

**Our Lady of Angels II, Inc.**  
**Tenant Selection Plan**

**Project Eligibility Requirements**

***Project Specific Requirements***

Our Lady of Angels II, Inc. was approved by the U.S. Department of Housing and Urban Development for construction and subsidy of 41 apartments for adults over sixty-two years of age under the Section 202 PRAC program.

The purpose of Our Lady of Angels II, Inc. as approved by the Department of Housing and Urban Development is to provide housing and appropriate support service to persons over sixty-two years of age. Our Lady of Angels II, Inc. was not selected nor does it possess the resources required to meet the special needs of other eligible 202 constituencies such as the developmentally disabled or the chronically mentally ill, per the Department of Housing and Urban Development's Regulatory Agreement.

***Citizenship/Immigration Requirements***

By law, only U.S. citizens and eligible noncitizens may benefit from federal rental assistance. Assistance in subsidized housing is restricted to the following:  
a) U.S. citizens or nationals; and b) noncitizens who have eligible immigration status as determined by HUD regulations.

Noncitizens (except those age 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Noncitizens age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. **Attachment A** is an exhibit of the acceptable forms of documentation regarding the immigration status of a noncitizen.

U.S. citizens must sign a declaration of citizenship. Also, our owner policy requires at least one additional proof of citizenship (birth certificate, military discharge papers, valid passport, or naturalization certificate) for those declaring to be U.S. citizens or nationals.

Applicants must submit required documentation of citizenship/immigration status no later than the date the owner initiates verification of other eligibility factors.

***Social Security Number (SSN) Requirements***

Each member of an applicant's household **except** for those who do not claim to have eligible immigration status and persons 62 and older who were already receiving federal housing assistance somewhere else on January 31, 2010, must disclose such SSN before the household may be housed. However, they do not need to have or disclose their SSN in order to be placed on the waiting list. Furthermore, they may retain their place on the waiting list if all household members required to disclose a SSN cannot do so at the time a unit becomes available for them.

### ***Social Security Number (SSN) Requirements (continued)***

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

Adequate documentation means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN. Refer to **Attachment B**.

### ***Eligibility of Students for Section 8 Assistance***

A student's eligibility for Section 8 assistance will be determined at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.

Section 8 assistance shall not be provided to any individual who:

- a. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
- b. Is under the age of 24;
- c. Is not married;
- d. Is not a veteran of the United States Military;
- e. Does not have a dependent child;
- f. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2006).
- g. Is not living with his or her parents who are receiving Section 8 assistance; and
- h. Is not individually eligible to receive Section 8 assistance **and** has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

### ***Eligibility of Students for Section 8 Assistance (continued)***

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. The student must meet, at a minimum **all** of the following criteria to be eligible for Section 8 assistance. The student must:

- a. Be of legal contract age under state law;
- b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or**  
  
Meet the U.S. Department of Education's definition of an independent student. (See HUD handbook 4350.3 Rev 1 Glossary for definition of Independent Student);
- c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
- d. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in the HUD handbook 4350.3 Rev 1 paragraph 8-6 A.

An ineligible student cannot be evicted or required to move from a unit as long as the student is in compliance with the terms of the lease.

### **Income Limits**

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income individuals and families. The income limit schedule used for Our Lady of Angels II, Inc. is very low and extremely low-income limit due to our Section 8 (post-1981) subsidy.

## **Procedures for Taking Applications and Selecting from the Waiting List**

### ***Taking Applications (includes procedures for our Franciscan Village project)***

Prospective applicant calls or comes in and we inform applicant to be eligible they must be 62 years of age or older, if younger, mobility impaired and must not exceed current income limits for single and double occupancy. Next, we advise the applicant of our no smoking policy and that no pet dogs are allowed per our pet policy. At the time of application request we take the following information from the applicant – their full name (including middle name, if applicable), date of birth, address, and phone number. Lastly, we advise the applicant that we will mail or hand them a preliminary application (**Attachment C**) to complete and return in our self-addressed envelope.

Upon receipt of the completed preliminary application, we find the applicant to be eligible; we place them on the waiting list according to the date of their application and time received in the mail. However, if the applicant states they are under 62 and mobility impaired, we mail them a verification of disability packet (**Attachment D**) to complete. Upon receipt of the packet from the applicant, we mail the verification of disability form to the doctor. Upon receipt of the verification of disability form from the doctor, we find the applicant to be eligible we place them on the waiting list according to the date of their application and time received in the mail.

Applicants will be notified of feasibility of an available apartment in chronological order. At no time will this chronological order be deviated unless our current occupancy goes below the 40% extremely low income limit. When an apartment is available the applicant is contacted by phone for an interview.

As vacancies arise, applicants will be given two opportunities to decline. When an applicant first rejects an apartment, they will be placed at the bottom of the waiting list as of the date they refused versus the original date of application and a letter will be sent (**Attachment E**). If they decline twice, they will be removed from the waiting list and a letter will be sent (**Attachment F**). If applicant is no longer interested in an apartment here, they will be taken off the waiting list and a letter will be sent (**Attachment G**).

Applicants will be contacted periodically by mail to determine if he/she wishes to remain on the waiting list (**Attachment H**). Applicants who fail to respond within thirty days are removed from the waiting list.

### ***Taking Applications (continued)***

When setting up an appointment we ask the applicant to bring in the following information:

1. Social Security card, Birth Certificate, & Driver's License/  
State Identification card
2. Social Security award letter
3. Names & addresses of sources of monthly income (ex. pensions,  
employment, annuities, etc.)
4. Names, addresses, & account numbers of assets (ex. savings, checking,  
IRA's, stocks, etc.)
5. Current tax bill or written statement from realtor showing current market  
value of house, if owned
6. Name & address of landlord, if renting
7. "Out of pocket" medical expenses / names & addresses
8. Names & addresses of pharmacies
9. Receipts for "over the counter" health/medical items needed for a specific  
medical condition and the name and address of medical doctor

### ***Preferences***

Not applicable.

### ***Income-Targeting***

Our current method for choosing families with extremely low-income is Method 1 in the HUD Handbook 4350.3 which states: "Method 1 – Admit only extremely low-income families until the 40% target is met. In chronological order, owners select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. Once this target has been reached, admit applicants in waiting list order." Currently our occupancy is in compliance with 40% at the extremely low-income limit.

### *Applicant Screening Criteria*

Applicants who meet all eligibility standards for residency must move into Our Lady of Angels II, Inc. within thirty days of the date of determination that they are eligible for residence. The applicant must meet the eligibility requirements listed below. At the time of the interview, documentation must either be provided or sent in order to verify eligibility in various areas.

1. Head of household must be sixty-two years or older.
2. Eligibility income must not exceed HUD established income limit in effect at the time of interview.
3. Rental history verified by prior landlords must demonstrate that the applicant has paid rent on time, has had no housekeeping problems, has not violated security or noise regulations, and has had no social problems with other residents.
4. Applicants with pets must meet all requirements within the pet regulations, which have been established according to guidelines of the Dept. of HUD.
5. A credit check will be conducted on all applicants and household members to determine how well applicants meet their financial obligations. However, the credit check is secondary to their rental history in determining their eligibility.
6. All applicants and household members will be screened for criminal activity. A history of engagement or current engagement in criminal activity or any drug-related criminal activity by any household member is cause for rejection of an application for housing.
  - a. Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity will be prohibited admission. There are two exceptions to this provision:
    - (1) The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
    - (2) The circumstances leading to the eviction no longer exist.
  - b. An applicant arrested, charged, or convicted of a criminal activity will not qualify to be a resident.

***Applicant Screening Criteria (continued)***

- c. An applicant who is a lifetime registered sex offender will not qualify to be a resident. The applicant must provide a complete list of all states in which any household member has resided. Our Lady of Angels II, Inc. will ask whether the applicant, or any member of the applicant's household, is subject to a lifetime sex offender registration requirement in any state.
  - (1) If Our Lady of Angels II, Inc.'s applicant screening reveals an applicant's household includes an individual subject to State lifetime sex offender registration, Our Lady of Angels II, Inc. will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, Our Lady of Angels II, Inc. will deny admission to the family.
  - (2) If Our Lady of Angels II, Inc. discovers that a household member was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001), Our Lady of Angels II, Inc. will immediately pursue eviction or termination of assistance for the household member. If Our Lady of Angels II, Inc. erroneously admitted a lifetime sex offender, Our Lady of Angels II, Inc. will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, Our Lady of Angels II, Inc. will terminate assistance for the household.
- d. An applicant who withholds or falsifies information on the application will not qualify to be a resident.
- e. If the tenant or a member of the tenant's household, regardless of the date of admission, engages in criminal activity (including sex offenses) while living in HUD-assisted housing, Our Lady of Angels II, Inc. will pursue eviction or termination of assistance to the extent allowed by HUD requirements, the lease, and state or local law.

***Existing Tenant Search Report***

Authorized Our Lady of Angels II, Inc. staff will use an Existing Tenant Search report at the time they are processing an application to determine if the applicant or any applicant household members are currently residing at another Multifamily Housing or Public and Indian Housing (PIH) location. This report is accessed through EIV, a web-based computer system containing verification information on individuals participating in HUD's rental assistance programs.

### ***Existing Tenant Search Report (continued)***

If the applicant or a member of the applicant's household is residing at another location, authorized Our Lady of Angels II, Inc. staff will discuss this with the applicant, giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location. Depending on the outcome of the discussion with the applicant, authorized Our Lady of Angels II, Inc. staff may need to follow-up with the respective PHA or O/A to confirm the individual's program participation status before admission. The report gives the authorized Our Lady of Angels II, Inc. staff the ability to coordinate move-out and move-in dates with the PHA or O/A of the property at the other location. The search results 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.

### ***Procedures for Rejecting Ineligible Applicants***

Those applicants who do not meet the eligibility requirements for residency will be notified of such ineligibility. The applicant(s) shall receive a prompt, written notice advising them of the rejection, the reason(s) for the rejection of their application request, preliminary application, or application interview, and shall advise them of their right to dispute/appeal the rejection. This notice shall also advise the applicant that they have fourteen (14) days to either respond in writing or to request an in-person meeting regarding their intent to dispute/appeal the rejection. Refer to **Attachment I, Attachment J, and Attachment K** for rejection notifications.

## **Occupancy Standards**

By HUD regulation, the owner must develop and follow occupancy standards that take into account the size and number of bedrooms needed based on the number of people in the family. Occupancy standards serve to prevent the over- or under-utilization of units that can result in an inefficient use of housing assistance. Occupancy standards also ensure that tenants are treated fairly and consistently and receive adequate housing space.

Our occupancy standards comply with Federal, State, and local fair housing and civil rights laws; tenant-landlord laws; and HUD's Equal Opportunity and non-discrimination requirements under HUD's administrative procedures. Our Lady of Angels II, Inc. does not exclude otherwise eligible elderly families with children from our elderly/disabled property covered by HUD Handbook 4350.3.

Our Lady of Angels II, Inc.'s policy to determine appropriate unit size is generally two-persons-per-bedroom. The property has 41 "one bedroom" units. The procedure used to place applicants on a list for more than one unit size is determined by the number of household members, a live-in aide, or for medical reasons.

## **Unit Transfer Policies**

Our Lady of Angels II, Inc. does not permit unit transfers unless a tenant requires a live-in aide, has a change in family composition, or needs a handicap accessible unit. The following outlines the unit transfer procedure:

1. Change in family composition would allow a tenant living in a one bedroom unit to transfer to a two bedroom unit when available.
2. Tenants requesting transfers would have priority over applicants on waiting list. An in-house tenant waiting list for unit transfers would be established.
3. A written request by the tenant for a unit transfer is required.
4. Third party verification would be required for proof of unit transfer.
5. Change in family composition in a two bedroom unit would require the sole tenant remaining to transfer to a one bedroom unit once one becomes available. (This does not apply to live-in aides.)

### **Policies to Comply with Section 504 of the Rehabilitation Act of 1973, The Fair Housing Act Amendments of 1988, and Title VI of the Civil Rights Act of 1964**

Our Lady of Angels II, Inc. has a policy of non-discrimination. All services and accommodations of the facility are available to persons without regard to race, color, religion, sex, national origin, disability and familial status.

Our Lady of Angels II, Inc. specifically follows policies and regulations set forth by the U.S. Department of Housing and Urban Development and does not deviate from the purpose for which it was approved by HUD.

### **Policy for Opening and Closing the Waiting List**

Our Lady of Angels II, Inc. currently has never closed the waiting list. However, if we would close the waiting list we would advise potential applicants that the waiting list is closed and refuse to take additional applicants. When we agree to open the waiting list and agree to accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same publications) as the notification that the waiting list was closed. Advertisements will include where and when to apply and will conform to the advertising and outreach activities described in our Affirmative Fair Housing Marketing Plan.

### **No Smoking Policy**

Our Lady of Angels II, Inc. is a non-smoking facility effective April 1, 2010. Smoking is prohibited by Tenants, their guests, family members, invitees and all other persons on, in or about the apartment buildings. A violation of the No Smoking Policy shall be a “material non-compliance” with the Lease Agreement and Lease Addendum and shall subject the Tenant to, among other things, but not limited to, termination of the Lease, eviction, injunctive relief and such other damages in law or equity that may be available to the Landlord. There will be no prohibition on smoking outside of Our Lady of Angels II, Inc. and Franciscan Village’s apartment buildings so long as such smoking does not interfere with the quiet enjoyment of any Tenant’s occupancy of his or her apartment.