

# SOUTH MALL TOWERS TENANT SELECTION PLAN

## **Occupancy Requirements**

South Mall Towers (SMT) has been developed and approved by HUD to provide housing primarily for persons 55 years of age and older. Additionally, in accordance with Section 85 of the Civil Service Law, preference will be given to disabled veterans. Therefore, applicants must meet all the following eligibility requirements:

1. At least one member of a household must be at 55 years of age or older.
2. For the majority of units at SMT, the household's annual income cannot exceed 60% of the area median income as defined by HUD. Additionally, 40% of the units are targeted to households whose income falls at or below 30% of the area median. A small number of units will be made available for households whose income is at or below 80% of the area median income. We also accept tenants who receive subsidy through Albany Housing Authority's Section 8 Program.
3. All family members must be US citizens or eligible non-alien.
  - i. All applicants will be required to sign a Declaration of Citizenship Status.
  - ii. Non-citizens are subject to verification procedures.
4. All applicants must provide Social Security numbers for all family members.
5. All adults in the household must sign a Consent and Authorization for Release of Information prior to being processed for admission.
6. The unit for which the household is applying must be the household's sole residence.
7. The household cannot consist entirely of full time students.
8. The number of members in the household cannot exceed occupancy standards.

## **Processing Applications - Preferences, Priorities and Income Targets**

Mandated HUD Section 236 Program Preference: HUD regulations require that preference be given to applicants who have been displaced by government action or a presidentially declared disaster.

Income-Targeting: Effective April 28, 2000, HUD initiated income-targeting as published in the March 29, 2000 Federal Register. HUD's income-targeting guideline requires that at least 40% of the household admitted each fiscal year fall into the "extremely low income" category (i.e., incomes at or below 30% of the area median). In addition 95% of all units must be occupied by households with incomes at or below 60% of the area median income.

Handicapped-Accessible Units: The only exceptions permitted to following the chronological listing will be filling wheelchair adapted units and those units with special design features for specific occupancy by those households where at least one person in the household requires a unit with specific design adaptations.

Disabled Veterans Preference: Effective November 27, 2007, an amendment to Section 31 of the Private Housing Finance Law requires that housing companies give preference in admission to disabled veterans as defined in Section 85 of the Civil Service Law.

## **Accepting Applications and Waitlist Management**

### **Accepting Applications**

Applications may be requested in person at our offices, by mail, by fax or by phone request. Assistance with the application process is available from our staff upon request.

### **Wait list Management**

Only complete Applications will be accepted and will be added to the wait list in the order of date and time received. The wait list may be closed when there is an average wait of over one-year.

When a unit becomes available, the Management will attempt to contact the next household on the wait list. Applicants will always be selected chronologically except in the following cases:

1. Filling accessible units with households containing a member requiring a unit with accessible features
2. Filling vacancies under HUD's income targeting guidelines
3. Filling units in accordance with HUD's mandated preferences and priorities.

The wait list will be updated annually. A Notification of Update Letter will be mailed to each household on the wait list requesting the household indicate their continued interest in remaining on the wait list. If no response is received within 14 days, the household is removed from the wait list and may reapply. When a household comes to the top of the wait list, and is offered a unit, but does not accept the unit for reasons other than medical, emergency, or need for subsidy that is currently unavailable, that household may remain on the waiting list but would be moved to the bottom.

### **Screening, Acceptance/Rejection of Applicants**

Before a household is accepted for residency at SMT, eligibility criteria outlined above must be verified in accordance with requirements of IRS Section 42 and HUD Handbook 4350.3.

### **Screening Applicants**

Screening procedures will be applied uniformly to all households. Screening will include three areas:

1. Rental history
2. Credit history
3. Criminal history including drug abuse and inclusion on a State or National Sex Offender Registry.

Rental history: landlord references will be requested for a minimum of the last five (5) years. SMT will prohibit admission of any household containing a member(s) who have been convicted of a felony within the past 5 years. Any household containing a member who is currently engaged in substance abuse, or has a history of violent criminal activity will be denied tenancy. In addition, eviction for any reasons, may be grounds for denial.

Live-In Aides and all additions to a household in residence will be subject to the same screening criteria as residents.

### **Rejecting Applicants**

Failure to grant permission for screening will result in a household's rejection for tenancy. If a household is rejected for any reason, the household will be notified in writing of their rejection. The written notice will be sent via regular mail to the current address listed in their application. It will inform the applicant of the reasons for rejection and their right to respond in writing or request a meeting within 10 days.

All applications, rejection notices, replies from applicants, and other related correspondence will be maintained for one year.

### **Violence Against Women Act (VAWA)**

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence** means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

**Stalking** means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person;

(ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

**Immediate Family Member** means, with respect to a person: (A) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

**The VAWA protections apply to families applying for or receiving rental assistance payments under the project-based Sec. 8 Program.** An applicant cannot be denied admission because s/he has been a victim of domestic violence, dating violence or stalking. An applicant or tenant also cannot be denied rental assistance because she/he has been a victim of domestic violence, dating violence or stalking. Domestic violence, dating violence or stalking is not good cause for the eviction of the victim of that violence. An incident of actual or threatened domestic violence, dating violence or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy or occupancy rights of the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim's tenancy. Our lease contains an addendum that makes it clear that domestic violence, dating violence or stalking is not good cause for evicting the victim of that violence.

Applicants and tenants who are or have been a victim of domestic violence, dating or stalking are encouraged to complete the HUD approved Certification of Domestic Violence, Dating Violence or Stalking (Form HUD-91066). SMT may bifurcate or divide the lease as a matter of law so that certain offending tenants can be evicted or removed while the remaining family member's lease and occupancy rights are allowed to remain intact. SMT may evict the victim of domestic violence, dating violence or stalking if the victim poses "an actual and imminent threat to other tenants or employees of SMT". Victims of domestic violence, dating violence or stalking may also be evicted for failure to comply with all other terms and conditions of the lease.

### **PRIVACY POLICY**

It is the policy of SMT to guard the privacy of individuals conferred by the Federal Policy Act of 1974 and to ensure the protection of such individuals' records maintained by this project.

The administrative staff of SMT will never disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested gives written consent to such disclosure. This privacy policy in no way limits SMT's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on a handicap or disability will be treated in a confidential manner.

### **OCCUPANCY STANDARDS AND UNIT ASSIGNMENT**

SMT has set occupancy standards based upon local codes and ordinances. These occupancy standards remain fixed until changes in laws, ordinances or regulations make such change necessary.

The chart below will be used as a guideline for unit assignment.

Efficiency apartment (No bedroom): 1 Person  
Studio apartment (No bedroom): 1-2 Persons  
One bedroom apartment: 1-2 Persons  
Two bedroom apartment: 1-2 Persons

***Three people (a couple and child or caretaker/attendant) may occupy a 2 bedroom unit***

In addition to the occupancy guidelines relating to apartment size, the following will also be considered when assigning a household to a unit:

1. The monthly base rent for the unit selected cannot exceed 50% of the household's gross income. This does not apply to households who will be receiving rental subsidies such as Section 8 or Federal Rent Supplement.
2. If the household is receiving rental assistance by the Albany Housing Authority under HUD Sec. 8 Program, the unit size will be in accordance with the Sec. 8 Program guidelines.

Applicants who receive rental assistance through a Federal Rent Supplement (FRS) at the commencement of residency will be offered a unit in accordance with FRS guidelines.

Residents occupying a non-accessible unit who subsequently require the special features of an accessible unit will be offered a transfer to the first available accessible unit before such a unit is offered to a new tenant. If no current resident requires an accessible unit, accessible units will then be offered to the next household on the wait list requiring an accessible unit. If no household requiring an accessible unit, the accessible unit will then be offered to the next applicant on the wait list. Households occupying an accessible unit but **not** requiring the accessible features will be required to sign a special lease provision requiring them to transfer within 60 days to the next available non-accessible unit should a household require accessible features.

### **EQUAL OPPORTUNITY**

SMT adheres to a policy of equal opportunity and non-discrimination in compliance with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and any and all legislation protecting the rights of applicants and residents (1964, 1968, 1988), Section 504 of the Rehabilitation Act of 1973

**SMT will not discriminate based on race, religion, color, sex, age, familial status, disability or national origin and will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all.**

### **EIV Used to Screen Applicants**

Currently, there is only one EIV (Enterprise Income Verification) report that provides information about applicants. This is the Existing Tenant Report. Owner/Agents must review this report before move in.

Information about how this report is used during the screening process must be described in the current resident selection plan. You must also describe how you use this report in the EIV Use Policy. Sample language is provided below:

*All applicants MUST disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.*

*HUD provides the owner/agent with information about the applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Existing Tenant Report, during the final eligibility review, to determine if the applicant or any member of the applicant household may be receiving HUD assistance. Copies of the report will be maintained in the applicant/resident file in accordance with HUD's recordkeeping requirements.*

*Applicants are required to provide current landlord information on the application, so the owner/agent should be aware of the housing assistance. Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any HUD voucher before HUD assistance will begin on the property. Special consideration applies to minor children where both parents share 50% custody.*

*If owner/agent discovers a discrepancy, the applicant will be notified and will be given an opportunity to respond to the inquiry. Failure to respond to owner/agent requests for additional information and/or providing false or incomplete information will result in denial and removal from the waiting list. Unintentional errors that do not cause preferential treatment should not be used as a basis to deny assistance.*

November 8, 2010

SMT Tenant Selection Plan 11-8-10 a.doc