

WIHINAPHE

Resident Selection Plan

It is the policy of management to protect the privacy of individuals as required by the Federal Privacy Act of 1974 and applicable federal regulations and to keep confidential such as individuals' verification records maintained by the property.

This information may be released to appropriate federal, state and local agencies when relevant, and to civil, criminal, or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released unless the individual gives written authorization to do so.

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

Information obtained on handicap or disability that is designated as confidential by the Rehabilitation Act of 1973 will be treated in a confidential manner.

Section 1 – Project Eligibility Requirements

WIHINAPHE is a 83-unit property designed to provide housing to all households who meet eligibility and screening requirements.

Not all the materials contained in this plan apply to every unit. Where specific policies or factors are relevant only to specific units, the plan states so. Section 811PRA have their own TSP Attachment.

Basic Requirements

To apply for HTC program units, applicants must be qualified under the income limits established by the appropriate state and local agencies relevant to the size and type of unit available. This section contains a breakdown of income limits for each kind of unit. An applicant's income level is not in and of itself sufficient for housing, and no applicant is entitled to housing solely by virtue of their income. All applicants must successfully meet the tenant selection criteria outlined in this plan and all relevant statutes, rules, and regulations.

The tenant selection criteria are used to demonstrate the applicant's suitability, either alone or with tenant-based assistance, to comply with the rules governing tenancy. The applicant will be judged on current and past behavior and practices related to tenancy and not on any attribute or behavior which may be imputed to a particular group or category of persons of which the applicant may be a member. Applicants must also qualify in accordance with the following eligibility criteria:

Program Restriction	Units	Rent Restriction	Income Limit	Restriction Period
HTC	8	60% MTSP	60% MTSP	30 years
HTC	42	50% MTSP	50% MTSP	30 years
HTC/Project-Based Vouchers (PBV)	13	30% MTSP	30% MTSP	30 years
Section 811 PRA	11	30% MTSP	30% MTSP	30 years
HTC/ LTH Housing Support/HPH	9	30% MTSP	30% MTSP	30 years

Section 2 – Eligibility of Students

Under IRS Section 42 Regulations, most households where all the members are full-time students are not eligible, and units occupied by these households may not be counted as tax credit eligible units. IRS Code Section 151(c)(4) defines a “student” as an individual, who was enrolled in school any days in a month for in five (5) months during the calendar year in which the taxable year of the taxpayer begins, is a full-time student at an educational organization described in IRC Sec 170(b)(1)(A)(ii). Treas. Reg. Section 1.51-3(b) further provides that five calendar months need not be consecutive.

The determination of student status as full or part-time is based on the criteria used by the educational institution the student is attending. Applicants must provide their past, present, and upcoming class registration upon request

An education organization, as defined by IRC Sec. 170(b)(1)(A)(ii) is one that normally maintains a regular faculty and curriculum and normally has an enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term “educational organization” includes elementary schools, junior and senior high schools, colleges, universities, and technical, trade and mechanical schools, it does not include on-the-job-training courses.

There are five exceptions to the limitation on households where all members are full-time students. Full-time student households that are income eligible and satisfy one or more of the following conditions are considered eligible:

1. All students are married and entitled to file a joint tax return.
2. The household consists of single parent(s) with children and such parents and children are not dependents of another individual. Please note that IRS has clarified that in the case of a single parent with children the legislative history explains that none of the residents (parent or children) can be a dependent of a third party.
3. At least one member of the household receives assistance under Title IV of the Social Security Act (formerly Aid to Families with Dependent Children (AFDC), now known as Temporary Assistance for Needy Families (TANF).
4. At least one member of the household participates in a job-training program receiving assistance under the Job Training Partnership Act (JTPA) or other similar federal, state, or local laws.
5. Household consists of at least one student who was previously under county/state foster care.

At no time during tenancy can a household be comprised of full-time students without meeting an exception listed above.

To properly document student eligibility, all households must complete an Annual Student Certification as part of the initial certification and at each recertification and provide class transcript(s) showing the number of classes/credits registered in. Acceptable documentation of student status may require past, current, and future class registration and tuition statement for current and upcoming calendar year. This includes if the student graduated during the year the household is moving in.

HOME Program Student Eligibility requirements:

Properties where HOME funds were committed on or after August 23rd, 2013 to have additional eligibility requirements for students. The HOME program adopted the Housing Choice Voucher Program restrictions on student participation found at 24 CFR 5.612 and excludes any individual that:

1. Is enrolled in a higher education institution; and
2. Is under the age of 24; and
3. Is not a veteran of the US Military; and
4. Is not married*; and
5. Does not have a dependent child(ren); and
6. Is not a person with disabilities; and
7. Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income

* Effective August 1, 2013 same-sex marriages are recognized as marriages for student eligibility purposes.

Section 3 – Physically Handicapped/Disabled Applicants

For units accessible to or adaptable for persons with mobility, visual or hearing impairments and meet the HUD definition of disability, households containing at least one person with such impairment will have priority, as applicable for a particular unit's features.

WIHINAPHE may lease these units to families who do not need the special features when no current resident or no one on the interest list need such a unit.

WIHINAPHE, however, has a lease provision that requires the family to transfer to another suitable unit when someone can document the need for the special features of the unit.

Section 4 – Application Screening Criteria

It is WIHINAPHE policy to accept and process applications following Federal Fair Housing Regulations. Wellington Management does not discriminate against any person based on race, color, religion, sex, national origin, handicap status, familial status, or any other state or locally protected classifications. To be considered for approval, all adults must fully complete a rental application.

WIHINAPHE requires a separate screening application for each adult (age 18 and older by move in date) who will be occupying a unit. There is a non-refundable fee for rental application processing based on property requirements per application. Applicants are encouraged to read these policies to determine if they will qualify for occupancy before paying the non-refundable application fee.

Every application must be completed in its entirety, with or without assistance, and signed and dated by the head of the household and co-head(s), and all household members 18 years and older, if applicable. All members of the household shall be listed on the application form. Staff will assist any applicant who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision, or language problems and, in general, making it possible for interested parties to apply for housing. Applications that are incomplete and/or have not been signed and dated as required will not be processed. Any omissions, errors, or falsifications may result in denial of an application or terminate the right to rent the apartment

Communications with applicants will be by email if they have provided an email address, can be by both phone and text, and finally may be sent by first class mail. Failure to respond to communications may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control; i.e., medical emergencies. If failure to respond is due to disability reasonable accommodation will be made by management, upon request by the applicant.

The management will be the final judge of what constitutes adequate and credible documentation. If there is any doubt about the truthfulness or reliability of information received, alternative methods will be pursued until the management is satisfied that the documentation obtained is the best available.

All applications are subject to approval through both an outside screening agency along with guidelines set by the applicable housing programs. Approval and denial are based on a review of the criteria found of the following pages. Applicants are given the opportunity to read and review the Resident Selection Criteria prior to paying an application fee and applying for a unit at WIHINAPHE.

Section 5 – Occupancy Standards

	Minimum Household Members	Maximum Household Members
One Bedroom	1	3
Two Bedroom	2	5
Three Bedroom	3	7
Four Bedroom	4	9

WIHINAPHE has established reasonable occupancy standards that will assist as many people as possible, without overcrowding, while minimizing vacancies.

WIHINAPHE complies with all reasonable state and local health and safety restrictions regarding the maximum number of persons permitted to occupy a unit. In the absence of such restrictions, overcrowding is deemed to occur when the total number of persons in the unit exceeds two persons per habitable sleeping room. Project Based Voucher programs have their own occupancy standards to determine eligibility.

When determining family size for income limits, the owner must include the following individuals who are not living in the unit:

- Children temporarily absent due to placement in a foster home;
- Children in joint custody arrangements who are present in the household 50% or more of the time;
- Children who are away at school but who live with the family during school recesses;
- Unborn children of pregnant women;
- Children who are in the process of being adopted;
- Temporarily absent family members who are still considered family members. For example, the owner may consider a family member who is working in another state on assignment to be temporarily absent;
- Family members in the hospital or rehabilitation facility for periods of limited or fixed duration; and
- Persons permanently confined to a hospital or nursing home. The family decides if such persons are included when determining family size for income limits. If the family chooses to include the permanently confined person as a member of the household, the owner must include income received by these persons in calculating family income.

Live-In Aide

A Live-in Aide is a person or persons who:

- reside(s) with elderly, handicapped or disabled person or person(s);
- who is determined to be essential to the care and well-being of the resident;
- is not obligated for the support of the resident; and
- would not be living in the unit except to provide the necessary supportive services.

The policy for Live-in Aides stipulates that:

- Prior to a live-in moving into a unit, a third-party verification must be obtained indicating the need for such care and the fact that the person cared for will be able to comply with the lease terms as the result of such care;
- A live-in aide must complete a screening application, pay the application fee, and meet the selection criteria and criminal history requirements.

- Move-in of a live-in aide will not result in overcrowding.
- The live-in aide is not listed on the lease and has no right to the unit as a remaining member of the resident's household, and will be denied continued occupancy after the resident, for whatever reason, is no longer living in the unit. Relatives who meet the definition and quality as a live-in aide must understand that all rights to the unit are relinquished as the remaining member of the resident's household.
- The income of a live-in aide is not used in determining the household's income or calculating the resident's rent and/or housing assistance payments; and, A live-in aide who violates the house rules will jeopardize the residents' housing.

Section 6 – Credit and Rental History

Credit History

A comprehensive credit report from a recognized credit bureau is mandatory for all applicants. While your credit score itself is not a determining factor, applications may be declined if there is evidence of a poor payment history.

Any outstanding debts to utilities, property management companies, current or former landlords, or a bankruptcy filed within the past 36 months will result in denial.

Rental History

Applicants must provide a housing history covering the last two years (24 months). This includes periods of living with family or friends, residing outside the United States, or other living arrangements. First-time renters will not be disqualified, nor will applicants be penalized if a previous landlord fails to respond to reference requests.

Positive references are characterized by timely payments, proper notice upon vacating, satisfactory housekeeping, adherence to lease terms, and an indication that a former landlord would rent to the applicant again.

Applications will not be denied based on:

1. Pending eviction actions.
2. Court records that are non-public, expunged, or destroyed.
3. Eviction actions that did not result in a writ of recovery of premises and order to vacate.

Evictions that were dismissed, resulted in a judgment favoring the applicant, were settled without judgment, had a writ of recovery issued more than one year prior to application, or had a judgment entered over three years before application will not be grounds for denial.

Section 7 – Criminal Background

Landlord considers the nature, severity, and recency of applicants' convictions in considering whether to rely on an applicant's criminal background to deny his/her application. Landlord does not reject applications based on arrests or dismissed criminal charges. Landlord may deny applicants who are the subjects of open charges until those charges are dismissed. Unless the applicant has been charged as an adult or is subject to "extended jurisdiction juvenile" prosecution or some similar status such that the adjudication is a public record, juvenile adjudications are not considered convictions and are not a basis to reject an application. Landlord will not reject an application based on the existence of an expungement/expunged conviction. If an expunged conviction appears on a record, the expunged conviction will not form the basis to deny the application if the applicant provides the court order or executive-agency direction or decision resulting in the expungement.

An applicant will not be rejected for any of the following reasons:

1. Any arrest in an inactive case that did not result in conviction;
2. Participation in or completion of a diversion or a deferral of judgment program, including stays of adjudication and continuances for dismissal or without prosecution;
3. Any conviction that has been vacated or expunged, or for which the applicant received a stay of imposition of sentencing and complied with the terms of the stay;
4. Any conviction for a crime that is no longer illegal in the state of Minnesota;
5. Any conviction or any other determination or adjudication in the juvenile justice system;
6. Any convictions for petty misdemeanors, prostitution, alcohol related crimes, or low-level property crimes (theft);
7. Any conviction for misdemeanor offenses for which the dates of sentencing are older than two (2) years;
8. Any criminal conviction for felony offenses for which the dates of sentencing are older than seven (7) years; however, a landlord may deny an applicant who has been convicted of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802) or for those same offenses that mandate denial of tenancy in federally assisted housing subject to federal regulations, including but not limited to, when any member of the household is subject to a lifetime sex offender registration requirement under a state sex offender registration program.
9. Any criminal conviction for the following felony offenses for which the dates of sentencing are older than ten (10) years: first-degree assault (Minnesota Statutes Section 609.221), first-degree arson (Minnesota Statutes Section 609.561), aggravated robbery (Minnesota Statutes Section 609.245), first-degree murder (Minnesota Statutes Section 609.185), second-degree murder (Minnesota Statutes Section 609.19), third-degree murder (Minnesota Statutes Section 609.195), first-degree manslaughter (Minnesota Statutes Section 609.20, subd. 1, 2, and 5), kidnapping (Minnesota Statutes Section 609.25, subd. 2(2)), or first-degree criminal sexual conduct (Minnesota Statutes Section 609.342, subd. 1(b) and (g)). ***Not applicable for supportive housing units.***

Section 8 – Income Limits

Minimum Income

A household's income must be equal or greater than 2 times the household's rent portion for the unit. Each household is responsible to provide Management with verification of income, student status, and assets for all household members, including minors. Examples of acceptable documents for verification are based on income type and may include, but are not limited to:

- ***Employment:*** A minimum of six recent, consecutive paychecks (if paid bi-weekly/semi-monthly) or nine recent, consecutive paychecks (if paid weekly).

If new employment, an offer letter on company letterhead, signed and dated by Human Resources (or above position), along with all paychecks received prior to move-in. Acceptance is conditional until paychecks are received.

- *Self-employment:* The last two years of federal tax return, both pages of 1040, Schedule 1, and Schedule C, signed and dated by all adults, even if electronically filed

If new business, a completed monthly profit and loss statement with proof of income received and receipts for expenses.

- *Public Assistance:* A recent benefit letter showing cash assistance received.
- *Unemployment:* A payment history printout showing twelve months pf payments received.
- *Child Support, Alimony, or Other Contributions:* Documentation of payments received, or no payments received, for the past twelve months.
- *Social Security, SSI, and Other Monthly Disability or Retirement Benefits:* A current dated proof of income letter (within 120 days of move in date).

Households with tenant-based rental assistance, including housing choice vouchers, are required to have income that is equal to the household portion of rent. Households receiving rental assistance will not be denied or discriminated against based on receiving assistance.

Maximum Income Limits

An applicant's household gross income (before any deductions) must be less than the maximum income amount for the unit based on household members. Household members cannot quit employment, reduce hours, or change other income just to qualify. Household members with income cannot be removed from a household's application after a household has been denied. Upon verification of income by WIHINAPHE, applicants will be notified of the unit level 30%, 50%, 60%, they qualify

Section 9 – Criteria for *Long-Term Homeless (LTH), People with Disabilities (PWD) and High Priority Homeless (HPH) Criteria, if applicable*

High Priority Homeless (HPH) or Long-Term Homeless (LTH), if applicable

High Priority Homeless (HPH) or Long-Term Homeless (LTH) applicants will be for households with referrals from Simpson Housing via a coordinated entry system. Applicants must qualify for the program guidelines in addition to the property guidelines.

Long-Term Homeless Housing Support, if applicable

Housing Support is a state funded income supplement for low-income individuals over 65 and individuals with a disabling condition. The funds are used to pay for room and board for the tenant. The supplemental service rate is also available for individuals who are long-term homeless (LTH) or

from an allocation of banked beds from the county.

Long-term homelessness (LTH) is defined as persons including individuals, unaccompanied youth, and families with children lacking a permanent place to live continuously for a year or more or at least four times in the past three years. Any period of institutionalization or incarceration shall be excluded when determining the length of time, the household has been homeless.

WIHINAPHE works to reduce barriers to housing using Housing First principles in resident screening policies for High Priority Homeless Units.

The following changes to these specific criteria areas will be used regarding applicants for HPH units:

- Applicants shall not be screened out based exclusively on housing history. This includes eviction history, references from previous landlords and others, as well as money owed to previous landlords or money owed for utilities unless the tenant will be responsible for utilities for the unit and is not able to resolve the issue to set up an account. A recent egregious activity in housing may be considered as a reason for rejection. This includes extremely disruptive behavior to peaceable enjoyment or abusive treatment of other tenants or staff.
- Applicants shall not be screened out based on credit history or credit score.
- An income to rent ratio is not required. WIHINAPHE will review the applicant's income to determine that they have an adequate income to pay their portion of the rent if they do not have rental assistance.

Project Based Vouchers, if applicable

Project-Based Voucher applicants will be for households with referrals from Minneapolis Public Housing Authority. Applicants must qualify for the program guidelines in addition to the property guidelines (see PBV attachment). After the referrals are exhausted and with permission from MPHA, Management will use the designated waiting list.

See instructions in the waiting-list section of this tenant selection plan.

Section 811 PRA, if applicable

Applicants for Section 811 Project Rental Assistance (PRA) units must be referred to by the Department of Human Services (DHS). Specific criteria for these applicants are detailed in the Section 811 PRA Tenant Selection Plan (TSP) attachment, which outlines additional program qualifications, occupancy requirements. *For comprehensive requirements, please consult Section 811 PRA TSP.*

Section 10 – Applications and Waiting Lists

Supplemental Information

Applicants can provide written additional information and documents with a completed application to explain, justify, or negate the relevance of potentially negative information that may be revealed by screening and that the applicant believes to be relevant to the applicant's predicted performance as a tenant.

WIHINAPHE will review this information to and consider all circumstances related to applicant's history. Before making a final determination of acceptance or denial of applicant.

Review will consider:

- a. The nature and severity of the incidents;
- b. The number and type of the incidents;
- c. The time that has elapsed since the date the incidents occurred;
- d. The age of the individual at the time the incidents occurred; and
- e. The extent to which the applicant has taken all reasonable steps to prevent or mitigate any negative history.

Denied Applicants

An applicant is considered **ineligible** if:

1. The household's gross annual income is greater than the applicable income limit, established by HUD.
2. Household is comprised of all full-time students that does not meet any of the exemptions previously listed.

Applicants may be **rejected** if:

1. Management determines that the applicant and/or household member(s) do not meet the tenant selection criteria or the criteria under which the property was developed.
2. The household does not meet with qualifications for the size or type of units that are available.
3. Applicant does not meet the screening criteria.
4. They fail to provide the necessary eligibility or verification documentation in a timely manner.
5. Provides any false, misleading, or omitted information in the application. If not discovered until a lease is signed, a subsequent basis for termination of a lease will be enforced.
6. At any time during the application, showing, or leasing process, any incident that occurs (such as an applicant being inappropriate, making discriminatory or disparaging comments, being under the influence,

argumentative, uncooperative, etc.) that causes Management to believe that this will not be a positive and productive relationship, will be a basis for Management to reject an application, and return any funds or deposits, received.

If the management denies an application, WIHINAPHE will notify the applicant, in writing, within 14 days of the denial, and explain in the notice: the reasons for the rejection, the outside screening agency's contact information, and the right of the resident to contract the screening agency to open a dispute, and to receive a free copy of the report used to make the determination.

Applications denied for not meeting housing program requirements (i.e. the household exceeds income limits or non-qualified student household) will be eligible to reapply in ninety (90) days only if required documentation of change of income and/or student status is provided at the time of reapplication, and if a qualified unit is available.

Applications cancelled for being incomplete due to applicants failing to provide required verification documents after management contact will be eligible to complete their application only when all required documentation for the whole household is provided within 120 days of initial application date, and if qualified unit is available.

Changes in income, household members, or student status within the first six (6) months of occupancy that result in a household being not qualified will result in immediate lease termination for the entire household.

Rejected files will be maintained by the Management Agent for three years following rejection.

Appeals Process

Denial appeal requests must be made:

1. in writing,
2. received by email, fax, mail, or dropped off at the property within seven days of the adverse action, and
3. must at the time provide and include all information and supporting documents of mitigating circumstances or information that would demonstrate their ability to be a successful tenant.

A written final application determination result will be provided within seven business days of receipt.

Approval of Application

WIHINAPHE will notify you once your application is accepted. Management will notify you by email if you have provided an email address, then by both phone and, finally by first class mail. Failure to respond to communications may result in the withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to consider circumstances beyond the applicant's control, i.e., medical emergencies. If failure to respond is due to disability reasonable accommodation will be made by management, upon request from the applicant.

Once your screening result is accepted or conditionally accepted, \$500.00 of the full security deposit will be automatically collected as an initial holding deposit to reserve your unit until you move in. The remaining deposit, as applicable, is due prior to move-in.

A security deposit equal to one month's rent will be required prior to commencement of the lease. If this amount is burdensome, you may elect to enter into a payment plan for a gradual accumulation equal to one month's rent, less fees. The assumed duration of the gradual payment will be three months, if not otherwise agreed to. WIHINAPHE will accept deposits from individuals and entities other than the applicant, including but not limited to municipal support, foundations, and other NGOs.

Once the obligations of the lease have been fulfilled, the security deposit plus accrued interest will be refundable minus cleaning, damages, or other outstanding charges the resident acquires during the time occupying the unit.

All application fees submitted during the application process are non-refundable. Additionally, the holding deposit is non-refundable should the applicant forfeit the rental during the earnest period and the start of the lease agreement. Forfeit includes but not limited to, false or fraudulent information was provided on the application, Applicant backs out or changes mind. The earnest period is defined as the timeframe between submitting the application and the start of the lease agreement. Should the application be denied, the security deposit will be returned and postmarked within seven days of the denial. The \$500.00 holding deposit will be applied to the one month's rent security deposit amount owed.

The holding deposit becomes part of the unit full security deposit due on or before move-in.
The full security deposit is equal to one month's rent.

Administration of the interest list

WIHINAPHE maintains an interest list exclusively for Housing Tax Credit (HTC) units that are not assisted through Project-Based Assistance (such as MPHA) or the Section 811 PRA program. For information regarding the waiting list for Project-Based Voucher (PBV) units, please refer to the section regarding the Minneapolis Public Housing Authority's (MPHA). Additionally, details about the Section 811 PRA program, including waiting list guidelines, can be found in the Section 811 PRA Tenant Selection Plan attachment. WIHINAPHE will accept and maintain interest lists by unit size. If a prospective applicant is interested in living at WIHINAPHE, but a unit is not available, upon request the prospective applicant will be placed on the interest list. Once the unit becomes available, a mass email will be sent out to all prospective applicants. The first household to respond, fill out an application, and be approved/qualified to live in the unit, will get the unit.

Management agents will remove the applicant from the interest list once they have been notified of the upcoming available unit, unless the applicant responds to Management and indicates that they want to remain on the interest list within 10 days of the email notification.

The Management agent will commence outreach through the community contacts outlined in its Affirmative Fair Housing Marketing Plan. In addition to notifying the interest list applicants to ensure they are reaching out to the required target population.

Administration of the Waiting List (PBV)

It is the policy of WIHINAPHE to administer a Waiting List for the MPHA Voucher Units.

WIHINAPHE will accept and maintain waiting lists by unit size. Each applicant will be assigned their appropriate place on the waiting list based on the date and time the household's application qualifies based on this Tenant Selection Criteria including occupancy standards.

Management may, at its discretion, restrict taking applications, suspend taking applications, and close waiting lists in whole or part. Decisions about closing the list will be based on the number of applications available for a particular size and type of unit and the ability of management to house an applicant in an appropriate unit within a reasonable period.

Generally, if the length of the list is such that an applicant would not likely be admitted for the next twelve (12) months, management may advise the applicant that no additional applications are being accepted for that reason.

During the time that list is closed, management will not maintain a list of individuals who wish to be notified when the list is reopened. Opening and closing of waiting lists will be advertised with guidance taken from the Affirmative Fair Housing Marketing Plan.

It is Management's policy to update its waiting list every six months. This process is completed by mailing a letter to each application on the list. This letter requests updated information as well as the applicant's willingness to remain on the list. Applicants are given fourteen calendar days to respond. Lack of response to the letter will be cause for removing applicant's name from the list. Returned mail due to lack of current contact information will be cause for removal of applicant's name from the list.

Applicants who have a change in mailing address, household members, student status of any household member, and/or income must update their application in writing within 30 days of the change. Failure to update their application is cause for removal from the waiting list. Management will also update the list by removing the names of those who no longer qualify for housing.

Suitable vacancies shall be offered to applicants first in sequence on the waiting list. Applicants should be notified as far in advance as possible that they can expect to receive an offer of a unit.

As soon as a notice to vacate is received, management staff will immediately contact the first several applicants on the interest list. The initial contact will be by mailed offer letter stating the availability of the unit. Followed by an email and a phone call. If the applicant does not respond within seven calendar days of the date on the letter, the next person on the list will move to the top of the list.

Should the applicant have a hardship or mitigating circumstance, such as they are currently in a lease, they can be moved to the bottom of the waiting list if they do not accept a unit when they reach the top of the list. Once they reach to top of the list a second time, the applicant shall be given a second offer of a suitable vacancy as soon as one becomes available. Should the applicant reject the second offer, regardless of the amount of time between offers or the reason, the applicant's name shall be removed from all waiting lists and the household must wait for the wait list to re-open to apply again.

Applicants who are on the wait list for more than one unit size will be removed from all other wait lists once they move into a unit.

Unit transfers reasons are addressed on page sixteen of the Tenant Selection Plan. Units will be given on a rotating basis, for each unit size to two external applicants, then one in house transfer, then two external applicants, and continuing in that rotation.

Section 11 – In-House Transfers Policy

Existing residents will be considered for unit transfer after the following has occurred:

- An increase in family composition,
- A decrease in family composition, and/or
- Circumstances necessitate a larger unit for reasons related to reasonable accommodation

If no appropriately sized unit is available, the household will be placed on an in-house transfer list in accordance with the date the family met the transfer eligibility criteria. Residents must be in good standing, without a late payment history or lease violation in the past twelve (12) months to be eligible for the unit transfer list.

The Property Manager will send unit transfer requests to the individual in charge of compliance management for review of program requirements, including available unit and vacant unit rules. Then the request will be sent to the Regional Manager for review of resident payment history, lease violations, unit condition and to ensure resident is in good standing prior to final approval.

Section 12 – Eviction Policy

On the 4th of the month, if a resident has a balance on their accounts, they are delivered a 30-day notice. The notice will include the name of all adult residents, the full address of the unit, a breakdown of the amount of rent, late fees, utilities, and any other charges owed. The name and address of the person authorized to receive rent and fees on behalf of the landlord will be included. The notice will indicate that Resident should call 211 to see if Residents are eligible for financial assistance. Residents may also access resources for legal and financial assistance through information posted on the city's website:

<https://www2.minneapolismn.gov/resident-services/property-housing/renters/renter-resources/>.

The notice will state if Resident fails to pay the amounts due within 30 days of the date of this notice an eviction will be filed against Resident. Otherwise, Resident may choose to vacate the property by the posted deadline to avoid Management filing an eviction action. If the Property is a Covered Property under the CARES Act and Management brings an eviction action against Resident, Resident will not be forced to vacate, and Management will not request a writ of recovery until at least 30 days after the date of an eviction notice.

Eviction will be an action of last resort after other methods of resolution have been attempted or addressed.

Section 13 – Unit Vacancy Policy

Units cannot be vacated for more than 29 days. If residents will be out of a unit for more than 29 days, without a Reasonable Accommodation, they must complete a notice to vacate.

Section 14 – Section 504, the Fair Housing Act, and Local Laws and Statutes Policy

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in any program or activity receiving federal assistance.

The Fair Housing Act prohibits discrimination in housing and housing-related transactions based on race, color, religion, sex, national origin, disability, and familial status. It applies to housing, regardless of the presence of federal financial assistance.

The Minnesota Human Rights Act additionally prohibits discrimination in housing based on marital status, age (St. Paul), sexual or affectional orientation, gender identity, creed, receipt of public assistance, and ancestry (Minneapolis and St. Paul)

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin in any program or activity receiving federal financial assistance.

The Final Rule published as “Equal Access to Housing in HUD Programs-Regardless of Sexual Orientation or Gender Identity” ensures that HUD’s core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status. The Age Discrimination Act of 1975 prohibits age discrimination in any program or activity receiving Federal financial assistance. In addition, owners/management agents must comply with local fair housing and civil rights laws.

Regarding the Omnibus Budget Reconciliation Act of 1993, Currie Commons will not refuse to rent to a prospective resident based solely on the fact that the applicant holds a Section 8 rental voucher.

The Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 require property owners to consider requests for “reasonable accommodations” from applicants and residents with disabilities.

Affirmative Fair Housing Marketing Plan

The Affirmative Fair Housing Marketing Plan (AFHMP) will be reviewed annually.

Conflict of Interest

WIHINAPHE prohibit occupancy by all persons related to: (i) the project owner, (ii) a principal of the project owner, (iii) the architect, or (iv) any attorney and anyone of the foregoing's employees, directors, officers or agents.

Section 15 – Reasonable Accommodations Requests, Modifications, Service and Support Animals

Applicants/Residents are responsible for requesting reasonable accommodation, if needed. This request does not have to be in writing should the applicant/resident not be able to provide the written request. Management will confirm in writing to ensure the request is understood.

Applicants/Residents are required to give permission needed for management to verify they meet the HUD definition of disability related to housing and that the request is a direct result of that disability.

Upon obtaining all necessary verifications which confirm the need for reasonable accommodation, the Property Manager will forward to the Compliance Director the following documents:

- Reasonable Accommodation Request
- Reasonable Accommodation Verification – completed by a third party when necessary
- Recommended Action
- Estimate of Cost to accommodate the request, if applicable

Upon receipt of the information provided and application of the law, the Compliance Director and Regional Manager will review and respond to requests within five (5) business days.

If the request is approved, resident/applicant will be informed in writing of this approval and how the property will accommodate the request. If the accommodation involves alteration to the resident's unit, the Property Manager will work with the resident to schedule these modifications.

If management denies a modification request because the request poses an undue financial burden on the property, management will permit the resident or applicant to make the modifications to the unit or common area at his or her own expense.

Permission will be contingent upon the resident agreeing to restore the premises to its previous condition (ordinary wear and tear excepted) unless the modification benefits the property or is needed by another resident or applicant.

Permission will be contingent upon a specific description of the work, documentation will be done by a licensed and insured professional, and the residents securing all necessary building permits.

Where it is necessary to ensure that funds will be available to pay for restorations at the end of the lease, the resident will be required to pay into an interest-bearing account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest on such an account will accrue to the benefit of the residents.

Section 16 – Violence Against Women Act (VAWA) Policy

VAWA protects qualified individuals and family members of individuals who are victims of domestic violence, dating violence, sexual assault, or stalking (collectively "domestic violence") from being denied admission to housing, evicted from housing, or terminated from housing assistance based on acts of such domestic violence against them.

Management will provide notice to assisted residents of their rights and obligations under VAWA.

Management may not consider incidents of domestic violence as serious or repeated violations of the lease or other "good cause" for termination of assistance, tenancy, or occupancy rights of the victim of abuse.

Management may not consider criminal activity constituting domestic violence, engaged in by a member of resident's household or any guest or other person under the resident's control, cause for termination of assistance, tenancy, or occupancy rights if the resident or an immediate member of the resident's family is the victim or threatened victim of that domestic violence.

Management may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of domestic violence and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD5382, or other documentation as noted on the certification form, must be completed, and submitted within 14 business days, or an agreed-upon extension date, to receive protection under the VAWA. Failure to provide this certification or other supporting documentation within the specified timeframe may result in lease termination or eviction.

The identity of the victim and all information provided to O/As relating to the incident(s) of domestic violence must be retained in confidence by the O/A and must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

- requested or consented to by the individual in writing;
- required for use in an eviction proceeding or termination of assistance; or
- otherwise required by applicable law.

The HUD-approved certification form provides notice to the residents of the confidentiality of the form and the limits thereof. Retention of information: Management will retain all documentation relating to an individual's

domestic violence, dating violence, or stalking in a separate file that is kept in a separate secure location from other resident files.

I've had the opportunity to read and review the Resident Selection Plan prior to paying an application fee and applying for an apartment. By signing below, I agree that all members of my household meet the Resident Selection Criteria for WIHINAPHE.

Applicant Signature

Date

Applicant Signature

Date

Applicant Signature

Date

Applicant Signature

Date

Unit_____

Attachments: HUD 5380 and HUD 5382

Section 8 11 PRA Attachment to Tenant Selection Plan

In addition to the provisions outlined in the Wihinaphe Tax Credit Tenant Selection Plan, applicants for Section 811 Project Rental Assistance (PRA) units must meet specific qualifications unique to the Section 811 PRA program. In cases where there is a conflict between the general requirements and these additional Section 811 PRA qualifications, the Section 811 PRA qualifications will take precedence.

Furthermore, both the Tax Credit qualifications and Section 811 PRA requirements take precedence over standard management criteria. Therefore, if any management requirements conflict with either the Tax Credit or Section 811 PRA qualifications, the latter will supersede the management requirements.

Section 1 Referrals-

Outreach to Identify Potential Tenants

This program uses a combination of existing resources for outreach and in-reach services. For persons considered as Long-term Homeless, PATH outreach workers perform extensive outreach and in-reach to connect with people experiencing Homelessness who also have a Serious Mental Illness or other Disability. For persons exiting institutional settings, the MFP transition coordinator or the DHS housing coordinator will identify potential HUD Section 811 PRA tenants. The DHS housing coordinator, the MFP transition coordinator, and PATH outreach workers will assist HUD Section 811 PRA eligible tenants to identify housing needs and help them transition from institutions or Homelessness into the community.

PATH is a federal grant program that helps people who have a Serious Mental Illness (SMI) and are Homeless. The program funds community-based outreach, mental health, Substance Abuse, case management and other supportive services, as well as a limited set of housing services.

MFP participants are individuals who are eligible for Medicaid and who have resided for 60 or more consecutive days in one or more Qualified Institutions, including hospitals, nursing facilities, intermediate care facilities for persons with developmental disabilities, and institutions for mental diseases for individuals. Individuals may have developmental, physical, or psychiatric disabilities and will have a history of institutional placement.

Eligible Sources to Refer Potential Tenants to the HUD Section 811 PRA Program: The two programs that may provide referrals to the HUD Section 811 PRA program include: **Projects for Assistance in Transition from Homelessness (PATH)** and **Money Follows the Person (MFP)**.

Property owners and other organizations will not be able to directly refer people to HUD Section 811 PRA Assisted Units.

Housing Referral Coordination of Eligible Tenants to HUD Section 811 PRA Assisted Units:

The DHS housing coordinator will coordinate referrals from MFP transition coordinators and PATH outreach workers. The DHS housing coordinator will work with referring providers to screen the applicant for HUD Section 811 PRA eligibility and place them on the waiting list based on the referral date. The DHS housing coordinator will coordinate the referral to available HUD Section 811 PRA Assisted Units and maintain a centralized waiting list. The DHS housing coordinator will also work proactively with owners of HUD Section 811 PRA Assisted Units to identify anticipated vacancies and minimize the time it takes to fill units by helping ensure a well-matched HUD Section 811 PRA participant is ready to move in.

Service Menu: The MFP transition coordinators and PATH outreach workers are the referring providers and service coordinators for the HUD Section 811 PRA program. Tenants served through the HUD Section 811 PRA program will have access to an array of services funded by DHS. Individualized service packages will be designed on a case-by-case basis according to the tenant's specific needs and desires. Each tenant in the program will be matched with their own service coordinator. Service coordinators will help ensure that tenants have access to at least one service designed to provide longer-term support and stability for living in the community. These supports can include case management, transportation, employment supports, independent living skills, mental health services, connection to Community-Based Long-term Services Fund through Medicaid or other state-funded sources (Medicaid services, including access to home and community-based services), as well as helping ensure access to appropriate medical care.

DHS and Minnesota Housing will monitor implementation and administration processes outlined in the Program Operations Manual and as outlined in the Interagency Agreement and revise them as needed to help ensure effective program delivery. Minnesota Housing and DHS will have regular meetings with housing and service providers to provide training, exchange information, and share progress reports.

Section 1.2 Referral Process

Upon identification of a potential HUD Section 811 PRA participant, the referring worker completes and submits to the DHS housing coordinator a HUD Section 811 PRA pre-application and an informed consent form. PATH outreach workers must also verify that the applicant meets the criteria of LTH. The referring worker also completes and submits verification of Disability. The pre-application can be found at <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7102-ENG> on the DHS public EDocs website. The HUD Section 811 PRA pre-application and other forms must be sent to DHS by secure email or fax.

Upon receiving the referral, the DHS housing coordinator reviews the referral materials

and contacts the referring worker with any requests for additional information.

The DHS housing coordinator determines if basic eligibility criteria has been met. The DHS housing coordinator screens the applicant for drug abuse and other criminal activity on the Dru Sjodin National Sex Offender Database and the Minnesota Courts website. The DHS housing coordinator notifies the referring worker within five business days of receiving all referral materials about the applicant's eligibility for HUD Section 811 PRA.

It is the responsibility of the owner/agent to screen the applicants using the existing tenant search within HUD's **Enterprise Income Verification (EIV)** to determine if the applicant or any members of the applicant's household are being assisted under a HUD rental assistance program at another location. **See Section 2.6 EIV for more information**

The DHS housing coordinator places the applicant's name and location preferences on the waiting list. Electronic verification of each application's date and time of submission is maintained in the applicant's file. The DHS housing coordinator reviews available HUD Section 811 PRA units (if any) and determines if any units match the location preferences of the applicant. When a unit becomes available:

- The DHS housing coordinator selects the next applicant on the waiting list for that area. If the unit is accessible, the DHS housing coordinator selects the next applicant for that area who has identified a need for an accessible unit. If there are no applicants who need an accessible unit, the DHS housing coordinator will contact the referral sources to identify applicants who do not need an accessible unit.
- The DHS housing coordinator selects applicants on an alternating basis between MFP participants and PATH participants to try to maintain a 50% balance of each population. The DHS housing coordinator may give preference to an applicant to maintain a 50% balance of each population.
- If there are no MFP or PATH participants on the waiting list for a site location, and a unit becomes available at that location, the DHS housing coordinator offers that unit to applicants experiencing LTH and SMI and who have no PATH outreach program available in their county but who have Long-term Services or to applicants who are At Risk of Institutionalization and have Long-term Services.
- The DHS housing coordinator notifies the referring worker to verify that the applicant is still interested and has maintained eligibility for HUD Section 811 PRA and informs the referring worker to contact the owner/agent for a housing application.
- If the applicant is not likely to meet the property's tenant selection criteria, and whose barriers to these criteria are related to the applicant's Disability, the DHS housing coordinator will explain to the referring worker about the option of submitting a Reasonable Accommodations request and will provide resources for the Reasonable Accommodations request and information about how to file a complaint if the Reasonable Accommodation is denied.

If the applicant accepts the offer:

- The DHS housing coordinator sends the property pre-application to the referring worker. Once the referring worker helps the applicant complete and sign the pre-application and returns it to the DHS housing coordinator, the DHS housing coordinator will send a referral to the property, including the pre-application and verification of the applicant's Disability.
- If the property accepts the application, the DHS housing coordinator contacts the owner/agent within five days of notification of the unit offer to start the application process and assists the applicant with completing the full application and verification process. If needed, the DHS housing coordinator will provide to the property manager verification of SSN, date of birth, and income. If the property denied the applicant, the DHS housing coordinator will discuss the options of filing an appeal or filing a Reasonable Accommodation with the referring worker. The owner/agent must provide the referring worker the appeals process.
- If unforeseen circumstances prevent the applicant from completing the application in a timely manner, the DHS housing coordinator works with the owner/agent and referring worker to try to extend the offer timeline.
- The referring worker coordinates a tour of the apartment for the applicant.

If the applicant declines the offer:

- The DHS housing coordinator documents the offer and keeps the applicant on the waiting list until the next preferred unit becomes available.
- The DHS housing coordinator verifies with the referring worker that the applicant's location preferences are correct.
- If the applicant declines two offers for reasons other than the applicant is not ready to move, the unit does not meet the applicant's accessibility needs, or it does not meet the applicant's location preference, the DHS housing coordinator notifies the referring worker and removes the applicant from the waiting list.
- If an applicant declines an available unit based on location preferences, the DHS housing coordinator offers units from the waiting list to other applicants based on date of application and not location preference. Rejection of these offers will not be considered a formal denial of a unit.
- Applicants will also be removed from the waiting list if they are denied a unit two times, or if the referring worker is unable to locate them when a unit becomes available. If the applicant did not respond to information or updates because of a Disability, the applicant will be reinstated at the original place on the waiting list. The referring worker must provide a written statement to the DHS housing coordinator verifying that the applicant did not respond because of a Disability.

Section 1.3 Waiting List Policies and Referrals to Owner/Agent

The DHS housing coordinator will develop an electronic waiting list that lists the client's name, housing status, Disability type, need for an accessible unit, size preference, location preference, referring worker and other data required by HUD for quarterly reporting purposes. Any changes to the waiting list will be documented.

When the DHS housing coordinator determines the applicant is eligible for HUD Section 811 PRA, the DHS housing coordinator places the applicant on the waiting list in chronological order by date of application. Electronic verification of each application's date and time of submission is maintained in the applicant's file.

The DHS housing coordinator sends the next applicant's referral information to the owner/agent, including the referring worker's contact information and the order of priority.

If the DHS housing coordinator cannot identify an applicant within the HUD vacancy payment period or cannot secure funding to hold the apartment beyond the HUD vacancy payment period, the owner/agent may fill the unit through his/her usual process.

Owner/agents should accept or deny housing applications within five business days of receiving them and must provide a decision in writing to both the DHS housing coordinator and the referring worker, listing any reasons for denial. If the owner/agent denies the application, the DHS housing coordinator will discuss the options of filing an appeal or filing a Reasonable Accommodation with the referring worker. The owner/agent must provide the referring worker the appeals process. The referring worker assists the applicant with the appeals process if the applicant wishes to appeal the decision.

Section 1.4 Opening and Closing the Waiting List

The waiting list will open upon email notifications to referring agencies, which include counties, MFP transition coordinators and PATH outreach workers. Email notices will be sent as additional properties participate in the program or if there are other program updates.

The DHS housing coordinator will determine if the waiting list for any or all locations should be closed due to a projected time estimate of three months for the availability of a unit, based on the number of applicants and the turnover rate.

The DHS housing coordinator will email referring agencies to announce the closing of part or all of the waiting list.

Section 2 Tenant Eligibility Requirements

Households eligible for HUD Section 811 PRA include single adults and families. Households must meet **each** of the following three criteria:

- The household must include at least one adult with a disability who is at least 18 but less than 62 years of age at the time of admission.
- The household must include at least one adult with a disability who is eligible for community-based, long-term services funded through Medicaid or state-funded sources, including Home and Community-Based Waivered Services, Housing Stabilization Services, Adult Mental Health Services, Money Follows the Person (MFP), or Long-term Homeless Supportive Services.
- The household income cannot exceed the [Extremely Low Income \(ELI\) limit](#) established by HUD and published annually.

****See *Section 4.1 HUD Definitions* page 20-21 for elderly and disability definitions**

Section 2.1 Target Populations

Beyond the initial eligibility for HUD Section 811 PRA, Minnesota Housing will work for maintain a balance between the following targeted populations who meet the eligibility criteria:

- Experiencing long-term homeless (LTH), have a serious mental illness (SMI), and are enrolled in Minnesota's Projects for Assistance in Transition from Homelessness (PATH) outreach program (up to 25% of the units for this population will be further targeted to unsheltered LTH populations); **OR**
- Exiting a qualified institution after a long-term stay of 60 days or more and enrolled in the MFP program. Qualified institutions include:
 - o Intermediate care facilities for individuals with developmental disabilities
 - o Nursing facilities
 - o Hospitals, including community behavioral health hospitals
 - o Institutions for Mental Disease (IMF), to the extent Medical Assistance pays for the stay (Medical Assistance typically pays if the person is under 21 years or 65 years plus therefore only these applicants would be eligible for HUD Section 811 PRA);
 - o Child and adolescent behavioral health services facility in Willmar (CABHS); **OR**
- At risk of institutionalization and living in segregated settings

NOTE: Program eligibility for PATH and MFP is determined by the PATH outreach worker and the MFP transition coordinator, respectively. Minnesota Housing does not make eligibility determinations for these programs.

Section 2.2 Additional Eligible Applicants

If there are no applicants on the waiting list for a site location from the target populations, the following individuals will be eligible for the program:

- People experiencing homelessness and SMIs with or without substance abuse and that do not have a PATH outreach worker available in their location and who meet the tenant eligibility criteria

Section 2.3 Ineligible Households

The following households are excluded from HUD Section 811 PRA:

- Any household containing a member(s) who was evicted from federally assisted housing in the last three years for drug-related activity, with the following exceptions:
 - The evicted household member has successfully completed an approved, supervised drug rehabilitation program; **OR**
 - The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household)
- A household containing a member(s) who is(are) currently engaged in illegal use of drugs or for which the owner/agent 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
- Any household member if there is reasonable cause to believe that the member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety and right to peaceful enjoyment by other residents
- A household may be ineligible if the following Social Security Requirements are not met:
 1. Applicants must disclose Social Security Numbers (SSNs) for all family members and provide proof of the numbers reported.
 2. If no SSN has been assigned to a particular family member, the applicant must, at a minimum, bring proof that an application to the Social Security Administration (SSA) has been completed.
 3. The SSN requirement does not apply to people who are not claiming eligible immigration status as of January 31, 2010, whose initial determination of eligibility for assistance was begun before January 31, 2010. Nothing would be required in place of the SSN requirement; the applicant would be coded on the form HUD-50059 in such a way that would indicate that they are exempt from this requirement

4. Acceptable evidence of an SSN consists of one of the following (document must have the Social Security Number in the document):
 - An original SSN card issued by the SSA or an original SSA-issued document, which contains the name and the SSN of the individual
 - An original document issued by a federal, state, or local government agency, which contains the name and the SSN of the individual (the documentation must identify the number as an SSN)
 - IRS Form 1099 or W-2 Form
 - Benefit award letters from government agencies
 - Unemployment benefit letter
 - Court records such as real estate, tax notices, marriage and divorce judgment, or bankruptcy records
 - Verification of Social Security benefits with the SSA
5. Applicants who have not disclosed and/or provided verification of SSN for all non-exempt household members have 90 days from the date they are first offered an available unit to disclose and/or verify SSNs. During this 90-day period, if the applicant is unable to disclose and/or verify SSNs for all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list.
6. Failure to disclose all SSNs as required or failure to certify that a family member does not have an SSN is cause for denial of admission or termination of assistance, subject to the family's right to an informal review or hearing. If an applicant is denied due to this requirement, or their assistance is terminated, Minnesota Housing will notify them in writing of their right to a hearing.
7. All family members, regardless of age, must disclose and document their SSN prior to admission. The owner/agent may accept and allow the move-in of applicant households that include a family member under the age of six who cannot provide an SSN if the child was added to the household within the six months prior to move-in. The households will have 90 days and one additional 90-day extension to provide the SSN. This extension also applies to in-place households wishing to add a new family member under the age of six to the unit. If the applicant is unable to provide the information, they will be determined ineligible and removed from the waiting list.

Section 2.4 Student Eligibility

The owner/agent must determine a student's eligibility for assistance at move-in, at initial or annual recertification, and at the time of an interim recertification if one of the changes reported reflects a household member who is enrolled as a student.

Assistance will not be provided to any individual in a qualifying household who:

- Is enrolled either as a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate or other program leading to a recognized educational credential, **AND**
- Is under the age of 24, **AND**
- Is not married, **AND**
- Is not a veteran of the United States military, **AND**
- Does not have a dependent child, **AND**
- Is not a Person with Disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C.1437a(b)(3)(E) and was not receiving Section 8 Housing Choice Voucher assistance as of November 30, 2005, **AND**
- Is not living with his or her parents who are receiving tenant-based or project-based Section 8 Housing Choice Voucher assistance, **AND**
- Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 Housing Choice Voucher assistance.

In order for a student to be eligible, independent of his or her parents, the student must meet the following criteria:

- The individual is 24 years of age or older by December 31 of the award year; **AND**
- 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; **OR**
- 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; **OR**
- The individual is a veteran of the United States military (as defined in subsection [c](1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes; **OR**
- The individual is a graduate or professional student; **OR**
- The individual is a married individual; **OR**

- The individual has a legal dependent other than a spouse; **OR**
 U.S.C 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 1431 et. seq.) or as unaccompanied, At Risk of Homelessness, and self-supporting by:
 - (i) A local education agency Homeless liaison, designated pursuant to Section 722(g)(1)(J)(ii) of 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 administrator (the individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances)

In order to verify a student’s independence from parents, the owner/agent must:

- Review and verify previous address information to determine evidence of a separate household from parents or legal guardians, or verify the student meets the U.S. Department of Education’s definition of independent student; **AND**
- Review a student’s prior year income tax returns to verify if the student is independent or verify the student meets the U.S. Department of Education’s definition of independent student; **AND**
- Verify income provided by a parent by requiring a written certification from the individual providing support. Certification is also required if the parent(s) is not providing support to the student. Financial assistance that is provided by people not living in the unit is part of annual income; **AND**
- If the student is determined to be a vulnerable youth, such determination is all that is necessary to determine that only the student’s income is used for determining eligibility for Section 8 Housing Choice Voucher assistance.

An individual is considered a vulnerable youth if they meet either of these criteria of the U.S. Department of Education’s definition of “independent student”:

- 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; **AND**

- 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; **AND**
- 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 education agency Homeless liaison, designated pursuant to Section 722(g)(1)(J)(ii) of 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 (the individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances)
- The full amount of financial assistance paid directly to the student or to the educational institution, and amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs, are excluded from annual income.

Section 2.5 Income Limits

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to eligible low-income families. Income limits are based on family size and the annual income the family receives. The owner/agent will determine income eligibility prior to approving any applicant for tenancy. Applicants must have an income that is not greater than the maximum income limits established by [HUD](#) and as published annually in the Federal Register.

For HUD Section 811 PRA, a family's annual income at the time of admission may not exceed the ELI limits established by HUD for the current year.

Section 2.6 EIV The Enterprise Income Verification (EIV)

- 1) All household members, including minors, are required to be entered into the Enterprise Income Verification (EIV) System. Members of the household cannot receive assistance at multiple properties at the same time. Within the EIV system, Management will review the Existing Tenant Search report. Household members who already receive subsidy at another property may be denied subsidized housing unless the subsidy will no longer be received upon move-in to NACC-H. The Enterprise Income Verification (EIV) system will be used to identify applicants who are already receiving housing subsidy at another property, to verify Social Security Numbers, and to verify income. If EIV indicates an applicant receives subsidy at another property, the applicant will have 3 days to produce a letter from their current property manager stating the date that their tenancy ends. If EIV determines that a household member has provided an invalid Social Security Number, the household will have 90 days to provide verification of the correct Social Security Number or be subject to termination of tenancy, according to HUD rules. EIV reports will be obtained as follows:
 - a) Prescreening Report will be run for every household member before they move into the unit.
 - b) EIV Income and New Hires reports will be run for every Annual Recertification.
 - c) EIV Income and New Hires reports will not be run for Interim Recertifications.

EIV Income Discrepancy Reports will not be run for Annual Recertifications when Owner accepted income determination completed within the previous 12-month period for purposes of following means-tested forms of Federal Public Assistance.

Section 2.7 Occupancy Standards

A unit is assigned to a participant based on their family size and composition. Reference the written policies for the site's specific standards. To prevent underutilization, the following minimum standards for occupancy apply:

Bedrooms	Minimum Persons
0	1
1	1
2	2
3	3

One person will not be permitted to occupy a unit with two or more bedrooms unless that person is:

- A person with a Disability who needs the larger unit as a Reasonable Accommodation;
- OR**

- A displaced person who has a verifiable need for a larger unit; **OR**
- A remaining family member of a tenant family when no appropriately sized unit is available

Section 2.8 Security Deposit

The security deposit amount will be the greater of \$50 or the total tenant payment determined at move-in. The tenant may pay the security deposit in an installment basis from his/her own resources and/or other public sources. The security deposit must be placed in a segregated, interest-bearing account. The balance of this account must at all times be equal to the total amount collected from the tenant, plus any accrued interest. The owner must comply with any applicable state and local laws concerning interest payments on security deposits and return the security deposit to the tenant following the requirements stated in [HUD Handbook 4350.3 REV-1, CHG 4; pp 6-18.](#)

Section 3 Program Policies

Section 3.1 Unit Transfers

A change in the number of household members or the composition of a tenant family may change the size of the unit for which the family is eligible. The owner/agent is responsible for management of in-house waiting lists, overcrowded and under occupied units, and will determine if the family is in the appropriately sized unit. The owner/agent will adhere to the minimum occupancy standards indicated in the above table.

Tenants may request transfers to other units in accordance with the owner/agent's occupancy policies. The owner/agent must notify the DHS housing coordinator of the transfer.

****See Section 3.9 for VAWA transfer policy***

Section 3.2 Identifying Applicant Needs for Accessible Units or Reasonable Accommodations

Tenants wishing to relocate to another HUD Section 811 PRA property must submit a written or verbal request to the DHS housing coordinator. They also must comply with the terms of their Lease Agreement. Their name will be placed on the waiting list as of the date of their request. Tenants requesting a transfer due to an accessibility need or an emergency situation will get priority on the list.

The DHS housing coordinator will work with the owner/agent if a tenant requests relocation due to a need for handicapped accessibility.

Section 3.3 Unit Inspections

Prior to the initial lease execution, a move-in inspection must be completed and certified by both the owner/agent and the eligible tenant. The certified form must determine if the unit is in decent, safe and sanitary condition. The form will become an attachment to the lease. If the eligible tenant is unable to attend the move-in inspection, he/she must certify that they have waived the right to be present for the move-in inspection.

Each Assisted Unit will be inspected annually to determine if all appliances and equipment in the unit are functioning properly and to assess whether a component needs to be replaced or repaired.

A move-out inspection will be conducted when the eligible tenant vacates the unit. This will determine if any damages to the unit have occurred and will assist in determining the amount of the security deposit to be reimbursed to the tenant. The tenant does not need to be present at the time of the move-out inspection.

Additionally, each Assisted Unit will be subject to inspection based upon the property's other existing federal or state housing programs pursuant to Uniform Physical Conditions Standards (UPCS). Minimally, these inspections occur every three years; however, reference the individual site's written policies for the frequency and purpose of the inspections.

Section 3.4 Annual Recertification Policy

Owner/agents will conduct a recertification of family income and composition annually. All family members must supply the information requested by the owner/agent and/or HUD. Tenants must sign the required consent forms, and the owner/agent will obtain third party verification of the required documentation, including annual income, the value of assets, authorized deductions from annual income and other factors that affect the determination of adjusted income. Owner/agents will then calculate the rent and assistance payments based on the information gathered. Failure by the tenant to comply with the recertification process may result in eviction for noncompliance with the lease requirement to recertify annually.

Owner/agents may request income verification from the DHS housing coordinator if the tenant signs a Release of Information.

Section 3.5 Interim Recertification Policy

To help ensure that rents of assisted tenants are based on their ability to pay, applicants must understand and agree to HUD's requirements that they are required to supply interim information to the owner/agent when any of the following occurs between annually schedule recertifications:

- A family member moves in/out of the unit; **OR**
- An adult member of the family who was reported as unemployed on the most recent certification obtains employment; **OR**
- The family's income cumulatively increases by \$200 or more per month; **OR**
- The student status changes

Section 3.6 Termination of Assistance/Initial Certification Policy

If it is determined at recertification that the tenant's income has increased where they are able to pay the full Contract Rent, the assistance will be terminated. The tenant may remain in the unit and pay the Contract Rent. If the tenant later becomes eligible for assistance, they can request to be placed at the top of the waiting list for the property in which they live. If the tenant moves out of the property, they will be removed from the waiting list.

When assistance is terminated for a tenant that is over income, assistance will be offered to the next applicant on the waiting list.

Section 3.7 Implementation of House Rule Changes

Owner/agents will provide tenants written notice 30 days prior to implementing new house rules.

Section 3.8 Tenant Complaint Resolution Procedure

DHS and Minnesota Housing have worked together to develop the following procedures to help owner/agents, service providers, and tenants in the HUD Section 811 PRA program better understand the process for resolving tenancy related issue that arise for HUD Section 811 PRA tenants. **NOTE:** Owner/agent may also be referred to as property manager.

It is important for owners/agents to work with case managers (or other listed support worker) and/or the DHS housing coordinator before any issue becomes serious enough to become a reason for termination. If the owner/agent does not know who the case manager is, the DHS housing coordinator should be contacted to find out if someone is working with the tenant. If no one is working with the tenant, the DHS housing coordinator may be able to make a referral for tenancy supports.

Release of Information/Informed Consent

At the time of lease signing and recertification, owner/agents request from the tenant information regarding their case manager. Owner/agents also ask the tenant to complete and sign a Release of Information. This form can be drafted by the owner/agent. An informed consent will allow the owner/agent to speak with both the case manager and the DHS housing coordinator. It will also allow the DHS housing coordinator to look up any income verifications needed for the initial lease.

Concerns from Owner/Property Management

Examples: Lease violations, complaints about the tenant, late rent, or issue with recertification.

The owner/agent contacts the tenant and case manager to discuss and try to resolve the issue. If the issue continues and the owner/agent is unable to resolve the issue with the tenant and case manager, the owner/agent should contact the DHS housing coordinator.

Concerns from Tenant

Examples: Maintenance concerns, neighbor concerns, questions regarding rent or recertification.

The tenant should report the concern to the owner/agent and try to resolve the issue.

If the issue goes unresolved, the tenant should contact their case manager. If the tenant does not know who their case manager is, or does not have a case manager, they should contact the DHS housing coordinator.

The DHS housing coordinator will attempt to put the tenant in contact with a case manager or will help deal with the tenant's concern. The DHS housing coordinator will direct the case manager to develop an action plan that outlines how services will be modified and intensified to address issues.

Escalated Program Concerns

This policy assumes that minor lease issues would be resolved between the tenant

and owner/agent, potentially with the assistance of the case manager or the DHS housing coordinator. If there is a significant grievance either from the tenant or the owner/agent that cannot be resolved by involving the case manager, the following protocol would be implemented:

Once the issue is elevated to the DHS housing coordinator, and the DHS housing coordinator is unable to resolve issue, the DHS housing coordinator will make contact with the Minnesota Housing contract administrator.

Minnesota Housing will advise on the issue and clear up any misunderstandings of program regulations.

If the issue remains unresolved, the DHS housing coordinator organizes a case conference with the owner/agent, case manager, case manager supervisor, Minnesota Housing, and tenant, as appropriate. Resolutions may include changes to services for tenants, locating alternative housing for tenants, and/or transfer requests.

If the issue remains unresolved, the owner/agent may choose to proceed with eviction.

Section 3.9 VAWA

Applying Violence Against Women Act (VAWA) Protections

The owner/agent must provide notice to tenants of their rights and obligations under [VAWA](#). Status as a victim of domestic violence, dating violence, sexual assault or stalking cannot be a basis for denial of rental assistance or admission if the applicant otherwise qualifies.

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

When the owner/agent responds to a claim of protected status under VAWA, the owner/agent will request, in writing if appropriate, that an individual document the occurrence of the domestic violence, dating violence, sexual assault or stalking. The owner/agent must provide victims the option to complete the Certification of Domestic Violence, Dating Violence or Stalking, [form HUD-5382](#), or, in lieu of the certification form or in addition to it, owners may accept a federal, state, tribal, territorial, or local police record or court record, or documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence or the effects of the abuse. If delivery of the certification form places the victim at risk, the owner/agent will work with the applicant/tenant in making acceptable delivery arrangements. The applicant/tenant will have 14 calendar days, or an agreed upon extension date, to submit the form or provide another form of documentation.

An owner/agent is not required to demand that an individual produce official documentation or physical proof of status as a victim in order to receive the protections of VAWA. The owner/agent, at his/her discretion, may provide assistance to an individual based solely on the individual's statement or other corroborating evidence.

An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as serious or repeated violations of the lease, be it related to the victim or threatened victim of that violence and will not be "good cause" for termination of the assistance, tenancy or occupancy rights of a victim of such violence.

The identity of the victim and all information provided to the owner/agent will be retained in confidence. The owner/agent will retain all documentation relating to an individual's VAWA protections in a separate file that is kept in a separate, secure location from the other tenant files. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

- Requested or consented to by the victim in writing
- Required for use in an eviction proceeding or termination of assistance
- Otherwise required by applicable law

The owner/agent must have tenants sign the VAWA lease addendum, [form HUD-91067](#).

The owner/agent must not penalize victims of domestic violence, stalking or dating violence if the incident under review is a direct result of such abuse.

Lease Bifurcation

Under the HUD Section 811 Project Rental Assistance (PRA) program, a lease may be bifurcated in accordance with the Violence Against Women Act (VAWA). This provision allows for the lease to be split to remove, evict, or terminate housing assistance for an individual who engages in criminal acts of physical violence against a household member, while allowing the victim to remain in the unit.

Specifically, if it is determined that physical abuse caused by a tenant is clear and present, the law provides the owner or property manager the authority to bifurcate the lease and remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. This action must be conducted in accordance with federal, state, and local laws. Following such a bifurcation, an interim recertification is processed to reflect the change in household composition.

Additionally, VAWA protections, including the right to lease bifurcation, are incorporated into the HUD Model Lease used for Section 811 PRA units. These protections are further supported by required forms such as HUD-5380 (Notice of Occupancy Rights) and HUD-5382 (Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking). *Attached to TSP

VAWA Emergency Transfer Plan

In accordance with VAWA, tenants of VAWA-covered properties who are victims of domestic violence, dating violence, sexual assault, or stalking may request an emergency transfer. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. Emergency transfers depend on a determination that the tenant is eligible pursuant to the VAWA emergency transfer plan and VAWA. Emergency transfers can be internal or external. Owners/agents of VAWA-covered properties are required to follow This VAWA Emergency Transfer Plan.

- **Internal Emergency Transfers:** The emergency transfer plan will allow eligible tenants to request an emergency transfer from the tenant's current unit to another unit within the property when a safe unit immediately becomes available. An internal transfer would allow an eligible tenant to reside in a new unit in the same property without having to undergo an application process. The ability of an owner/agent to honor such a request may depend on whether the property has a safe unit that is available to offer the eligible tenant for temporary or more permanent occupancy. If a safe unit is not immediately available, the owner/agent must provide that, at a minimum, the tenant receives any applicable additional priority that may already be provided for other types of emergency transfer requests.

Section 3.10 HOTMA

Under HOTMA, the following deductions apply to elderly or disabled families:

- **Health and Medical Care Expenses:** Unreimbursed expenses exceeding 10% of annual income are deductible.
- **Reasonable Attendant Care and Auxiliary Apparatus:** Expenses for services or equipment enabling a family member with disabilities to work are deductible if they exceed 10% of annual income.
- **Child Care Expenses:** Costs for child care necessary to enable a family member to work, seek employment, or further education are deductible.

For families experiencing financial hardship due to these expenses, a temporary hardship exemption may be granted, lowering the deduction threshold to 5% of annual income.

Initial hardship exemptions are granted for up to 90 days. Owners may extend this period in additional 90-day increments if the hardship persists.

Interim Recertifications

Income Decreases: An interim recertification is required if a family's adjusted income decreases by 10% or more. Owners may set a lower threshold at their discretion.

Income Increases: An interim recertification is mandated when a family's adjusted income increases by 10% or more. However, increases in earned income may be excluded from this requirement

Interim recertifications are not required if the income change occurs within three months of the next scheduled annual recertification

De Minimis Errors

HOTMA defines a de minimis error as an income determination discrepancy of \$30 or less per month. Such errors do not constitute noncompliance. However, if an error results in overcharged rent, owners must correct it retroactively and credit the family accordingly.

HUD Form 9887 / 9887A

The HUD-9887 and 9887A forms, which authorize the release of information for income verification, remain mandatory. Under HOTMA, once signed, these forms no longer expire after 15 months, reducing administrative burden.

Safe Harbor Verifications

Owners have the discretion to use income verifications from other federal means-tested programs (e.g., SNAP, Medicaid) conducted within the past 12 months as "Safe Harbor" verifications. This approach can streamline the verification process.

Section 4.1 HUD Definitions

Elderly and Person with Disabilities

The following definitions are provided for purposes of the Section 811 Project Rental Assistance (PRA) Program and are based on applicable U.S. Department of Housing and Urban Development (HUD) requirements.

Elderly

Elderly means a person who is 62 years of age or older.

For HUD housing purposes, an elderly family generally means a family whose head of household, co-head, spouse, or sole member is 62 years of age or older.

Person with Disabilities

*For purposes of the Section 811 PRA Program, a **person with disabilities** means a person who meets the definition established under **Section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. § 8013(k)(2)) and 24 CFR § 891.305.***

*A person is considered to have a disability if the person has a **physical, mental, or emotional impairment** that:*

1. *Is expected to be of **long-continued and indefinite duration**;*
2. ***Substantially impedes** the person's ability to live independently; and*
3. *Is of such a nature that the person's ability to live independently could be **improved by more suitable housing conditions**.*

*The definition also includes a person with a **developmental disability** as defined under applicable federal law. A developmental disability is a severe, chronic disability attributable to a physical or mental impairment, or combination of physical and mental impairments, that is manifested before age 22, is likely to continue indefinitely, results in substantial functional limitations in three or more major life activity areas and reflects the person's need for individually planned and coordinated services, supports, or assistance of lifelong or extended duration.*

*For purposes of Section 811, the term **person with disabilities** applies to the qualifying disability definition established by HUD and is not based solely on the receipt of Social Security, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), or other disability-related benefits.*

Section 811 PRA Age Requirement

*Section 811 PRA housing is intended for **non-elderly persons with disabilities**. For Section 811 PRA occupancy, the qualifying person with a disability must be **at least 18 years of age and less than 62 years of age at the time of admission**, subject to the applicable Section 811 PRA requirements.*

Authority: Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. § 8013(k)(2)); 24 CFR § 891.305; applicable HUD Section 811 PRA requirements.