



OCEAN VIEW PLAZA

202 SPRAC

TENANT SELECTION PLAN

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OCEAN VIEW PLAZA ADMINISTRATION OFFICE AT
LESELY GARDENS

Also posted on lesleyseniorcommunities.org

REVISED JULY 2020

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**TENANT SELECTION PLAN
OCEAN VIEW PLAZA
REVISED 7-2020**

STATEMENT OF PURPOSE

The Ocean View Foundation is a California non-profit corporation. Through the U.S. Department of Housing and Urban Development's Senior Project Rental Assistance Contract (SPRAC) it developed, owns and manages, Ocean View Plaza a 50 unit apartment complex at 1001 Main Street, Half Moon Bay, California. Ocean View Plaza is a housing facility designed to provide decent housing for extremely low and very low income elderly persons and families who are able to maintain an independent living status with the provision of supportive living services through private arrangements. Ocean View Plaza is not a facility that provides any type of care requiring licensure under the Residential Care Facilities for the Elderly Act. Therefore, Ocean View Plaza does not provide, nor has the authority to provide, any care or supervision services, nor to promise or make available in the future any assistance with personal activities of daily living. This means that if an applicant needs the type of care that Ocean View Plaza does not provide, the applicant must make arrangements for that type of care on his/her own.

A person in order to be a tenant at Ocean View Plaza must also be capable of fulfilling the lease requirements. This means the applicant must be able to meet all of his/her personal needs and that the applicant can fulfill the lease obligations with or without assistance. A member of the household must be 62 years of age or older at the time of application.

This Tenant Selection Plan has been designed for developments financed by HUD or administered by a HUD designated Contract Property Manager. The HAP Agreement was signed after October 1, 2015. The policy set forth in this document is intended to serve as a tool to be used to assist the owner in determining applicant eligibility, selection/non-selection for occupancy in 202 SPRAC subsidized housing. Ocean View Plaza has a total of 50 apartments (8 one-bedroom units including a Manager's unit and 4 accessible units, and 42 studio apartments).

Subsidized rents are made available through participation in the 202 SPRAC housing program. In this program the rent that a tenant pays is based upon the tenant's household income. Therefore, the rent paid by tenants may vary, among tenants as well as from time to time for an individual tenant.

Ocean View Plaza is not permitted to accept Section 8 Vouchers.

Section 504 equal Access Statement

For mobility impaired persons:

This document is kept at 1001 Main Street, Half Moon Bay CA 94019, which has some accessible features. This document may be examined from Monday through Friday between the hours of 9:00 am and 4:00 pm. You must telephone to make arrangements to examine this document. Please call **650-726-5863**. **Speech or hearing impaired persons may call 711 for assistance by the California Relay Service. This document is also available on our website (lesleyseniorcommunities.org).**

For hearing impaired persons:

Ocean View Plaza will provide assistance to hearing impaired persons in reviewing this document. Assistance may include provision of a qualified interpreter at a time convenient to both the Property

Manager and the individual with handicaps. Please **call 711 for assistance by the California Relay Service in scheduling an appointment.**

For vision impaired persons:

Ocean View Plaza will provide a staff person to assist a vision-impaired person in reviewing this document. Assistance may include: describing the contents of the document, reading the document or sections of the document, or providing such other assistance as may be needed to permit the contents of the document to be communicated to the person with vision impairments.

Assistance to insure equal access to this document will be available in alternate formats and provided in a confidential manner and setting. An individual with disabilities is responsible for providing his/her own transportation to and from the location where this document is kept by advocacy groups, social workers, family members or personal friends. The applicant should inform the Property Manager if additional assistance is needed to complete forms or understanding program requirements, procedures, house rules, etc. Advocacy groups, social workers, family members or personal friends may provide assistance. If an individual with disabilities is involved, all hearings or meetings required by this document will be conducted at an accessible location with appropriate assistance provided.

Fair Housing and Equal Opportunity Requirements

All potentially eligible, qualified applicants will be considered in accordance with the HUD-Approved Affirmative Fair Housing Marketing Plan (HUD Form 935A), after complying with all applicable admissions requirements according to the HUD Handbook 4350.3 including all changes.

Statements of Non-Discrimination

It is the policy of Ocean View Plaza to comply fully with Title VI of the Civil Rights Act of 1964, The Federal Fair Housing Act, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, and any state legislation protecting the individual rights of tenants, applicants or staff which may subsequently be enacted.

This includes, but is not limited to, discrimination based on race, color, creed, religion, source of income, occupation, sex, gender identity, marital or domestic partner status, familial status, sexual orientation, national origin, ancestry, age, disability; acquired Immune Deficiency Syndrome, (AIDS) or HIV status.

Under Federal Law it is illegal to discriminate against any person or group of persons because of race, color, religion, sex, disability, familial status or national origin.

In compliance with the Fair Housing Act, Ocean View Plaza prohibits discrimination because of race, color, creed, religion, national origin, sex, age, disability, and marital status, status with regard to public assistance, sexual orientation, or familial status. In addition, owners must comply with local fair housing and civil rights laws.

Ocean View Plaza shall not:

- Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
- Provide housing which is different than that provided others;
- Subject a person to segregation or unequal or different treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or

- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

Ocean View Plaza shall not automatically deny admission to a particular group or category of otherwise eligible applicants; i.e., single head of households with children, elderly pet owners, or a family whose head or spouse is a student. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Ocean View Plaza will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, Ocean View Plaza will make physical or procedural changes to permit individuals with disabilities to have full advantage of the housing program. Such accommodations may include changes in the method of administering policies, procedures, or services.

In addition, Ocean View Plaza may perform structural modifications to housing and non-housing facilities where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.

Protections Provided Based on Sexual Orientation, Gender Identity or Marital Status

Ocean View Plaza complies with the Final Rule - Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity which was published in 2012. The owner/agent will comply with the requirements established in the Final Rule which ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status.

This is an equal opportunity housing facility. Ocean View Plaza will make “reasonable accommodations” to individuals whose disabilities so require. Residency is open to all qualified, eligible persons without regard to race, color, creed, religion, source of income, occupation, sex, gender identity, marital or domestic partner status, familial status, sexual orientation, national origin, ancestry, age, disability; acquired Immune Deficiency Syndrome, (AIDS) or HIV status in the leasing, rental or other disposition of housing related facilities.

"[Equal Access to Housing in HUD Programs - Regardless of Sexual Orientation or Gender Identity](#)" is a final rule published by the U.S. Department of Housing and Urban Development (HUD) that prohibits housing discrimination against lesbian, gay, bi-sexual or transgendered (LGBT) individuals in all HUD subsidized, insured and financing programs. This rule took effect on March 5, 2012.

From an assisted housing perspective, the final rule requires owners and operators of HUD-assisted or HUD-insured housing to make housing available without regard to the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling; clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or gender identity, will have the opportunity to participate in HUD programs.

The rule also prohibits owners and operators of HUD-assisted housing or housing insured by HUD from asking about an applicant's or occupant's sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available.

Reasonable Accommodations

It is the intention of Ocean View Plaza to make “reasonable accommodations” both in the application process and residency in accordance with HUD Handbook 4350.3, and especially with regards to Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act and other relevant civil rights laws and

statutes. This also includes taking reasonable steps to ensure meaningful access to information and services we provide for persons with LEP (Limited English Proficiency).

Applicants who Require Reasonable Accommodations, Including Live-In Aides:**

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job. For reasonable accommodations to apply there are several requirements. First, the applicant must have a verifiable disability (mental or physical impairment that substantially limits one or more major life activities) as defined by HUD as applicable to the property's program type. Next, the disability must have a direct correlation to the accommodation being requested by the applicant. The applicant must request a reasonable accommodation and provide verification of his/her disability and his/her need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in a financial or administrative burden to the property. In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations the applicant is not eligible and the applicant will be rejected. Examples of such situations include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of persons or property; past history or other information that shows the applicant's inability to comply with the terms of the property's lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the property's program.

If an applicant makes a request, management will provide a reasonable accommodation if the request meets the requirements discussed above.

**** Live-In Aide** - The definition of a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) determined to be essential to the care and well-being of the persons; (2) is not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services. It should be noted that the definition applies to a specific person.

A relative may be a Live-In Aide but must meet all of the above requirements, and sign a statement to that effect. Ocean View Plaza may verify this with a physician.

A Live-In Aide qualifies for occupancy only as long as the individual needs the support services and does not qualify for continued occupancy as a remaining family member.

Screening of Live-In Aides at initial occupancy, and screening of persons or live-in aides to be added to the tenant household after initial occupancy must involve similar screening activities. Both live-in aides and new additions to the tenant household must be screened for drug abuse and other criminal activity by applying the same criteria established for screening other applicants. Live-In Aides must comply with the Ocean View Plaza Apartment House Rules and Regulations and other rules of the complex.

Reasonable accommodations may include changes in the method of administering policies, procedures, or services. In providing reasonable accommodations for, or performing structural modifications for otherwise qualified individuals with disabilities, the property are not required to:

1. Make structural alterations that require the removal or altering of a load-bearing structure,
2. Provide support services that are not already part of its housing programs,

3. Take any action that would result in a fundamental alteration in the nature of the program or service, or
4. Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).
5. Provide an elevator in any multi-family housing development solely for the purpose of locating accessible units above or below the grade level.

Assistance Animals and Pets

A common household pet means a small, domesticated four-legged animal, such as a cat, dog, or rodent. Only one pet per household is permitted. In the case of all cats or dogs, only those that have been spayed or neutered will be allowed as pets. Dogs over 25 pounds are not permitted; except in the case of Service/Assistance animals in which case the weight limit is waived. Service/Assistance Animals are permitted as a reasonable accommodation for persons with verified disabilities, once the need has been properly verified by a physician, psychiatrist, social worker, or other licensed medical professional. There must be a direct relationship between the person's disability and his or her need for the animal. Neither a Security Deposit nor a pet fee is required for an assistance animal. All state and local health, safety and licensing laws apply.

Refer to the Apartment House Rules and Regulations and Pet Agreement for tenant pet care responsibilities.

Management reserves the right to deny a specific assistance animal only if:

1. There is documented proof, based on prior behavior of the animal, that it poses a direct threat to the health and safety of others that cannot be reduced or eliminated by reasonable accommodation, or
2. There is documented proof, based on prior behavior of the animal, that it would cause substantial physical damage to the property of others, or
3. It can be specifically documented that the presence of the assistance animal would pose an undue financial and administrative burden to the provider; or
4. Documented evidence shows that the presence of the assistance animal would fundamentally alter the nature of this property's services.

Citizenship Requirements

Assistance in subsidized housing is restricted to U. S. citizens or nationals; and Noncitizens that have eligible immigration status.

- All applicants for assistance must be given notice of the requirement to submit evidence of citizenship or eligible immigrations status at the time of application.
- All family members, regardless of age, must declare their citizenship or immigrations status. Noncitizens age 62 and older must sign a declaration of eligible immigrations status and provide a proof of age document. U. S. citizens must sign a declaration of citizenship.
- A mixed family—a family with one or more ineligible family members and one or more eligible family members—may receive prorated assistance, or a temporary deferral of termination of assistance.
- Applicants who hold a noncitizen student visa are ineligible for assistance, as are any noncitizen family members living with the student.
- Owners are responsible for administering the restriction on assistance to noncitizens in accordance with regulations and must treat all applicants equally.
- Owners determine the applicant's citizenship or immigration status during the initial eligibility determination, prior to move-in. As part of the annual or interim recertification process, owners must determine the citizenship/immigration status of tenants from whom the owner has not previously collected the proper documentation or whose documentation suggested that their status was likely to change.

Social Security Number Requirements

On April 14, 2009, HUD issued HUD Notice 10-08 Implementation of Refinement of Income and with the implementation of the Final Rule effective January 31, 2010, the requirement to disclose and provide verification of a Social Security Number is no longer limited to those assistance applicants and tenants six years of age and older. The provision to sign a certification stating that no Social Security has been assigned has been removed as well.

Exceptions to Disclosure of Social Security Number

The Social Security Number requirements do not apply to:

1. Individuals who do not contend eligible immigration status.
 - When applicants and tenants are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In these instances, the owner will have each tenant's Citizenship Declaration on file - whereby the individual did not contend eligible immigration status - to support exception to the requirements to disclose and provide verification of a Social Security Number.
 - For Section 221(d)(3) BMIR, Section 202 PAC, Section 202 PRAC and Section 811 PRAC properties, the restriction of assistance to noncitizens does not apply. Individuals living at one of these properties, who do not contend eligible immigration status, must sign a certification, containing the penalty of perjury clause. The certification must be maintained in the tenant file to support exception to the requirements to disclose or provide verification of a Social Security Number.
2. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
 - The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
 - Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. An owner/agent must not accept a certification from the applicant stating they qualify for the exemption.
 - The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or if there is a break in his or her participation in a HUD assisted program.

Acceptable Verification Documents

Most individuals should be able to verify all Social Security Numbers with a Social Security card. However, if the applicant or tenant cannot produce the Social Security card for any or all non-exempt household members, the documents listed below, showing the household member's Social Security Number, may be used for verification.

- Original document issued by a federal or state government agency which contains the name, Social Security Number, and other identifying information of the individual.
- Driver's license with Social Security Number
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Social Security Administration benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

Further information regarding acceptable verification documents can be found in HUD Handbook 4350.3, REV-1 *Occupancy Requirements of Subsidized Multifamily Housing Programs*.

<http://www.hud.gov/offices/adm/hudclips/handbooks/hsgh/4350.3/index.cfm>

Rejection of Documentation

The owner/agent must reject a document that:

- *Is not an original document; or*
- *Is the original document but it has been altered, mutilated, or is not legible; or*
- *Appears to be a forged document (e.g., does not appear to be authentic).*

The owner/agent must explain to the applicant or tenant the reason(s) why the document(s) is not acceptable and request the individual obtain acceptable documentation of the Social Security Number and submit it.

Actions Once Social Security Number is verified

Once the individual's Social Security Number has been verified, the owner/agent *should* remove and destroy the copy of the verification documentation by no later than the next recertification of family income or composition.

- Paper documentation should be destroyed by shredding, pulverizing or burning
- Electronic documentation should be destroyed by erasing or permanently deleting the file.
- Additional guidance related to destruction of records is available in HUD Handbook 2400.25, REV-2: *HUD Information Technology Security Policy*, dated October 1, 2008. The handbook is available online at: www.hud.gov/offices/adm/hudclips/handbooks/admh/2400.25/index.cfm

The tenant file should include the Household Summary Report from the EIV system which reports the status of the identity verification process and provides verification of the Social Security Number. Retaining the Household Summary Report in the tenant file and destroying the copy of the Social Security Number documentation will minimize the risk of exposing the individual's Social Security Number. Owner/agents are encouraged to minimize the number of tenant records that contain documents which display the full nine-digit Social Security Number.

Notices to Tenants and Applicants

Owner/agents must contact applicants to notify them of the change in Social Security Number requirements. The notice must inform applicants that they will have to disclose and provide verification of Social Security Numbers for all non-exempt household members before they can be admitted. For existing tenants, notice must be given to the head of household indicating Social Security Number documentation must be brought to the next certification meeting for all non-exempt household members who have:

- Not disclosed their Social Security Number
- Previously disclosed a Social Security Number that HUD or the Social Security Administration determined was invalid; or
- Been issued a new Social Security Number

In addition, if a tenant requests to add a new household member, the owner/agent must provide a notice explaining the change in Social Security Number requirements.

As with all notices to tenants and applicants, limited English proficiency requirements apply. For additional information on LEP, refer to HUD's LEP web site at

www.hud.gov/offices/fheo/promotingfh/lep.cfm

Penalties for a Tenant's Non-disclosure of Social Security Number

Owner/agents must terminate the tenancy of a tenant and the tenant's household if the tenant does not meet the Social Security Number disclosure, documentation and verification requirements since the household is in non-compliance with its lease. There is no proration of assistance for those household members who are required to obtain a Social Security Number but who fail to disclose and verify their Social Security Number.

Timeframe for Providing Social Security Numbers

Existing Tenants

All tenants, except those who are exempt, must disclose and provide verification of their Social Security Number at the time of their next interim or annual certification if:

- They have not previously disclosed a Social Security Number
- Previously disclosed a Social Security Number that HUD or the Social Security Administration determined was invalid; or
- Been issued a new Social Security Number.

Failure to provide this information will result in termination of tenancy. The owner/agent may defer termination of tenancy and provide the tenant with an additional 90 days to become compliant with the Social Security Number disclosure and verification requirements. The deferral is at the owner/agent's discretion and must only be provided if failure to meet the Social Security Number requirements was due to circumstances outside the control of the tenant and there is likelihood that the tenant will be able to disclose and provide verification of the needed Social Security Number(s) by the deadline date. The head of household must be notified when EIV pre-screening or the Social Security Administration validation determines that a household member has provided an invalid Social Security Number.

If a tenant fails to provide a valid and verified Social Security Number, the household is subject to termination of tenancy in accordance with 24 CFR 5.218.

Applicants

Applicants do not need to disclose or provide verification of a Social Security Number for household members to be placed on the waiting list. The process - described in HH 4350.3 Revision 1, Change 3, Paragraph 3-9 - of having applicants certify that they have a Social Security Number for each household member is no longer applicable. However, applicants must disclose a Social Security Number and provide adequate documentation to verify each Social Security Number for all non-exempt household members before they can be housed. If all non-exempt household members have not disclosed and/or provided verification of their Social Security Numbers at the time a unit becomes available, the next eligible applicant must be offered the available unit.

- The applicant who has not provided required Social Security Number information for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose/verify the Social Security Numbers.
- During this 90-day period, the applicant may retain its place on the waiting list.
- After 90 days, if the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

Adding a Household Member

When a tenant requests to add a household member who is age six or older, the documentation of the Social Security Number for the new household member must be provided to the owner/agent at the time of the request or at the time the certification, which includes the new household member, is processed. The owner/agent must not add the new household member until such time as the documentation is provided.

When adding a household member, who is a child under the age of six with a Social Security Number, the child's Social Security Number must be disclosed and verification provided at the time the owner/agent prepares the certification that includes the new household member.

If the child does not have a Social Security Number, the owner/agent must give the household 90 days in which to provide documentation of a Social Security Number for the child. An additional 90-day period must be granted if the failure to provide documentation of a Social Security Number is due to circumstances that are outside the control of the tenant. Examples include but are not limited to:

- Delayed processing of the Social Security Number application by the Social Security Admin.
- Natural disaster
- Fire
- Death in family

During this time period, the child is included as part of the household and the household will receive all of the benefits of the program including the dependent deduction and applicable child care deductions.

At the time of the disclosure of the Social Security Number and adequate verification documentation, an interim certification must be processed to include the child's verified Social Security Number. If the Social Security Number is not provided, the household is subject to termination of tenancy.

Assignment of a New Social Security Number

If a tenant or any member of a tenant's household is or has been assigned a new Social Security Number, the tenant must provide the Social Security Number and documentation to verify the Social Security Number to the owner/agent at:

- The time of receipt of the new Social Security Number; or
- The next interim or regularly scheduled recertification; or
- Such earlier time as specified by the owner/agent

Income Limits

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families. Income limits are based on family size and the annual income the family receives. These limits are available for review at the site or management office. Ocean View Plaza will determine income eligibility prior to approving any applicant for tenancy. Once the applicant moves into Ocean View Plaza, this income eligibility test will not be done again, unless the tenant has gone to market rent and wants once again to be eligible for subsidy.

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. The 2014 Consolidated Appropriations Act modified Extremely Low Income limits. Extremely Low Income families are defined to be very low-income families whose incomes are the greater of the Poverty Guidelines as published and periodically updated by the Department of HHS or the 30% income limits calculated by HUD.

Compliance with the Violence Against Women and Justice Department Reauthorization Act of 2005, Public Law 109-162 (VAWA), for Multifamily Housing's project-based Section 8 programs

- VAWA provides legal protections to victims of domestic violence, dating violence, sexual assault or stalking. These protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. These protections prohibit Owners from evicting or terminating assistance from individuals being assisted if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault or stalking. Programs covered under VAWA are project-based Section 8 properties, HOME Investment partnerships Program, the National Housing Trust Fund, Section 202 Supportive Housing for the Elderly, Section 236 Rental Program, Section 811 Supportive Housing for People with Disabilities, Section 211 (d)(3) Below Market Interest Rate Program, Housing Opportunities for Persons with AIDS, and McKinney-Vento homeless programs.
- The following definitions are provided as assistance in understanding and implementing the VAWA protections. The definitions for domestic violence, dating violence, sexual assault or stalking and immediate family member have been incorporated into the United States Housing Act.
 1. 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 cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the 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.
 2. 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.
 3. 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.
 4. Sexual Assault means any type of sexual contact or behavior that occurs without consent of the recipient, including forced sexual intercourse, sodomy, molestation, incest, fondling and attempted rape and covers people who are unable to consent either due to age or lack of capacity.
 5. 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.
 6. Bifurcate means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

The law offers the following protections against eviction or denial of housing based on domestic violence, dating violence, sexual assault or stalking:

- A. An applicant's or program participant's status as a victim of domestic violence, dating violence, sexual assault or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
 - B. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
 - C. Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
 - D. Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain. Where a victim of a VAWA crime has requested a lease bifurcation, Ocean View Plaza will have a reasonable time to establish eligibility or to find new housing when the household has to be divided as a result of a VAWA crime.
 - E. The provisions protecting victims of domestic violence, dating violence, sexual assault or stalking engaged in by a member of the household, may not be construed to limit the O/A, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
 - F. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an O/A can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, O/As may not subject victims to more demanding standards than other tenants.
 - G. The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence, sexual assault or stalking.
- Management must notify all applicants and in place tenants of their rights under VAWA by providing them Form HUD-5380 which explains victims' rights, and Form HUD-5382 which explains the process of informing the O/A that you are a victim. Management must also provide you the option to complete the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking Form HUD-91066. The Certification Form may be made available to all eligible families at the time of admission or, in the event of a termination or start of an eviction for cause proceeding, the Certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) business days.
 - Management responding to an incident of actual or threatened domestic violence, dating violence, sexual assault or stalking that could potentially have an impact on a tenant's participation in the

housing program will request in writing that an individual complete, sign, and submit within 14 business days of the request, the HUD-approved certification form (HUD-91066).

- In addition to completing Form HUD-91066, Management requires: a) a federal, state, tribal, territorial, or local police record or court record or b) documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence, sexual assault or stalking has signed or attested to the documentation.
- Management will be mindful that the delivery of the Certification Form to the tenant via mail may place the victim at risk, e.g., the abuser may monitor the mail. Therefore, in order to mitigate risks, Management will work with the tenant in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.
- The identity of the victim and all information provided to management relating to the incident(s) of domestic violence must be retained in confidence by the management and must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is a) requested or consented to by the individual in writing; (b) required for use in an eviction proceeding or termination of assistance; or c) otherwise required by applicable law. The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.
- Management must retain all documentation relating to an individual's domestic violence, dating violence, sexual assault or stalking in a separate file that is kept in a separate secure location from other tenant files.
- As required by law Ocean View Plaza has an Emergency Transfer Plan in place which provides for a six-month transition period to complete an Emergency Transfer Plan and provide emergency transfers, when requested.

Remaining Family Members

Periodically, family composition changes after initial occupancy. If the qualifying person leaves the unit, a determination must be made as to whether the remaining member of the household will be eligible to receive assistance and/or be allowed to remain in the unit. Eligibility for remaining family members at Ocean View Plaza will be determined by current and applicable rules as defined in the HUD Occupancy Handbook 4350.3.

Limited English Proficiency (LEP) Services

Ocean View Plaza provides meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient, and without cost to the tenant or applicant. Ocean View Plaza provides oral interpretation as well as written translations of all important documents, notices and letters. There are staff members who interpret and translate in Mandarin and Cantonese, and members who interpret and translate in Spanish. Other than English, these are the primary languages spoken by the tenants and applicants.

The Enterprise Income Verification System (EIV)

In an effort to ensure the right assistance is provided to the right people the Department of Housing and Urban Development (HUD) has provided managers with access to a verification database called the Enterprise Income Verification System (EIV).

EIV provides information about project-based and tenant-based HUD assistance recipients. This database is also used to verify certain types of reported incomes with records maintained with the

Social Security Administration, Department of Health and Human Service (HHS) as well as the National Database of New Hires. HHS provides information about current and past employment and unemployment income information.

HUD mandates that an Applicant and possible Tenant of Ocean View Plaza be informed about this system. By signing HUD form 9887, the applicant/tenant authorizes HUD and Ocean View Plaza to use data obtained through computer matching with other agencies to verify applicant/tenant income in order to establish eligibility.

EIV Reports

The Enterprise Verification System or EIV consist of various reports that are available to assist Property Managers in the verifying of data. The reports and the frequency that they are accessed are as follows:

- “Income Reports” - At Annual and Interim Certifications;
- “Income Discrepancy Report” - At Annual and Interim Certifications;
- “No Income Report” - Monthly
- “New Hires Report” - Monthly
- Multiple Subsidy Report - Monthly
- Identity Verification Report -Monthly
- Deceased Tenant Report – Monthly
- The *Existing Tenant Search* report generated by the EIV system will be used at the time of applicant processing to determine if the applicant, or any applicant household members, are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location. If the report identifies that the applicant or household member is residing at another location, the applicant will be given the opportunity to explain any relevant circumstances. If necessary the Property Manager will contact the PHA or owner of the property at the other location to confirm the applicant’s program participation status before admission. The *Existing Tenant Search* report will help the applicant, the Property Manager and the owner of the other location coordinate move-out and move-in dates.

Results of the *Existing Tenant Search* report will be retained with the application along with any documentation obtained as a result of contacts with the applicant and the PHA and/or O/A at the other location. If the applicant is not admitted the report along with supporting documentation will be retained with the application for 3 years. If admitted the report along with supporting documentation will be retained with the tenant file for term of tenancy plus 3 years.

After an applicant is given a SPRAC subsidy his/her income will be verified by the Enterprise Income Verification System (EIV). All candidates must have on file a current, signed Release of Information Document Package including forms HUD-9887 and HUD 9887/A. The tenant has the right to dispute EIV data. The owner must permit the individual access to information pertaining to them and to request information be amended. The owner must independently verify disputed information. The tenant must be notified of findings. The owner cannot suspend, terminate, reduce or make a final denial of assistance until the tenant has the opportunity to dispute and discuss the results. Access to, and use of, information obtained through the EIV system is confidential. Any user must be certified and comply with the EIV Rules of Behavior and the written EIV policy of Lesley Senior Communities.

Privacy Policy

It is the policy of Ocean View Plaza to protect the privacy of individuals covered by the Federal Privacy Act of 1974, and to ensure the protection of such 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 Ocean View Plaza 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 handicap or disability will be treated in a confidential manner.

General Occupancy Standards

The development is designated for housing as follows:

Studio Unit	1 person
1 Bedroom	1 -2 persons

The owner is required to establish reasonable occupancy standards that will:

- assist as many people as possible, without overcrowding, and;
- minimize vacancies.
- 4 one bedroom apartments handicap are accessible. Disabled tenants who need these features have priority.

Owners must comply 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. Additional persons may be allowed when a habitable sleeping room provides at least 50 square feet per person. A habitable sleeping room is any room except the following:

- Kitchen,
- Bathroom,
- Hallway; or
- Dining room.

No more than two persons may occupy a bedroom provided there is sufficient square footage in the bedroom to meet local standards.

Unit Transfer Policy

A tenant of Ocean View Plaza may apply for a transfer of apartments within the building, and be given priority on the Applicant Waiting List, even if the list is closed, in the following situations:

- tenant has a verifiable medical reason for a different or larger unit (i.e. Studio to 1 Bedroom), including the need for a Live-In Aide.
- There has been a change in family composition.
- tenant must transfer from unit due to renovation of previous unit.

If a tenant household is being moved to a different unit as a reasonable accommodation to a household member's disability, then the Owner must pay for the move unless doing so would constitute an undue financial and administrative burden.

A tenant must have lived at Ocean View Plaza for at least one year before requesting a transfer for other than the above stated reasons. A tenant requesting a transfer for other than the above stated reasons may apply for an apartment transfer at any time the Applicant Waiting List is open. The tenant will be placed on the Applicant Waiting List in order of date and time the request was received.

1. All requests to transfer must be in compliance with the Occupancy Standards established for facilities owned and operated by the Ocean View Foundation.
2. A request to transfer apartments must be made by submitting to the Property Manager a completed and signed Apartment Transfer Request form listing the reasons for the request and the desired type of apartment and location within the buildings. All requests must be approved by the Property Manager.
3. The type of apartment requested must be suitable for the size of the household and age and sex of household members as defined in Ocean View Plaza Occupancy Standards policy.
4. A tenant is placed on a waiting list, for the requested type of unit, on the date and time the Property Manager receives the completed and signed Transfer Request. Receipt of the Transfer Request and placement on a waiting list do not establish final eligibility to transfer. Final eligibility can only be determined after the Property Manager has carefully evaluated and approved the request, and the tenant's present apartment has been inspected.
5. No tenant shall be given permission to move to another apartment if his or her apartment has not been properly cared for. The tenant must agree to an inspection of his or her present apartment by the Property Manager.
6. A tenant who twice declines an offer of the requested type of unit, will be removed from the waiting list. The tenant may re-apply at any time the waiting list is open.
7. When a tenant transfers to a new unit the original Security Deposit will be refunded. To close out the original Deposit, the Owner must deduct tenant damages, unpaid rent, and other charges allowed by HUD, and refund the balance to the tenant. The Security Deposit, or any balance of it, on the tenant's present apartment will be returned within 21 days after the Tenant has completed the move. The Security Deposit for the new apartment is due at move-in.
8. A Tenant is limited to one transfer of apartments during residency at Ocean View Plaza unless the Property Manager determines there is sufficient cause to accommodate a second request.

California State Law (amending Sections 1950.5 & 1954 of the Civil Code (1/1/03))

- If the Landlord holds a Security Deposit, not less than 2 weeks before the termination of the tenancy the Landlord shall notify the tenant in writing that he/she has the right to request, and be present at, an initial inspection. If the tenant demands an initial inspection and the parties cannot agree on a time for the inspection, the Landlord shall give at least 48 hours notice in writing prior to the inspection. The Landlord must provide the tenant with an itemized list of potential deductions from the Security Deposit. The tenant has the opportunity to remedy the identified deficiencies during the period following the initial inspection until the end of tenancy.
 - After the tenant has moved from the unit, the Landlord will inspect the unit and complete a unit inspection report. The Landlord will permit the tenant to participate in the inspection, if the tenant so requests.
1. The new Security Deposit must be based on the monthly tenant rent or Total Tenant Payment that will be required for the new unit. The new Security Deposit must be received by the Property Manager prior to the unit transfer date. In cases of hardship the Property Manager may approve payment of the Security Deposit in installments.
 2. There is no transfer fee for an approved apartment transfer.

Tenants in other buildings owned by Lesley Senior Communities are welcome to apply for units at Ocean View Plaza if the Waiting List is open, but they must complete an application, be placed on the Applicant Waiting List, and go through the same application, verification and eligibility determination process as any other applicant.

Eligibility Criteria

To apply for 202 SPRAC housing assistance, applicants must be qualified under the income limits established by the U. S. Department of Housing and Urban Development (HUD), for the type of development, and for the size and type of unit available. Being eligible, however, is not an entitlement to housing. In addition, every applicant must meet the tenant selection criteria. The tenant selection criteria are used to demonstrate the applicant's suitability as a tenant using verified information on past behavior to document the applicant's ability, either alone or with 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 that may be imputed to a particular group or category of persons of which an applicant may be a member.

HUD's occupancy requirements and procedures ensure that eligible applicants are selected for occupancy that tenants receive the proper level of assistance, and that tenants are treated fairly and consistently.

Applicants and tenants must meet the following requirements to be eligible for housing assistance at Ocean View Plaza:

- At least one member of the household must be 62 years of age or older at time of application. Elderly is defined as a family whose head or spouse, or sole member is a person who is at least 62 years of age.
- The family must report the annual income of family members, including assets, as required under program rules.
- The family's annual income must not exceed program income limits. HUD requirements specify the income limits used by each program.
- All information reported by the family is subject to verification.
- Applicants must disclose social security numbers for all family members and provide proof of the numbers reported.
- All adults in each applicant family must sign an Authorization for Release of Information (form HUD 9887/A) prior to receiving assistance and annually thereafter.
- An applicant must agree to pay the rent required by the program under which the applicant will receive assistance.
- The unit for which the family is applying must be the family's only residence.

Qualifying For Admission

It is Ocean View Plaza's policy to accept and process applications in accordance with applicable HUD regulations and recommended procedures, under 202 SPRAC, where an applicant or tenant qualifies as a person who is income eligible and meets the program eligibility requirements as defined by the HUD Handbook.

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. The application

will be completed to the extent that all factors of eligibility are included and a determination can be made by the Property Manager on the apparent eligibility status of an applicant. Applications that are incomplete and/or have not been signed and dated as required will be returned to the applicant.

Whenever possible, communications with applicants will be by first class mail. Failure to respond to letters 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 or extreme weather conditions. If failure to respond is due to disability, management will make reasonable accommodation.

No decisions to accept or reject applicants shall be made until all verifications prompted by the application form have been received. The following items will be verified by Management to determine eligibility and suitability for admission to the development:

- Eligibility Information
- Annual Income
- Assets and Asset Income
- Housing Preferences; if applicable
- Allowance Information
- Social Security Number for all persons in the household
- Information used in Tenant Screening
- Citizenship/legal non-citizenship status

The Property Manager 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 Property Manager is satisfied that the documentation obtained is the best available.

Establishing Preferences

Handicap Accessible Units: Current residents who have a documented need for the special features of the handicap units, will be given priority over applicants who have a documented need for the special features of the handicap units. Accessible units may be rented to applicants or residents who are not disabled if there are no disabled residents or applicants on the waiting list.

Administration of the Waiting List

It is the policy of Ocean View Plaza to administer its Waiting Lists as required by HUD handbooks and regulations.

Accepting an applicant from a lower waiting list position before one in a higher position violates policy and may be regarded as being discriminatory.

If no suitable unit is available the Owner will place an apparently eligible applicant on an Agency prescribed or approved waiting list. The waiting list shall be maintained by unit size and housing preference claim. Each apparently eligible applicant will be assigned his/her appropriate place on the waiting list, based on the date and time the application is received by the Property Manager, for a suitable type and/or size of unit, and in conjunction with factors affecting preference of priority as established in the development's Tenant Selection Plan.

Applicants are required to call or write Ocean View Plaza every 6 months to inform the Property Manager whether they wish to remain on the waiting list. Failure to do so may result in automatic removal from the list.

A. Opening and Closing Waiting Lists

In order to maintain a balanced application pool, Ocean View Plaza may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. Ocean View Plaza will also update the waiting list by removing the names of those who are no longer interested in or no longer qualify for housing.

Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a Federal preference, and the ability of Ocean View Plaza to house an applicant in an appropriate unit within a reasonable period of time.

Generally, if the length of the waiting list is such that an applicant would not likely to be admitted for the next 12 months Ocean View Plaza may advise the applicant that no additional applications are being accepted for that reason.

Closing the waiting lists, restricting intake or opening the waiting lists will be publicly announced in the same or similar manner in which Ocean View Plaza advertises for rental. During the period when the waiting list is closed Ocean View Plaza may, but is not required to, maintain a list of individuals who wish to be notified when the waiting list is reopened, but is not required to.

B. Removal of Applicants from the Waiting List

Ocean View Plaza will not remove an applicant's name from the waiting list unless:

- The applicant requests that the name be removed;
- The applicant was clearly advised of the requirement to tell Ocean View Plaza of his/her continued interest in housing every (6) six months and failed to do so;
- Ocean View Plaza made a reasonable effort to contact the applicant to determine if there is continued interest in housing but has been unsuccessful;
- Ocean View Plaza has notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing;
- The applicant has twice declined interest in an apartment available for renting without verified mitigating circumstances such as a medical reason.

Preventing delays in re-renting units maximizes the housing assistance available and reduces occurrences of vandalism to the unit. Staff should be aware of the average turnover rate at the development. 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 could expect to receive a letter of interest for a unit.

As soon as a notice to vacate is received, staff will immediately contact the case worker and/or first applicant on the waiting list. The initial contact will be by telephone or mail within as soon as practical. If the applicant cannot be contacted, or does not respond by the date required by Management, it will be assumed the applicant is not interested and Management will contact the next applicant on the waiting list who has expressed interest.

Should the applicant decline interest, the applicant shall be given a second opportunity to declare interest in a suitable vacancy as soon as one becomes available. Should the applicant decline interest a

second time, the applicant shall be removed from the waiting list unless the applicant can verify that a hardship exists, or that there are mitigating circumstances such as a medical reason.

Note: Applicants who can show a good reason for failing to contact Ocean View Plaza within a reasonable time beyond the time originally given will be allowed to retain their position on the waiting list; i.e., applicant in the hospital, being on vacation, etc. Applicants who fail to respond in a timely manner for reasons that are related to a disability, and not the fault of the applicant, should also be reinstated; i.e., applicant requests the housing provider contact an advocate, being contacted by telephone rather than mail, etc.

An applicant shall decline interest in no more than two suitable vacancies before being removed from the waiting list. The reasonableness of the rejection will be determined by the owner and will so be documented with the applicant's application for housing. For handicapped/disabled applicants, reasonable accommodation needs shall be reviewed and made available to the fullest extent allowed.

Note: Applicants who can show that the unit was rejected for reasons that were related to a disability, and not the fault of the applicant, shall remain on the waiting list and their application will retain its original date.

C. Updating the Waiting List

It is the applicants' responsibility to call or write to the owner every six months to confirm they are still interested in remaining on the list. They are also responsible to notify the owner of any changes of phone number and address, household characteristics, income and assets and housing preferences. The owner shall update the waiting list periodically to determine if applicants have checked in every six months. Before removing delinquent applicants, the owner may notify them by mail requesting the above information and confirmation of the applicant's interest in remaining on the waiting list. The owner must specify a reasonable time frame in which the applicant is to respond; i.e., approximately 15 business days. If the applicant replies affirmatively, the application will retain its position on the waiting list. If the reply is negative, the applicant's name will be removed from the waiting list. If no reply is received within the specified time frame, a final letter will be sent to the last known address stating that the applicant's name is being removed from the waiting list on a specific date.

Applicant Screening Criteria

Ocean View Plaza will not employ criteria that are unrelated to an applicant's ability to meet essential lease requirements. It is unlawful to make an inquiry to determine whether an applicant, a person intending to reside in the unit after it is rented or made available, or any persons associated with that person, has a handicap, or to make inquiry as to the nature or severity of a handicap of such a person.

1. Upon receipt of a completed application the applicant shall be screened considering factors that include, but are not limited to, the following:

- Demonstrated ability to pay rent and utilities on time;
- Credit references - Credit checks will be required. However, lack of a credit history, as opposed to a poor credit history, is not sufficient justification to reject an applicant;
- Drug related or criminal activity. Inquiries may be made of each applicant 18 years of age and older to determine if there has been an arrest/convictions involving the illegal manufacture or distribution of a controlled substance and/or other arrest/convictions involving the illegal use of a controlled substance by consulting a third party;

- Criminal history record. Inquires may be made of each applicant 18 years of age and older to determine if they are subject to a State sex offender lifetime registration requirement;
- Applicant's ability to comply with the terms of the lease.
- Housekeeping habits. Housekeeping criteria are not intended to exclude households whose housekeeping is only superficially unclean or disorderly if such conditions would not appear to affect their or others health, safety and/or welfare.
- Consideration of Extenuating/Mitigating Circumstances in the Screening Process. Owners may consider extenuating/mitigating circumstances in evaluating information obtained during the screening process to assist in determining the acceptability of an applicant.

2. The following factors will not be used when screening an applicant:

- Physical examinations: Owners may not require physical examinations or medical testing as a condition of admission. Owners may uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy but may not impose greater burdens on individuals with handicaps;
- Meals and Other Services: Owners must not require tenants to participate in a meals program or establish other mandatory charges for services without the prior consent of HUD;
- Donations or contributions: Owners must not require a donation, contribution, or membership fee as a condition of admission. Owners may not require any payments not provided in the lease; or
- Pets for Elderly/Handicapped Units/Developments: Applicants shall not be rejected solely because the applicant has a pet.

3. The owner must either:

- accept the applicant, AND,
 - a. provide housing;
 - b. place the applicant on the waiting list if a unit of suitable size is not available;
 or,
 - c. reject the applicant

If the owner determines the family is eligible and is otherwise acceptable, and a unit is available, the owner will assign the family a unit of appropriate size in accordance with the General Occupancy Standards.

Ensuring That Screening is Performed Consistently

Management shall apply the criteria consistently to all applicants. To ensure that all applicants are treated consistently during the screening process:

1. Only the Property Manager or his/her assistant shall conduct screening to reduce inconsistencies.
2. Standard forms designed to meet HUD screening criteria shall be used to screen all applicants.
3. Use objective criteria: For example, when interviewing an applicant's former landlord about rent payment and rental history, Management shall ask fact-based questions. Avoid subjective

questions that ask for opinions or do not directly relate to the tenant's ability to meet the requirements of the lease.

4. Follow a formal, written process for collecting information. Do not take into consideration informal speculation or "gossip" about an applicant. Such information may be discriminatory and will affect applicants inconsistently since the Owner does not collect it for all applicants.

Management shall use the following guidelines and/or consider the following factors in screening Applicants for occupancy:

Landlord References

The Property management shall attempt to obtain landlord references for the applicant's housing during the last three years. A landlord reference must be positive and would include:

- Rent was paid in a timely manner.
- Applicant was in compliance with facility policies, house rules and lease.
- Property was left in an acceptable condition with any back balances paid in full.
- In the event that a landlord reference is unavailable, or if an Applicant is presently residing with family members, the Landlord Verification Form will be waived. However, the Property Management shall require two (2) personal reference letters and be consistent with applying this procedure for all applicants who cannot provide a landlord reference or who currently reside with family members. References must be from persons who are not related to the applicant.

Credit History

The purpose of reviewing an applicant's credit history is to determine how well applicants meet their financial obligations. A credit check can help demonstrate whether an applicant has the ability to pay rent on time.

The owner/agent reviews each adult applicant's credit history. The owner/agent does not consider medical bills/expenses when reviewing credit history. Applicants will not be rejected for not having a credit history.

If no credit history is available, the owner/agent will accept a single reference from a person who is not related to the applicant who is a licensed business owner, accredited professional or an employee of an accredited education facility. No additional inquiry will be made.

Secure Screening for Credit and Criminal Background Checks

Management will order credit and criminal background reports for each Applicant. These companies charge a fee for this service but cannot pass the fee/charge to the applicant. Review the report to determine the applicant's history of meeting financial obligations including payments for rent, utilities, loans, revolving credit cards and other obligations. Verify that no collection or outstanding balance due for rental or housing related activity such as utility payments or property management companies, or eviction.

Owners may reject an applicant for a poor credit history, but must not reject an applicant for lack of a credit history. Consideration will be granted on the person's individual situation. The Applicant will be given an opportunity to provide an explanation and request further consideration.

Verification Requirements

Property Manager shall obtain verifications in compliance with requirements set forth in the HUD Handbook 4350.3. No decision to accept or reject an application shall be made until verifications keyed by the application form have been collected and any necessary follow-up Interviews have been performed.

A. Types of Verification Required

All information relative to the following items must be verified as described in these procedures:
Compliance with Tenant Selection Criteria, such as:

- Documented ability and willingness to abide by lease requirements, and, if applicable, housing program requirements;
- Previous history of tenancy; and/or
- Absence of current or history of criminal activity of any household member.

All the above information must be documented and appropriate verification forms or letters placed in the applicant or tenant file.

Each file will be documented to show that Ocean View Plaza attempted to obtain third-party written documentation before relying on some less acceptable form of information.

Management staff will be the final judge of the credibility of any verification submitted by an applicant. If staff considers documentation to be doubtful, it will be reviewed by the Property Manager who will make a ruling about its credibility. Staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to provide required documentation.

All information relative to the following items must be verified as described in these procedures:

1. Eligibility for Admissions Such as

- Income, assets, and asset income
- 62 years of age or older (Tenant or Co-Tenant)
- Household composition
- Documentation of Social Security Numbers of household members.
- Signing of the Form HUD-9887 and HUD 9887-A
- Citizenship or eligible immigration status

2. Allowances, such as

- Age, disability, or handicap of household members
- Full time student status
- Child care costs
- Disability expenses
- Medical costs (for elderly/handicap households only)

3. Priorities, such as

- Disabled household that needs features of handicapped/disabled unit.

4. Compliance with current or prior landlords, such as

- Positive prior landlord reference, paying rent in a timely manner
- Complying with the House Rules and Regulations.

5. Credit checks will be processed through approved credit bureaus with an approved credit rating.

Exceptions include:

- Medical collections
- Proof of satisfactory dispute of credit rating.

- Applicant shows period of credit problems which have been corrected.
- Applicant has proof of repayment of debt. Proof must be a statement of satisfaction from creditor, court, or other legal proof.
- Absence of a credit file will not adversely affect the application.

All the above information must be documented and appropriate verification forms or letters will be placed in the applicant or tenant file.

Only verified information that is dated within 120 days from the date of the receipt by the Management staff may be used for verification or recertification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

B. Forms of Verification- Documentation required, as part of the verification process, may include:

1. Checklists/Questionnaires completed as part of the interview process and signed by the applicant
2. Verification forms completed and signed by third parties
3. Reports of interviews
4. Letters
5. Notes of telephone conversations with reliable sources
6. Documentation provided by the household, such as Social Security Cards, Birth Certificates, or other acceptable forms as outlined in the HUD 4350.3 Handbook

At a minimum, such reports will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.

Management staff will be the final judge of the credibility of any verification submitted by an applicant. If the staff considers documentation to be doubtful, it will be reviewed by Management staff who will make a ruling about its acceptability. Management staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to produce it.

C. Sources of Information-Sources of information to be checked may include, but are not limited to:

1. The applicant by means of interviews
2. Present and former housing providers
3. Present and former employers
4. Credit checks
5. Household social workers, parole officers, court records, drug treatment centers, physicians, clergy
6. Law enforcement and/or criminal databases.

D. Preferred Forms of Verification-Verifications shall be attempted in the following order:

1. Third party written
2. Copies of third party documents provided by the household (i.e. Social Security or agency printout, award letter, pay stubs, bank statements, pharmacy printouts, payment book stubs for medical insurance premium, etc.)
3. Third party oral with a record kept in the files
4. In the absence of any of the above, affidavits from the household

Each file will be documented to show that the property staff attempted to obtain third party written documentation before relying on some less acceptable form of information.

Attempted Fraud:

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. The property considers false information about the following to be grounds for rejecting an applicant:

1. Income, assets, household composition
2. Social Security Numbers
3. Preferences and priorities
4. Allowances
5. Previous residence history or criminal history

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicants.

Applicant Interview

At the time an appropriate unit becomes available, or sooner, the owner must interview the applicant and obtain current information about the family's circumstances. Any question that is asked of one applicant must be asked of all applicants. A final decision on eligibility cannot be made until all verifications are complete.

Owners should refer to the HUD Handbook 4350.3 for income, asset and allowance information. As well as the documents owners must:

- Confirm and update all information provided on the rental application. (If the applicant is determined ineligible the owner must comply with proper procedures for rejection);
- Explain program requirements, verification procedures and penalties for false information. The penalties include eviction, loss of assistance, fines up to \$10,000 and imprisonment up to five years;
- Obtain family income and composition information needed to certify eligibility and compute the tenant's share of the rent. Any changes in family income and composition since the date of application should also be obtained;
- Review the financial information on the rental application and specifically ask the applicant whether any member of the household receives the types of income or assets as listed on the application. If it seems likely that an applicant is receiving a form of income not reported on the application, ask the applicant about that source of income and document the applicant's response in the file;
- Ask the head of household, spouse, co-head(s) and household members age 18 years and over to sign the release of information consent portion of any verification request, or other applicable forms, used for determining eligibility;
- Require the head of household, spouse, co-head(s) and household members age 18 years and over to give a written verification as to whether any family member did/did not dispose of any assets for less than fair market value during the two years preceding the effective date of the verification;
- Require the head of household, spouse, co-head(s) and household members age 6 years and over to disclose and document all Social Security Numbers or execute a certification when a Social Security Number has not been assigned;

- Require each household member to make a declaration of citizenship or legal non-citizenship. Parents make the declaration for minor household members. Legal non-citizenship requires documentation. In cases where citizenship is 'questionable' management may require documentation;
- Advise the family that, for a sample of cases, HUD will compare the information with Federal, State or local agencies;
- Tell the family that a final decision on eligibility cannot be made until all verifications are complete;
- Inform the family that Federal laws prohibit discrimination against individuals with handicaps.
- Inform applicants of housing for the elderly or handicapped about the rules on owning pets; and;
- Provide the household with Federal and State Data Privacy information.

Rejection Criteria

The property complies with applicant rejection requirements set forth in the HUD Handbook 4350.3. Management reserves the right to reject applicants for admission if it is determined that the applicant, or any member of the household, falls within any one or more of the following categories listed below in this section:

Applicants will be rejected for unacceptable credit history:

- Consistent, past-due payments of more than 90 days; collections; a history of repeated insufficient fund checks over the last 3 years; two or more checks returned for non-sufficient funds in the last year.
- Derogatory credit (repossession, foreclosures, judgments, collections, charge-offs, liens, bankruptcy not yet discharged, etc.) in an amount greater than \$1,000; including one or more outstanding judgments in excess of \$1000 within the last 3 years; each bankruptcy item or foreclosure proceeding within the past 3 years; Federal and State Tax liens within the past 3 years. Prior to the 3 year period we may request proof of payment/release on any Lien over \$1000.00 that is still on the applicant's credit history.
- Within the last 3 years delinquent or charge off debt due other apartment communities; unpaid utility company collections which would prohibit applicant from obtaining services.
- Applicant may be reconsidered on a case by case basis if the applicant can verify that he/she has a Representative Payee to handle finances. A Representative Payee must in place at move in and must be active for at least 1 year after move in.
- Failure to cooperate with recertification procedures.
- An applicant will be rejected if a credit report reveals that the applicant owes a prior landlord rent and/or has unpaid utility bills (The applicant has a record of chronic late, underpayment or nonpayment of rightful obligations, including rent and utilities).
 1. Owing a prior landlord rent also includes outstanding balances on subsidy payback agreements.
 2. Credit history will be reviewed to determine if there is any debt owed to a prior landlord. Applicants owing prior landlords will be rejected unless:
 3. Such debt has been paid or Applicant enters in to a repayment agreement and can demonstrate current payment history of on-time payments for at least the last six months.
- An applicant will be rejected if he has a record of an eviction or "Unlawful Detainer" filing within the last 3 years (the applicant has been evicted for material non-compliance, or 'other good cause', from current or previous housing).

- The owner/agent will also review utility payment history. If the tenant has more than three late utility payments in the last year or if the tenant is unable to establish utilities in the new unit, the application will be rejected.
- Current credit score below 65.
- Default on any loan/payment agreement within the last 3 years including but not limited to
 - Default on any federal or state funded loan including student loans
 - Failure to pay child support within the last 12 months
- Any other item(s) that appear on the credit report, which would reflect negatively on the applicant, will be reviewed and a decision will be made based on the date, source, and amount of the action.
- NOTE: Bad credit due to medical bills is not grounds for the rejection of an application. The absence of a credit file will not adversely affect the application.

Applicants will also be rejected if:

- The household members, regardless of age, fail to submit evidence of citizenship or eligible immigration status;
- The household's annual gross income is greater than the applicable income limit established by HUD;
- The amount the household would be required to pay using the applicable HUD rent formula equals or exceeds the gross rent for the unit;
- 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;
- The applicant's household characteristics are not appropriate for the size or type of units that are available;
- The applicant fails to disclose and document all Social Security Numbers or execute a certification when numbers have not been assigned;
- The applicant fails to provide declaration of citizenship or legal non-citizenship;
- Does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A);
- The applicant was/is unable to fulfill obligations and comply with all terms of the previous/current Lease/Rental Agreement including failure to recertify as required, providing shelter to unauthorized persons, or other acts in violation of rules and regulations.
- The applicant has a record of disruptive behavior which adversely affects the safety or welfare of other persons through verbal assaults or physical violence, gross negligence or irresponsibility;
- The applicant has a record of destruction of property;
- The applicant has a record of poor living or housekeeping habits;
- The applicant has a history of activities that would be injurious to the reputation of the property and/or be likely to cause an increase in the rate of hazard insurance on the property;
- The applicant has a history of rent checks returned for insufficient funds over the past three years with two or more in the last year; more than two late payments of rent in a six month period.
- The applicant purposefully falsified, misrepresented or withheld information or submitted inaccurate and/or incomplete information on any application or during the interview related to eligibility, award of preference for admission, allowance, family composition or rent;

- The applicant was evicted or lost housing assistance because s/he purposefully falsified, misrepresented or withheld information or submitted inaccurate and/or incomplete information on any application or during the interview related to eligibility, award of preference for admission, allowance, family composition or rent;
- The applicant refuses to comply with housing program requirements, policies and/or procedures; i.e. failure to sign and submit relevant forms, consents, releases, etc.;
- Creating any health or safety hazard through acts of neglect and causing or permitting any damage to or misuse of premises and equipment, if the family is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use, in a reasonable and proper manner, all utilities, facilities, services, appliances and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.
- The applicant refuses to relinquish a Section 8 Voucher.

Applicants will be rejected for criminal activity as listed below:

1. Any conviction or adjudication other than acquittal within the last five years which involved injury to a person or property, or violent criminal activity or other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants, or the site's employees, contractors, or agents. Applicant must have successfully fulfilled terms of the sentence, including those of Probation. Activities, but are not limited to:
 - 2 or more offenses in the past 3 years involving Domestic Violence;
 - Passing 2 or more Bad Checks in the past 24 months;
 - 1 or more assault offenses in the past 24 months (the act of threatening bodily harm coupled with an apparent, present ability to cause the harm);
 - 2 or more Battery offenses in the past 3 years (any willful and unlawful use of force on the person of another that is unsolicited and unwarranted);
 - 1 or more offenses involving theft including Breaking & Entering in the past 3 years;
 - Conviction of felony or repeated misdemeanors within the last five years.
2. Owners must deny admission to assisted housing for any household with a member determined to be illegally using a controlled substance including marijuana; any household in which any member is currently engaged in illegal use of drugs or for which management has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug interferes with the health, safety, and right to a peaceful enjoyment of the property by other tenants.
3. Owners will terminate tenancy of any household with a member who is illegally using marijuana or other illegal drugs whose use interferes with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
4. Any conviction or adjudication other than acquittal, for any sexual offense.
5. Any household member who is subject to a state sex offender lifetime registration requirement
6. Any conviction or adjudication other than acquittal, which involved bodily harm to a child.
7. Eviction for Drug Related Criminal Activity: If the applicant or any household member has been evicted in the last five years from federally assisted housing for drug related criminal activity, the application will be rejected. Note: The only two exceptions to this provision are as follows: (1) the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or (2) circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).

8. Alcohol Abuse: If a determination is made that the applicant or any household member's behavior, from abuse, or pattern of abuse of alcohol, interferes with the health, safety, or right to peaceful enjoyment of the premises by other tenants, the application will be rejected.
9. Any conviction or adjudication other than acquittal, which involved first or second-degree murder.
10. Management reserves the right to reject any application where any applicant's act which results in the person's tenancy constituting a threat to the health or safety of other individuals, result in substantial physical damage to the property of others, or interfere with the peaceful and quiet enjoyment of the premises.

➤ Note: The term 'applicant' is inclusive of the applicant and all other household members.

Unwitting errors that do not secure an advantage with regard to program eligibility preferences, or rent will not be used as a basis to reject applicants.

Applicants may be denied particular units and placed on a waiting list if the household's characteristics are not appropriate for the size or type of units that are available at that time.

If Ocean View Plaza does not place an applicant on the waiting list or immediately process the applicant for admission, Ocean View Plaza must promptly notify the applicant in writing of the rejection, and explain in the notice the reasons for the rejection, AND

- that the applicant has 14 business days to respond in writing or to request a meeting to discuss the rejection.
- If the applicant is an individual with handicaps, the applicant may inform Ocean View Plaza this fact and may to make reasonable accommodations in the policies or practices to enable the applicant equal opportunity.

A member of the Lesley Senior Communities staff, who did not make the initial decision to reject the applicant, must conduct any meeting with the applicant or review of the applicant's written response. If the applicant appeals the rejection, Ocean View Plaza must give the applicant a written final decision within 5 days of the response or meeting.

Ocean View Plaza must keep the following materials on file for at least three years: application, initial rejection notice, any applicant reply, owner's final response, and all interview and verified information on which the owner based the rejection.

Mitigating Circumstances:

Ocean View Plaza will hold a second interview with any applicant known to have a disability or handicap who cannot meet one or more of the tenant screening criteria. The purpose of this interview is to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying reasonable accommodation. Mitigating circumstances would be facts (that can be verified) that would overcome or outweigh information gathered in the tenant screening process.

Acceptable evidence of mitigating circumstances may include the following:

- Verification that unacceptable past behavior is either no longer in effect or otherwise controlled.
- Applicants who claim unacceptable behavior resulting from alcoholism or drug addiction must verify that they are not currently engaging in alcohol abuse or the use of illegal drugs. Current abuse is defined as use more than 120 days prior to the date of application.

During the period that the applicant is claiming no current use, the applicant's behavior in the previously unacceptable area must have shown improvement. Unimproved behavior shall be taken to construe that either the applicant's unacceptable behavior was not caused by alcohol or drug abuse, or the applicant is still engaging in alcohol or drug abuse. Lack of improvement in a previously unacceptable area shall result in a rejected application.

Ocean View Plaza shall also have the right to request further information reasonably needed to verify a mitigating circumstance, even if such information is of a medically confidential nature. If the applicant refuses to provide or give access to such further information, Ocean View Plaza will give no further consideration to the mitigating circumstance.

Residency Requirements

At the time of residency, applicants must pay a Security Deposit that is put into a separate account and earns appreciation at the current established rate. Upon signing the lease, the applicant is agreeing to abide by the rules of the lease as well as the Apartment House Rules and Regulations which are an attachment to the lease. They also agree to the rules and regulations associated with receiving assistance from HUD. Tenant leases are for one year and then month to month. Four months prior to lease expiration, tenants will be notified of their obligation to recertify with the Occupancy Specialist. Failure to do so will result in the loss of subsidy causing the tenant to pay full market rate on the apartment.

Length of Absence

Absence due to Illness: The maximum time a tenant may be absent from a unit due to illness or injury is 180 consecutive days in a 12 month period. The tenant will be required to provide Management with an attending physician's prognosis that the tenant will return to the unit, with an estimated date of return, and be able to reside in a facility that provides no daily care assistance. If the tenant will need daily care assistance, verification must be provided to Management that such care has been secured by the tenant or his/her family, before returning to Ocean View Plaza.

Absence for Vacation: The maximum time a tenant may be absent from a unit is 60 days in a calendar year. An extended vacation cannot exceed 60 consecutive days in a 12 month period.

Tenants who are absent from the building must make arrangements for collection of their mail, security of their apartment, timely payment of rent and care of any pets. The tenant or a family member should notify the Administrator if the tenant is hospitalized. Tenants planning to be absent seven days or longer are required to notify the Administrator.

Visitors

Only the tenant(s) listed on the lease may occupy an apartment. By permitting a visitor, including a family member, to remain in an apartment longer than allowed, the tenant is committing fraud, and his/her lease can be terminated. All overnight guests and visitors must register with the Administrator and complete a Guest/Visitor Registration Form. Guests and visitors are subject to the Apartment House Rules and Regulations and other rules and policies of Ocean View Plaza.

The maximum length for overnight visits is 14 days per person per 12 month period. Tenants must not overcrowd an apartment with visitors. The maximum number of overnight visitor(s) at any one time for a one-bedroom apartment is 2 people.

The Administrator must provide written approval for an overnight guest to remain in a tenant's apartment longer than 14 days or to have more than the permitted number of visitors.

Overnight guests must park in visitor parking at the Southeast corner of the property, and obtain a parking tag from the Administration office, or park on the street. Tenants are responsible for their guests and the actions of their guests and as such must observe all rules and regulations while on the premises. Children must be accompanied by an adult at all times while in the common areas. Tenants must be at home when visitors are present.

Guests are not permitted to use the common areas unless accompanied by a tenant. Guests may not use laundry machines.

The Management must approve any changes in household composition.

Smoke-Free Policy

Due to the increased risk of fire, and the known health effects of secondhand smoke, smoking of any substance is prohibited in any apartment interior or common area and any other part of the property.

Ocean View Plaza desires to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire and smoke; and (iv) the higher costs of fire insurance for non-smoke-free buildings.

We define Smoking to mean inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, or other smoke producing or tobacco product in any manner or in any form including marijuana.

This policy applies to all tenants, guests, management, and contractors.

Charges for Facilities and Services

Owners must not collect any money from tenants at initial occupancy other than rent and the maximum HUD-allowed Security Deposit, unless they receive HUD approval to do otherwise.

Rent Payment

All rent is due on the 1st of each month; however, the tenant is allowed up to (5) days to pay his/her rent. The Property Manager may deduct accrued, unpaid late rent from the tenant's Security Deposit at the time of move-out if permissible under state and local Laws.

NSF Checks

Per HUD rules and regulations, no additional fees will be levied against a tenant whenever a check is returned for "Non-sufficient Funds."

Damages

Whenever damage is caused by carelessness, misuse, or neglect on the part of the tenant, household member, or visitor, the tenant is obligated to reimburse the Owner for the damages within 30-days after the tenant receives a bill from the Property manager.

The Property manager may deduct accrued, unpaid damage charges from the tenant's Security Deposit at the time of move-out, if such a deduction is permitted under state and local laws.

The tenant cannot be charged more than the actual and reasonable costs incurred by the project for repairing the damages. Receipts will accompany all transactions.

The Owner's bill is limited to actual and reasonable costs incurred by the Owner for repairing the damages.

Security Deposit Requirements

The amount of the Security Deposit established at move-in does not change when a tenant's rent changes.

The tenant is expected to pay the Security Deposit from his/her own resources, and/or other public or private sources. The Property Manager can approve installment payments of a Security Deposit.

The Security Deposit is refundable.

An applicant may be rejected if he/she does not have sufficient funds to pay the deposit.

HUD requires collection of a Security Deposit at the time of the initial lease execution. The required security amount is equal to the greater of \$50 or the TTP/Total Tenant Payment, from the HUD 50059 form.

At the time of the initial execution of the Lease, the Property Manager must collect a Security Deposit that equals the assessed first month's rent, plus utility allowance if applicable.

Security Deposits provide the Owner with some financial protection when a tenant moves out of the unit and fails to fulfill his/her obligations under the lease.

The Property Manager shall place the Security Deposit in an interest-bearing account and allocate the interest to the tenant annually.

Security Deposit Refunds

In order to receive a refund of the Security Deposit, a tenant must provide the Property Manager with a forwarding address or arrange to pick up the refund.

California State law requires that if the Landlord holds a Security Deposit, not less than 2 weeks before the termination of the tenancy, the Landlord shall notify the Tenant that he/she has the right to request an initial inspection.

A tenant has the option to request an initial inspection of the unit the tenant is vacating and has the right to be present at this inspection. The initial inspection will be made prior to a final inspection after the tenant vacates the unit, and the tenant will be provided with an itemized list of potential deductions from the Security Deposit. The tenant will have the opportunity to remedy the identified deficiencies during the period following the initial inspection until the end of the tenancy.

Timeliness:

Within 21-days after the move-out date the Property Manager shall either:

Refund the full Security Deposit plus accrued interest to a tenant that does not owe any amounts under the lease; or

Provide the tenant with an itemized list of any unpaid rent, damages to the unit, and an estimated cost for repair, along with a statement of the tenant's rights under State and Local laws.

If the amount the Property Manager claims is less than the Security Deposit amount plus accrued Interest, the Property Manager must refund the unused balance to the tenant.

If the Property Manager fails to provide the list to the tenant that the tenant is entitled to, a full refund of the tenant's Security Deposit plus accrued interest must be paid.

If a disagreement arises concerning the reimbursement of the Security Deposit to the tenant, the tenant has the right to present objections to the Property Manager in an informal meeting. The Property Manager must keep a record of any disagreements and meetings in the tenant file for a period of three years for inspection by HUD Field Office or Contract Property Manager. These procedures will not preclude the tenant from exercising any rights under state and local law.

If the Security Deposit is insufficient to reimburse the Owner for any unpaid or other amounts that the tenant owes under the lease, the Owner may be able to claim reimbursement from the HUD Field Office or Contract Property Manager.

Any reimbursement from HUD received by the Owner must be applied first toward any unpaid tenant rent due under the lease. Additionally, no reimbursement may be claimed for unpaid rent for the period after termination of the tenancy.

Unit Inspections

The Property Manager, representing the Landlord, must complete move-in and move-out inspections as tenant will be informed in writing a minimum of seven days in advance of the annual inspection date. Tenants are encouraged to be present during inspections. The purpose of an inspection is to ensure that each unit is clean, in good repair, and in decent, safe and sanitary condition. At the time of the yearly inspection, the Property Manager will evaluate and approve any repair and maintenance needed.

More frequent inspections may be scheduled if it is determined the tenant is not maintaining the unit in the condition required by the Lease and House Rules. Follow-Up Inspections can take place within 14 days of a previous inspection. Unannounced inspections may be conducted on complaint of strong odors emanating from an apartment, evidence of rodent or insect infestation, appearance of water, or other cues that signal unsanitary or unsafe conditions.

Before Move-In:

Before executing a lease, the Property Manager and tenant must jointly inspect the unit. After the Property Manager conducts a unit inspection, the inspection form must indicate the condition of the unit. The condition of the unit must be decent, safe, sanitary and in good repair. If cleaning and repair is required, the Property Manager must specify on the inspection form the date by which the work will be completed. This date should not exceed 30-days after the effective date of the lease.

Prior to move in a pest and bedbug inspection will be conducted by a professional pest control company. A copy of the inspection will be given to the applicant.

Both the Property Manager and the tenant must sign and date the inspection form. The inspection form must include the statement, "The unit is in decent, safe and sanitary condition".

The tenant has 5 days to report any additional deficiencies to the Property Manager to be noted on the move-in inspection form.

The move-in inspection form must be made part of the lease, as an attachment to the lease.

At Move-Out

All tenants or their authorized representatives are encouraged to accompany the Property Manager on the move-out inspection. This will help resolve any disagreements regarding damages to the unit.

If no one is available and the tenant is unable to participate, the Property Manager may do the inspection alone or with an accompanying staff member. All keys must be turned in at the end of the move-out process.

State law requires that if the Landlord holds a Security Deposit, not less than 2 weeks before the termination of the tenancy the Landlord shall notify the tenant that he/she has the right to request an initial inspection. If the tenant demands an initial inspection and the parties cannot agree on a time for the inspection, the Landlord shall give at least 48 hours' notice in writing prior to the inspection. The Landlord must give the tenant an itemized statement specifying repairs or cleaning that is required.

Annual Recertification Requirements

The Property Manager will conduct Annual Recertifications for all tenants based on their Move-In dates. All tenants are to be re-certified annually.

All new tenants receive their Initial Notice for an up-coming Recertification at the initial lease signing.

The 1st Reminder Notice is sent out 120 days prior to the tenants annual date. Per HUD guidelines the second notice is sent 90 days prior to the recertification anniversary date and subsequently the 3rd Reminder Notice is sent out 60 days prior to the Annual date.

In order to be re-certified all tenants must meet with the Property Manager and supply all information requested regarding his/her income, assets, and medical expenses. Household members are also required to report other factors that may affect the determination of adjusted income. The rent and assistance payments will be recomputed, if applicable, based on the information gathered.

The tenant must sign consent forms, and the Property Manager must obtain third-part Verification of the following items and document them in the tenant file (or document why third-party verification was unavailable). (See HUD Handbook 4350.3 REV-1, Change 3, Chapter 5, Section 3, for more information about verification of income.)

Examples of information required:

- Social Security Benefits/Pension (Income)
- Bank Accounts/Investments/Real Estate Property (Assets)
- Medicare and other Medical Insurance Payments, Prescription Drugs, Dental/Audio/Visual expenses and other allowable medical deductions.

The Property Manager shall provide the tenant with a copy of the HUD fact sheet describing how the tenant's rent is calculated.

Interim Recertification Reporting Policies

The Property Manager shall process an interim recertification if there has been a change (s) since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant. To ensure that assisted tenants pay rents commensurate with their ability to pay, tenants must supply information requested by the Owner or HUD for use in an interim recertification of family income and composition in accordance with HUD requirements. All tenants must notify the Owner when:

- A family member moves out of the unit.
- The family proposes to move a new member into the unit (at a minimum, Owners must apply screening criteria for drug abuse and other criminal activity to persons proposed to be added to the household, including live-in aides);

- An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment; or
- The family's income cumulatively increases by \$200 or more per month (\$2,400.00 per year).

The Property Manager shall process the recertification of family income and family composition within a reasonable time, which is only the amount of time needed to verify the information provided by the tenant. Generally, this should not exceed 4 weeks.

Tenants may request an interim recertification due to any changes occurring since the last recertification that may affect the TTP or tenant rent and assistance payment for the tenant.

Changes a tenant may report include the following but are not limited to:

- Loss of employment
- Reduction in numbers of hours worked by an employed family member
- And loss or reduction of welfare income

The Property Manager may refuse to process an interim recertification when the tenant reports a decrease in income only if the following apply:

- The decrease was caused by a deliberate action of the tenant to avoid paying rent.
- The Property Manager has a confirmation that the decrease in income will last less than one month. For example, the tenant's employer verifies in writing that the tenant will be laid off for only two weeks. If the Property Manager determines that the decrease in income will last less than one month, the Property Manager may choose, but is not obligated to process an interim recertification.
- The Owner must, however, implement this policy consistently for all tenants who experience a reduction in income that will last for less than one month.

The Property Manager shall refer to HUD's 4350.3 Handbook for additional HUD requirements on interim recertifications.

Changes in Family Composition

If the qualifying person leaves the unit, it must be determined whether the remaining member of the household is eligible to receive assistance.

Implementation of increase in household rent

Tenants must be given a 30 day notice of an increase in their rents if the increase is 10% or less than their current rent. If the increase in rent exceeds 10% tenants must be given a 60 day notice of the new rent.

Implementation of Lease Changes

A modification to the lease may only be effective at the end of a lease term. The Owner must provide the tenant with the approved modifications at least 60 days prior to the end of the lease term.

The Property Manager shall include a copy of the revised lease or addendum revising the existing lease agreement. A letter shall be included stating that the tenant can either accept the modification or move, but that response is due within 30 days.

The notice must be served by:

- Sending a letter by first class mail properly stamped
- Delivering a copy of the notice to any adult person answering the door at the unit;

- If no adult answers the door, the person serving the notice may place it under or through the door, or affix it to the door.
- Service of the notice is deemed effective once the notice has been both mailed and delivered.

Implementation of House Rule Changes

House rules are listed in the lease as an attachment to the lease. Owners must give tenants written notice 30 days prior to implementing new house rules.

Tenant Selection Plan

The Owner shall review/update the Tenant Selection Plan at least every other year to ensure that it reflects current operating practices, program priorities and HUD requirements. In the event changes are made to the Tenant Selection Plan, applicants will be notified by mail, and will be informed of their right to request a copy of the Tenant Selection Plan. The Owner shall make copies of the Tenant Selection Plan available to the public, including tenants of the complex, upon request.

Policies for Notifying Applicants of Changes in the Tenant Selection Plan

- The Property Manager shall send to all applicants on the waiting by snail mail (U.S. postal system), a letter indicating that a change has been made in the Owner's Tenant Selection Plan.
- The Property Manager shall retain copies of such notices attached to each applicant's application form/attachments.
- Waiting list applicants shall have access to copies of the TSP in the Administration Office.
- A copy of the TSP shall also be made available on the Project's website.

k/lg/forms/application forms/TSP/Tenant Selection Plan OVP final Rev. 7-20