screening Criteria

Summit Park will conduct a credit and criminal background on anyone 18 and over. Medical bills will not be considered in determining an applicant's credit-worthiness. If any applicant takes exception with any findings, the applicant is solely responsible for making any corrections and reapplying.

Credit Checks

The applicant's credit report will be run and reviewed, to include:

- a) Addresses will be verified with the Application for Residency
- b) Social Security numbers will be verified with the Application for Residency
- c) Applicants with evictions will be reviewed

- d) Credit history, unless something on it is a MSHDA disqualifying event, will not be used for denying residency.

Criminal Policy

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

- Any household containing a member(s) who was evicted in the last three years from a federally assisted housing for drug-related criminal activity. Summit Park may, but is not required to, consider two exceptions to this provision:
 - A. The evicted household member successfully completed an approved, supervised drug rehabilitation program; or
 - B. The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household)
- Any household member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.
- Any household member who is subject to a state sex offender lifetime registration requirement.
- If there is reasonable cause to believe that any household member's behavior, due to abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.
- Felony/Misdemeanor conviction(s) or No Contest plea(s) on file with any state, county or federal court unless the applicant has been pardoned or if record has passed the following times calculated from the time of final disposition according the following guidelines:
 - Decline for any Drug Conviction – Felony 20 years, Misdemeanor 2 years.
 - Decline for any DUI Felony Conviction – 10 years.
 - Decline for Unclassified Conviction- Felony 10 years, Misdemeanor 5 years.
 - Decline for Property Conviction – Felony 100 years, Misdemeanor 10 years.
 - Decline for Sex Conviction- Felony 100 years, Misdemeanor 10 years.
 - Decline for Theft by Conviction- Felony 10 years, Misdemeanor 5 years.
 - Decline for Theft by Check Conviction- Felony 10 years, Misdemeanor 5 years.
 - Decline for Traffic Felony Conviction – 10 years.
 - Decline for VCAP conviction – Felony 100 years, Misdemeanor 100 years.
 - Decline for Weapons – Felony 100 years, Misdemeanor 5 years.
 - Decline for any Terrorism related Conviction – No time limit.
 - Decline for the following Conviction Statuses: Active, Probation, and Parole.
 - Decline for "Adjudication Withheld" or "Deferred Adjudication" conviction status within 10 years of date of application.

8. Appeal Process

Procedures for rejecting ineligible applicants

Appeal procedure: Denied applicants have 14 days to respond in writing or to request a meeting to discuss their rejection. Any meeting with the applicant or review of the applicant's written response must be conducted by a member of the management staff who did not make the initial decision to reject the applicant. A written response will be sent to the applicant within 5 business days following the review. If the applicant does not respond within five business days of the date the certified letter was mailed, the individual will be placed in the inactive file. Until the applicant responds, his/her application will be placed in the inactive file, and the applicant's position on the application list will drop behind those who can be processed in the interim.

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

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

9. Occupancy

Summit Park has adopted the following occupancy standards:

| Bedrooms | Minimum | Maximum |
|-----------------|----------------|----------------|
| 1 | 1 | 2 |
| 2 | 1 | 4 |
| 3 | 3 | 6 |

*The Michigan State Code acknowledges the BOCA National Building Code/1990. Section PM-403.0 Occupancy Limitations, PM-403.3 Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof. Overcrowding shall occur when the TOTAL occupancy level in a housing unit exceeds 2 people per habitable sleeping room, except that an additional person(s) may be allowed when a habitable sleeping room provides at least 50 square feet per person. A habitable sleeping room shall not include kitchens, basements, bathrooms, hallways, or dining areas. For the purpose of determining unit size, borrowers need to include, as members of the household:

1. All full-time members of the household
2. Dependent minors who are away at school but live with the family during school recesses.
3. Dependent minors who are subject to a joint custody agreement but live in the unit at least 50 percent of the time.
4. An unborn child or a child in the process of being adopted by or granted custody to an adult.
5. A foster child residing in the unit, or a household child temporarily residing elsewhere in foster care.
6. A live-in attendant.

* Live-In Aides: In the case that a resident is approved to have a live-in aide, the requested aide must agree to a criminal background check and be approved within the standards of this criteria. Live-in aides MUST agree to follow the rules and lease of the community. Live-In Aides have no legal rights to the unit should the leaseholders vacate or tenancy be terminated

10. Annual Recertification Policy

In addition, applicants must understand and agree to an annual recertification of household income and circumstances per lease agreement and program description.

Interim Recertification Policy

Further, to ensure that families pay rent based on their household size and income, applicants must understand and agree to requirement that they are required to supply interim information to the property when the following occurs between annually scheduled recertifications:

- a) A household member moves in or out of the unit;
- b) An adult member of the household who was reported as unemployed on the most recent certification/recertification obtains employment; or
- c) The household's income cumulatively increases by \$200 or more per month.

The property will inform residents, through required written notices, about their responsibility annually to provide information about the household's income, which is necessary to properly complete a recertification.

11. Record-Keeping

Property Manager must retain current applications as long as their status on the waiting list is active.

Once the applicant is taken off the waiting list, Property Manager must retain the application, initial rejection notice, applicant reply, copy of Property Manager's final response, and all documentation supporting the reason for removal from the list for three years.

When an Applicant moves in, Property Manager must retain the application, supporting documentation (including Property Manager's verification efforts) for the duration of the tenancy and for three years after the tenant leaves the property.

Property Manager must maintain the applicant and tenant information in a way to ensure confidentiality. The confidentiality of records containing criminal background checks and other personal information are regulated by state and federal law and carry penalties for negligent disclosure and improper use. The Owners should consult with counsel to ensure compliance with state and federal record retention and disclosure laws.

12. Review and Modification of Tenant Selection Plan

Property Manager shall review periodically, but not less than once per calendar year, the Plan for compliance with current regulations and subsidy program requirements. Property Manager may modify the Plan and the policies related to the selection of tenants at any time, subject to prior approval by the Owners. Property Manager shall send notice of the modification and a description of the changes made to the Plan to applicants on the waiting list within thirty (30) calendar days of the effective date of the modification. Owners may also require that Property Manager, upon thirty (30) calendar days' notice, amend the Plan. Any changes made in a Tenant Selection Plan shall be prospective unless otherwise applicable law. The Owner will review the TSP with Property Manager periodically.

13. Key Regulations

1. Fair Housing Act Fair Housing Act Amendments of 1988 ("Fair Housing Act") prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status and national origin regardless of any federal financial assistance. [L] [SEP] Under the Fair Housing Act, Owners and Management shall not take any of the actions listed below based on race, color, religion, sex, disability, familial status and national origin:

- a) Deny anyone the opportunity to apply to rent housing, or deny to any qualified applicant the opportunity to lease housing suitable to his or her needs; [L] [SEP]
- b) Provide anyone housing that is different from that provided to others; [L] [SEP]
- c) Subject anyone to segregation, even if by floor or wing; [L] [SEP]
- d) Restrict anyone's access to any benefit enjoyed by others in connection with housing program; [L] [SEP]
- e) Treat anyone differently in determining eligibility or other requirements for admission, in use of the housing amenities, facilities or programs, or in the terms and conditions of a lease;
- f) Deny anyone access to the same level of services;
- g) Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program; [L] [SEP]
- h) Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons; and [L] [SEP]
- i) Retaliate against, threaten, or act in any manner to intimidate someone because he or she has exercised rights under the Fair Housing Act. [L] [SEP]

Fair Housing Act provides additional protections for persons with disabilities. It requires that the Management make reasonable accommodations in rules, policies, practices, or services as may be necessary to afford handicapped persons equal opportunity to use and enjoy a dwelling. Moreover, it contains specific accessibility requirements that apply to the design and construction of new multi-household housing.

Owner of federally assisted housing program shall display the Fair Housing poster required by the Fair Housing Act.

2. Title VI of the Civil Rights Act of 1964 [L] [SEP] **Title VI of the Civil Rights Act of 1964** prohibits all recipients of federal

financial assistance from discriminating based on race, color or national origin. [L] [SEP]

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

4. Section 504 of the Rehabilitation Act of 1973 [L] [SEP] **Section 504 of the Rehabilitation Act of 1973** (“Section 504”) prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. Although Section 504 often overlaps with the disability discrimination prohibitions of the Fair Housing Act, it differs in that it also imposes broader affirmative obligations on the Owner to make their programs as a whole, accessible to persons with disabilities. Section 504 obligations include the following:

- a) Making and paying for reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens; [L] [SEP]
- b) Operating housing that is not segregated based upon disability or type of disability, unless authorized by federal statute or executive order; [L] [SEP]
- c) Providing auxiliary aids and services necessary for effective communication with persons with disabilities; [L] [SEP]
- d) Performing a self-evaluation of Management’s programs and policies to ensure that they do not discriminate based on disability; and [L] [SEP]
- e) Developing a transition plan to ensure that structural changes are properly implemented to meet program accessibility requirements.

Reasonable Accommodations:

The Development will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504 of the Rehabilitation Act of 1973, the Development will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services at this property where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.

In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals with disabilities, the Development 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;
- d) Take any action that would result in an undue financial and administrative burden on the Development, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

Information Regarding Handicaps:

The Development ensures that any questions related to handicap on the application for housing, have to do with program eligibility, and allowable medical or handicapped deductions for housing applicants who wish to take advantage of those deductions. It is not required that any information regarding a possible handicap be revealed other than for program eligibility requirements.

Neutral Policies:

The Development will make reasonable adjustments to rules, policies, practices, and procedures in order to enable an applicant or resident with a disability to have an equal opportunity to use and enjoy the unit and the common areas of a dwelling, or to participate in or have access to other activities conducted or sponsored by the Owners.

Auxiliary Aids to Ensure Effective Communication:

The Development will seek to effectively communicate with applicants, residents, and members of the public who are individuals with handicaps or disabilities. The use of auxiliary aides will be implemented when necessary. The Development asks for seven (7) days' notice in order to make any service, meeting, interview, appointment, or any business accessible. Requests for auxiliary aids may include visual alarms, tactile signs, visual doorbells, and other communication auxiliary aids available to management.

Assistance Animals:

The Development will allow assistive animals, which are defined as animals that work, provide assistance, perform tasks for the benefit of a person with a disability or provide emotional support to alleviate identified symptoms or effects of a person's disability. These animals, often referred to as service animals, support animals, or therapy animals, perform many disability-related functions, including but not limited to guiding individuals who are blind, alerting individuals who are deaf, providing minimal protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. No pet deposit is required for assistive animals. The Development requires a reasonable accommodation animal request and will provide assistance in completing the written request when necessary.

Equal Access:

The Development will provide assistance in a confidential manner and setting to insure equal access to a resident's documents. An individual with disabilities is responsible for providing her/his own transportation to and from the location where all documents are kept.

Equal Access Rule:

On February 3, 2012, HUD published a final rule entitled Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (77 FR 5662) ("Equal Access Rule" or Rule). The Rule is intended to ensure that housing across HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

Mitigating Circumstances:

Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be given to all

persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact the Development immediately to schedule a meeting.

If the Owners, Management and Development employ 15 or more persons, regardless of their location or duties, a Section 504 Coordinator must be designated.

5. Executive Order 13166 – Limited English Proficiency (for HUD programs only) [1] [SEP] Executive Order 13166 requires Owner/Management to take reasonable steps to ensure meaningful access to the information and services they provide for persons with limited English proficiency. This may include interpreter services and/or written materials translated into other languages, provided at the time of application, or at the request of the applicant.

6. Violence Against Women and Justice Department Reauthorization Act of 2005 (for Section 8 developments only) [1] [SEP] **Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA 2005)** protects victims of domestic violence, dating violence or stalking, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence is reported and confirmed. [1] [SEP] Owner/Management responding to an incident of actual or threatened domestic violence, dating violence or stalking that could potentially have an impact on a tenant's participation in the housing program may request in writing that an individual complete, sign and submit within 14 business day of the request, the HUD-approved certification form (HUD-91066). [1] [SEP] Alternatively, in lieu of the certification form or in addition to it, Owner/Management may accept (i) a federal, state, tribal, territorial, or local police record or court record or (ii) documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance. Owner/Management are encouraged to carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

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

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

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

Other than what is described above, VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident.

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.

VAWA Emergency Transfer

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

1. The person making the request is a victim of a VAWA crime or is a person affiliated with a victim of a

VAWA crime

2. There is a request for a VAWA Emergency Transfer; and
3. The resident reasonably believes that there is a threat of imminent harm if the resident remains within the same unit; or
4. If the resident is a victim of sexual assault, the resident may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar day period preceding a request for an emergency transfer.

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

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

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

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

7. Federal Privacy Act of 1974, protects individuals' records maintained by the Development. Unless required by Federal or State law, neither the Development nor its agents shall disclose 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. This privacy policy in no way limits the Development's ability to collect such information as it may need to determine eligibility and income, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on handicap or disability will be treated in a confidential manner. This privacy policy is not intended to preclude the cooperation of the Development with local, State, or Federal investigations into fraud or criminal activity. With proper identification, the Development is permitted to advise the investigating officer of the following:

- a) Whether or not an individual is a resident;
- b) How long an individual has been a resident; and
- c) Any other appropriate answers to questions related to the investigation.

The Development will not make files, forms, or documents available to the investigating officer unless a court order for such action is provided.

8. Student Eligibility for Section 8 Assisted Units: If a member of an applicant's household is enrolled as a full or part time student at an institution of higher education, the applicant household shall not be eligible for Section 8 housing assistance unless the student meets any one of the following criteria:¹

- a) The student is 24 years of age or older as of the date of application;
- b) The student is a veteran of the U.S. Armed Forces;

¹This restriction does not apply to students who are currently residing in a Section 8 assisted unit with his or her parents or who reside with parents who are applying to receive Section 8 assistance.

- c) The student is married;
- d) The student has a legal dependent other than a spouse (for example, a dependent child or an elderly dependent parent);
- e) The student is disabled and was receiving Section 8 assistance as of November 30, 2005;
- f) The student is individually income eligible for Section 8 assistance and his or her parents are also, individually or jointly, income eligible for Section 8 assistance; or
- g) The student is individually income eligible for Section 8 assistance and is determined independent from parents or guardians by meeting all of the following criteria:
 - 1) The student is at least 18 years of age;
 - 2) The student has established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meets the U.S. Department of Education's definition of independent student. In order to meet this definition of an independent student, the applicant must:
 - a) be at least 24 years old by December 31 of the year in which he or she is applying;
 - b) be an orphan (parents deceased) or a ward of the court (or have been a ward of the court until the age of 18);
 - c) be a veteran of the U.S. Armed Forces;
 - d) have a legal dependent other than a spouse (for example, a dependent child or an elderly dependent parent);
 - e) be a graduate or professional student; or
 - f) be married;
 - 3) The student is not claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - 4) The student obtains a certification of the amount of financial assistance that will be provided by parents, guardians, or others signed by the individual providing the support. This certification is required even if no assistance will be provided.
- h) The student is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
 - 1. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
 - 2. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
 - 3. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
 - i. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
 - ii. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - iii. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
 - iv. A financial aid administrator; or
- i) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents.

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

NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:

1. If the student is over the age of 23 with dependent children or
2. If the student is living with his or her parents who are receiving section 8 assistance

Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

The definition of tuition is consistent with the definition provided by the Department of Education.

9. Student Eligibility under the Low Income Housing Tax Credit Program: An applicant household in which all members are all full-time students shall not be eligible for housing under the Low Income Housing Tax Credit Program unless at least one of the following exceptions applies:

- a) The full-time students are married and file a joint income tax return;
- b) An adult member is a single parent with a minor child in the unit, the adult is not a tax dependent of any third party, and the children are not claimed as a tax dependent by anyone other than one of their parents (even if the other parent is not in the unit);
- c) The household includes a member who receives welfare assistance in the form of Temporary Assistance to Needy Families (TANF);
- d) The household includes a member who formerly received foster care assistance (that means they were a foster child or adult);
 - e) The household contains a member who gets assistance from the Job Training Partnership Act (JTPA) or similar programs. (NOTE: The "Workforce Investment Act" has replaced JTPA). If none of the above exceptions applies and all members of the household are fulltime students, the household is not eligible for housing. Full-time students include individuals who are or will be attending grades K-12 or a college, university, or institute of higher learning for 5 or more consecutive months in the next 12-month period and whose student status is defined as "full-time" by the applicable educational institution.

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents. If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:

1. If the student is over the age of 23 with dependent children or
2. If the student is living with his or her parents who are receiving section 8 assistance

Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

The definition of tuition is consistent with the definition provided by the Department of Education