

# TENANT SELECTION PLAN

**Elbert House Apartments  
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## PROJECT PREFACE

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Catholic Housing Services is a Washington non-profit corporation. It owns and operates Elbert House Apartments 49 units in Bellevue, Washington. The purpose of this equal opportunity housing facility is to provide affordable housing for very low and extremely low income elderly individuals, elderly families and persons in certain cases of disability through the **Department of Housing and Urban Development's Section 202 Program**. The **Section 202 contract** covers 49-1 bedroom units on the property.

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## DEFINITIONS

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### **Family**

*Family* includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or,
2. A group of persons residing together, and such group includes, but is not limited to:
  - a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - b. An elderly family;
  - c. A near-elderly family;
  - d. A disabled family;
  - e. A displaced family; and,
  - f. The remaining member of a tenant family

### **Elderly Family**

Elderly family means a family whose head, co-head, spouse or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

### **Person with Disabilities**

Such a person has a disability, as defined in 42 U.S.C. 423;

- Inability to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or



- A person with disabilities (individual with handicaps), as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

### **Independent Student Eligibility**

Determining the eligibility of students who are head or co-head of household using HUD guidelines.

### **Independent Student**

An “independent student” is an individual who meets any one of the following requirements:

- Is age 24 or older by December 31 of the award year;
- Is an orphan, in Foster Care, or a Ward of the Court, or was an orphan, in Foster Care, or a Ward of the Court at any time from age 13;
- Immediately prior to the age of majority, was an emancipated minor or in legal guardianship as determined by a court;
- Is a veteran of the United States military or on active duty for other than training (i.e., not Guard or Reserve);
- Is a graduate or professional student;
- Is married;
- Has legal dependents other than a spouse; or
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth or as unaccompanied, at risk of homelessness, and self-supporting.

This must be verified by:

- A local educational agency’s homeless liaison;
  - The director (or designee) or a program funded under the Runaway & Homeless Youth Act;
  - The director(or designee) of a program funded under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act(relating to emergency shelter grants; or
  - A financial aid administrator; or
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

### **Live-In Aide**

A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:

1. Is 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.

A relative may be a **Live-In Aide** but must meet all of the above requirements, and sign a statement to that effect. Elbert House Apartments will verify this with a physician or recognized health care professional. The sole purpose of a **Live-In Aide** is to provide the tenant with support services and will not qualify for continued occupancy in the event the tenant vacates the unit. Elbert Apartments may re-verify the need for a **Live-In Aide** when necessary.

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## GENERAL ADMISSION REQUIREMENTS

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Applicants will be considered on a first-received, first-reviewed basis, based upon the date that the completed and signed application is received by management of Elbert Apartments. Admission to Elbert Apartments is limited to those applicants whose income meets the "**Section 8**" **Income Limits** for this area. Please refer to the site's income limits. We accept persons who are in the low and extremely low-income category.

Forty percent (40%) of the **Section 8** units that turnover in the property's fiscal year, and are rented to applicants on the Waiting List, must be made available to applicants who meet the "extremely low" income (30% of median) limits. This is accomplished by renting every other available unit to an extremely low-income applicant, beginning with an extremely low-income applicant each year (please refer to **Extremely Low Income [ELI] Procedures** within this plan and also in **HUD Handbook 4350.3, Chapter 4, Section 4-5** for more information).

To live at Elbert Apartments an applicant must be:

- An eligible elderly individual or elderly family as defined by **HUD** and the **IRS**; Head of household must be 62 years of age or older;
- Or, if under age 62 years, be disabled as defined by the property's Regulatory Agreement and HUD.
- See **Definitions** section in this plan.

Elbert Apartments will first assign units to in-place tenants who have a demonstrated need for a change in housing before offering units to an applicant on the Waiting List. This will be done in chronological order, based on the date of the notification of the site management of the new need.

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## GENERAL INFORMATION

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Residency is open to all qualified eligible persons in accordance with the **Fair Housing Act** which prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, gender identity, marital status, sexual orientation regardless of actual or perceived sexual orientation and familial status.

Residency is also open in accordance with **Title VI of the Civil Rights Act of 1964** which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from **HUD**. Residency is open to all qualified eligible persons in accordance with any State recognized protected classes. Finally, **Section 504 of the Rehabilitation Act of 1973** prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from **HUD**. Elbert Apartments does not discriminate based upon age for any reason, excluding **HUD** program/project requirements.

Elbert Apartments will make reasonable accommodations to individuals whose disabilities so require in accordance with **HUD** regulations and management policies. This includes the application process and residency period. For more information and the designated 504 Coordinator for the site, please refer to management's **Section 504 policy**.

A person, in order to be a tenant at Elbert Apartments must be capable of fulfilling the lease requirements. This means that the applicant must be able to meet all of his/her personal needs and be able to fulfill the lease obligations with or without assistance.

Elbert Apartments does not provide, nor has the authority to provide, any care or supervision services, does not accept or retain tenants who demonstrate any level of need for care and supervision services that cannot be provided by the tenant or aides supervised by the tenant, and does not promise or make available in the future any assistance with personal activities of daily living. Management will be happy to provide any applicant or tenant with a list of outside providers who deliver these services in the community.

All potentially eligible, qualified applicants will be considered in accordance with the marketing procedures of **HUD**. All applicants must comply with any applicable admissions requirements in **HUD Handbooks**.

The local "**Section 8**" **Income Limits** apply to this property and applicants must meet specific income restrictions to be eligible for housing. Please refer to the last page of this plan for current limits. Elbert Apartments reserves the right to alter their Tenant Selection Plan at any time. In such an event, management will provide applicants and residents with ample notice.



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## VAWA- VIOLENCE AGAINST WOMEN ACT

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The Elbert Apartments will support or assist victims of domestic violence, dating violence, sexual assault or stalking and protect victims, as well as members of their family, from being denied housing or from losing their HUD assisted housing as a consequence of domestic violence, dating violence, sexual assault or stalking.

An applicant for housing assistance or a tenant receiving assistance cannot be denied admission or terminated from assistance on the basis or as a direct result of the applicant having been a victim of domestic violence, dating violence, sexual assault and stalking, if the applicant or tenant otherwise qualifies for admission or assistance.

The Elbert Apartments will provide notice to HUD tenants of their rights and obligations under VAWA.

Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking:

(1) The Elbert Apartments will provide tenants the option to complete the “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation”. The certification form will 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. The Elbert Apartments may extend this time period at its discretion.

(2) Alternately, in lieu of the certification form or in addition to it, owners may accept:

- (i) A federal, state, tribal, territorial, or local police record or court record, or
- (ii) Documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking or, the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional’s belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence, sexual assault, or stalking has signed or attested to the documentation.

The Elbert Apartments is not required to demand that an individual produce official documentation or physical proof of an individual’s status as a victim of domestic violence, dating violence, sexual assault or stalking in order to receive the protections of the VAWA. The Elbert Apartments at its discretion, may provide assistance to an individual based solely upon the individual’s statement or other corroborating evidence. The Elbert Apartments will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

The Elbert Apartments 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, owners are encouraged to 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.

#### Confidentiality of Information:

The identity of the victim and all information provided to owners relating to the incident(s) of domestic violence, dating violence, sexual assault or stalking must be retained in confidence by the owner and must not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is:

- (1) Requested or consented to by the individual in writing;
- (2) Required for use in an eviction proceeding; or
- (3) 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.
- (d) Retention of information.

The Elbert Apartments will 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.

#### VAWA Lease Addendum

The Elbert Apartments will have all tenants sign the VAWA lease addendum, form HUD-91067

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## INDEPENDENT STUDENT STATUS

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HUD requires that an individual enrolled at an Institution of Higher Education meet certain requirements in order to be eligible for Section 8 rental assistance. In order to be eligible, the individual must qualify as an "independent student" as defined by the United States Department of Education (ED). An "independent student" is an individual who meets any one of the following requirements:

- a. Is age 24 or older by December 31 of the award year;
- a. Is an orphan, in Foster Care, or a Ward of the Court, or was an orphan, in *Foster Care, or a Ward of the Court at any time from age 13*;
- b. Immediately prior to the age of majority, was an emancipated minor or in legal guardianship as determined by a court;
- c. Is a veteran of the United States military or on active duty for other than training (i.e., not Guard or Reserve);
- d. Is a graduate or professional student;
- e. Is married;



- f. Has legal dependents other than a spouse; or
- g. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth or as unaccompanied, at risk of homelessness, and self-supporting.

This must be verified by

- A local educational agency’s homeless liaison;
  - The director (or designee) or a program funded under the Runaway & Homeless Youth Act;
  - The director(or designee) of a program funded under Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act(relating to emergency shelter grants; or
  - A financial aid administrator; or
- h. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Owners and/or Managers must verify a student’s independence from his or her parents to determine that the student’s parents’ income is not relevant for determining the student’s eligibility for assistance by doing all of the following:

1. Review and verification of previous address information in order to confirm a separate household;
1. Review of student’s prior year tax returns to verify independence; and
2. A written certification of financial support or nonsupport from the parent(s). Financial assistance that is provided by persons not living in the unit is part of annual income. (Except if the student meets the Department of Education’s definition of “independent student” in paragraphs (b), (c) or (h)).

If any of these three requirements are not met, proof of the parents’ eligibility for Section 8 assistance is required.

An individual who meets “independent student” definition in paragraph (b), (c), or (h), are considered “vulnerable youth.” In this case, they are automatically considered an “independent student.” Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

Such individuals are ineligible unless the student is determined independent (maintained own household) from his or her parents one year prior to application or meets DOE definition of an independent student, and has not been claimed as a dependent pursuant to IRS regulations. Certification of the amount of financial assistance provided by parents or legal guardian must be obtained, even if no assistance is provided. Students must be of legal contract age under state laws. In Washington State, that age is eighteen (18). The individual is not eligible if she/he is not a person with disabilities (defined in 3 (b) (3) (E) and was not receiving Section 8 assistance as of November 30, 2005.

The financial assistance of the student in excess of amounts received for tuition and any other required fees and charges will be included in annual income when determining the student's eligibility for **Section 8** assistance, unless the student is over the age of 23 with dependent children and the determination of rent is made in accordance with the requirements of the **Section 8** program. The financial assistance of a student residing with his or her parents would continue to be excluded from annual income. Management will ensure at each annual recertification that an independent student remains eligible to continue to receive **Section 8** assistance.

This guidance and HUD's rule focus on a student under the age of 24 who meets the additional requirements of section 327 and who is not residing in a section 8 assisted units with his or her parents, but who is individually seeking to reside in a section 8 assisted unit. Neither the rule nor this guidance applies to students residing with their parents in a section 8 assisted units or who reside with parents who are applying to receive section 8 assistance.

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

- a. Is enrolled PT or FT at an institution of higher education to obtain a degree, certificate, or other program leading to a recognized educational credential; and
- b. Is under the age of 24;and
- c. Is not married; and
- d. Is not a Veteran of the U.S Military; and
- e. Does not have a dependent child; and
- f. Is not a person with disabilities (defined in 3 (b) 3 (E) of the United States Housing Act of 1937 (42 U.S.C. 1437 a (b) (3) (E) and was not receiving assistance under such section 8 as of November 30, 2005; and
- g. Is not living with his/her parents who are receiving Section 8; and
- h. is not individually eligible to receive Section 8 assistance and has parents (individually or separately) who are not eligible to receive Section 8 assistance.

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## PROCEDURES FOR APPLYING FOR HOUSING

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All persons/families interested in applying for housing at Elbert Apartments must comply with the following requirements to be "considered for housing":



- Applications may be downloaded from [www.ccsww.org](http://www.ccsww.org) , picked up or requested by phone during the business hours Monday through Friday or by written request. Applicants may return the completed application in person during business hours, or faxed or mailed to the Elbert Apartments» office. The date and time the application is received will be indicated on the application by a management representative.
- Applicant must list all family members who will reside in the unit.
- Applicant(s) must meet certain credit and criminal history standards. Credit and criminal reports are run for the applicant(s) by the management company through an approved screening company.
- Provide good/acceptable references from all landlords, both current and previous, listed on the application and in credit bureau files.
- Show that the applicant has the ability to fulfill all the lease requirements (with or without care assistance) where applicable.
- Provide social security numbers for all members of the family.

All of this information will be verified in accordance with **HUD Regulations and Requirements**, as stated in **HUD Handbook 4350.3** and all revisions. Applicants will be required to sign appropriate forms authorizing management to verify any and all factors that affect the applicant's eligibility or the rent that the applicant will pay. All of this information may be released by **HUD** to other Federal, State and Local Agencies.

In the event the applicant is personally unable to complete the form, the applicant must provide the information to someone assisting in completing the form. The person assisting the applicant must sign and date the application, indicating that it was completed at the direction of the named applicant.

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## INTERVIEWS

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Upon receipt of the original application, the date and time is received will be indicated on the application by a management representative. The application is preliminarily reviewed. The initial review will be for application completeness, to make sure that the application is legible and to determine, on the surface, if the applicant appears to qualify for the **Section 202 program**. This in no way means that an applicant qualifies, or is eligible. Eligibility can be confirmed only after all items which may have any bearing on the rent that the applicant may pay or subsidy he/she may receive are verified: income, assets, family composition, etc. The applicant must be determined eligible to be offered housing.



As an applicant's name approaches the top of the Waiting List, or when an applicant is being offered housing, a formal interview will be scheduled. The Manager will contact the applicant to schedule an interview, if there is no response within 5 days, the applicant will be removed from the WL. At that time the applicant is interviewed, all items on the application will be discussed and confirmed, and verification forms will be signed by the applicant authorizing management to verify all of these issues/items. For out-of-state applicants, a detailed telephone interview may substitute for a formal in-person interview. However, all information will require the same verifications as would be obtained through an in-person interview. For either a formal in-person interview or a detailed telephone interview, until all items are verified, eligibility cannot be determined, nor any housing offered. The applicant must provide all required documents within 3 days of the interview date; refusal or inability to provide the required documents will result in removal from the Waitlist. Management must make an attempt to verify all factors with third party written verification, per **HUD Regulations and Procedures**. In the absence of third party verification within 14 days after attempting third party verification, and no response being received, management will use "Review of Documents" to verify items/issues in accordance with the HUD handbook 4350.3 and all revisions

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### **ENTERPRISE INCOME VERIFICATION (EIV) - ACCESS TO THE EXISTING TENANT SEARCH OPTION**

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This property will utilize the Existing Tenant Search Report available on the Enterprise Income Verification System (EIV) as part of the application/screening process prior to admission. This report will be utilized to determine if an applicant or any member of the applicant household (including minor children) are currently receiving HUD subsidy at another HUD Multifamily or Public or Indian Housing property. All applicants **MUST** disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit or who attempt to receive HUD assistance in two separate residences.

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. The report gives the owner/agent the ability to coordinate move-out and move-in dates with the property at the other location. Special consideration applies to minor children where both parents share custody.

Failure to terminate HUD assistance at the other property may result in the applicant paying a non-subsidized rent at our property until subsidy is terminated at the other property. If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.



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## REGULAR WAITING LIST

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Any applicant, who appears to qualify before any information is formally verified, and for whom a unit is not currently available, will be placed on the Waiting List. It is the applicant's responsibility to report changes on the application to Elbert Apartments in a timely fashion. Completing a pre-application does not automatically qualify you nor does it automatically make you eligible to be placed on the waiting list.

Applicants will be considered on a first-received, first-reviewed basis, based upon the date that the completed and signed pre-application is received by management. Eligibility for the waiting list will be determined after the pre-application has been reviewed. Once a determination of eligibility for the waiting list is made, you will be notified by mail.

When your name comes to the top of the waiting list, you will be notified to attend an interview to complete a full application. Final determination of eligibility for the program will be made after all verifications have been returned.

When an apartment becomes available, the next applicant on the Waiting List will be notified. While on the Waiting List, an applicant will be offered up to **two** opportunities to rent an apartment as apartments come available. The applicant can refuse an apartment for any reason. After the second refusal of an apartment by the applicant, the applicant's name will be removed from the Waiting List. Once management has offered an applicant an apartment, the applicant has five (5) days to accept or decline the offer and schedule an interview. Once an offer is accepted, the applicant has a maximum of 45 calendar days to move into the apartment.

When an apartment becomes available, in-place tenants requiring a different unit will be housed appropriately before we move in an applicant on the Waiting List. This allows management to treat current tenants having the greatest housing need prior to applicants on the Waiting List. In this manner, we are able to avoid displacing, through any action, current tenants whose housing needs have changed since admission.

When the oldest application is in excess of 2 years from the date of prospective closure then the Waiting List may be closed. Management will advise potential applicants of the closure of the waiting list and refusal to take additional applications. A notice will be prominently posted in the Management/rental office or reception area, on our website, and in a local newspaper, stating the reason Waiting List is closed and the effective date of the closure. When the Waiting List is to be reopened, notice of this will be placed in the same local publication, posting on our website, as well as notifications sent to appropriate social service agencies stating when the Waiting List will be re-opened, as well as times and days that applications will be taken. This is done in accordance with the **AFHMP (HUD Form 935.2)**.



Letters of interest will be sent to all applicants on the Waitlist twice a year to verify continued interest to remain on the waitlist. Failure to respond to the waitlist review notice within 30 days will result in removal from the waitlist.

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## **EXTREMELY LOW INCOME PROCEDURES**

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If management determines that following Elbert Apartments waiting list in standard chronological order may not (or will not) achieve the admissions necessary to meet the income-targeting requirement, then management must implement procedures that will ensure compliance.

Management will implement the procedure of alternating between the first extremely low-income (ELI) applicant on the waiting list and the applicant at the top of the waiting list. To implement this method, management will select the first extremely low-income applicant on the waiting list (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available, tenant selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 40% target is reached.

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## **UNIT SIZE STANDARDS AND GUIDELINES**

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### **When assigning bedrooms:**

1. Every family member listed on the application is counted.
2. An unborn child may be counted for occupancy and income limits.
3. Live-in attendants and foster children are counted when determining bedroom size.
4. Children who live in the unit 50% of the time may be counted.
5. Children away at school, who live with the family when school recesses, may be counted.
6. Minimum of one person for a one-bedroom unit; maximum of three persons.

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## ACCESSIBLE UNITS

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Five (5) of the units at Elbert Apartments have been architecturally altered for accessibility (to some degree), someone in the family must qualify as needing four (4) or more of the architecturally altered features to apply for or live in these units. This need must be verified with a medical practitioner. Units that have been altered in any way for a disabled person will be rented to a family or individual needing that specific unit type, or the architectural features present in that unit. In all instances, accessible units shall be rented to a family or family with a member needing that type of unit.

In the unlikely event that no applicant or family can be found that requires that unit type, a non-disabled applicant or family can be housed there, (temporarily) only after signing a statement, that will become a lease amendment, that states that they will move, within 30 days, at their own expense when they are notified by management, in writing, that a non-handicapped unit is available and a disabled applicant has been located who needs those features.

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## TRANSFER POLICY

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**Management will allow in-house transfers, in the following situations:**

1. A unit transfer due to change in family size or composition
2. A unit transfer for a reasonable accommodation, medical need or based on need for an accessible unit.
3. A transfer to another unit due to renovation of the previous unit.
4. A transfer under the Violence Against Women Act Emergency Transfer Plan.

### **Transfer Request Procedure**

In order to be determined eligible to receive a transfer, residents must submit the requested documentation to Management to substantiate their request, and they must be a resident in good standing. Requests for transfers that are based on a need for a reasonable accommodation will be provided priority over other requests, in the chronological order received. For safety reasons CHS will prioritize VAWA Emergency Transfer Request for available units over other emergency transfer request or pending reasonable accommodation transfer requests. If your request is approved, but no appropriate units are available, your name will be added to the property transfer waiting list. When an appropriate unit is available, you will have a maximum of 48 hours to complete the transfer from the set move date. If you are unable to transfer within 48 hours the unit will be offered to the next person on the waiting list in compliance with the waiting list management policy.

You have the right to refuse offered units twice. The first time a unit offer is refused, the next household on the waiting list will be offered the unit (in accordance with our resident selection plan), and your name will remain at the top of the list. The second time



a unit offer is refused, your name will be removed from the waiting list, and a new unit transfer request will not be considered for at least six months. (CHS will consider reasonable accommodation in this case, if there is the presence of a disability).

If your request for a unit transfer is denied, you may appeal the decision within 14 calendar days from the date of the denial letter. A CHS staff member who was not involved in the original decision to deny will review your appeal.

### **Transfer for a Reasonable Accommodation to accommodate a tenant's disability**

Reasonable accommodations include those that are necessary for a person with a disability to use and enjoy a dwelling. To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. For example, a tenant with a physical disability might need a transfer to an accessible unit, or a unit on the ground floor, or for a physical disability reasons to a larger unit to accommodate a live-in aide.

### **Moving Cost**

Depending upon the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move. If a tenant is transferred as a reasonable accommodation to a household member's disability, then the property will pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden to the property. Moving expenses will include any new utility deposits required by utility service providers (electricity, telephone, Cable TV) and the cost of moving personal belongings (but not including packing of personal belongings).

### **Security Deposits & Unit Transfers**

When a Resident transfers to a new unit, CHS will charge a new deposit and refund the deposit for the old unit less any outstanding amounts due for rent, fees, or damages. The vacated apartment must meet original move-in condition less any normal wear and tear in order for resident to receive a security deposit refund.

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## **PROOF OF CITIZENSHIP**

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All family members, regardless of age, must declare their citizenship or immigration status. For non-citizens, Elbert Apartments may be required to verify with the **Department of Homeland Security (DHS)** the validity of documents provided by applicants. Applicants must submit required documentation of citizenship/immigration status at time of application. Because of the prohibition against delaying assistance to obtain verification of citizenship/immigration status, owners are advised to implement procedures to verify eligible immigration status in advance of other verification efforts.

Assistance in subsidized housing is restricted to the following:



- U.S. citizens or nationals; and
- Noncitizens who have eligible immigration status as determined by **HUD**.

A mixed family—a family with one or more ineligible family members and one or more eligible family members—may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance.

If the applicant cannot supply the documentation within the specified timeframe, management may grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. Although the extension period may not exceed 30 days, management may establish a shorter extension period based on the circumstances of the individual case.

Management must inform the applicant in writing if an extension request is granted or denied. If the request is granted, management will include the new deadline for submitting the documentation. If the request is denied, management will state the reasons for the denial in the written response.

Currently assisted families that have no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance are eligible for temporary deferral of termination of assistance. Please see management and the **HUD Handbook 4350.3, Chapter 3-12Q**, for deferral policies.

NOTE: If the family receiving assistance on June 19, 1995 includes a refugee under section 207 of the Immigration and Nationality Act, or an individual seeking asylum under section 208 of that Act, a deferral can be given to the family and there is no time limitation on the deferral period. The 18-month deferral limitation does not apply.

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## PROOF OF SOCIAL SECURITY NUMBERS

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Applicants must provide documentation of a Social Security Number (SSN) in order to be eligible for subsidy at Elbert Apartments. Adequate documentation means a social security card issued by the **Social Security Administration (SSA)** or other acceptable evidence of the SSN. The head of household/spouse/co-head must disclose SSNs for all family members.

Individuals who have applied for legalization under the Immigration and **Reform Control Act of 1986** will be able to disclose the social security numbers, but unable to supply the cards for documentation. Social security numbers are assigned to these persons when they apply for amnesty. The cards go to the **Department of Homeland Security (DHS)** until the persons are granted temporary lawful resident status. Until that time, their acceptable documentation is a letter from the **DHS** indicating social security numbers have been assigned.



When an applicant has a SSN but does not have the required documentation, the applicant may submit the SSN and certify that the number is accurate but that acceptable documentation could not be provided. If management has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of the SSN, the applicant may retain his or her place on the waiting list for a 90-day period from the date the applicant certified that the documentation was not available. After 90 days, if the applicant has been unable to supply the required SSN documentation, the applicant will be determined ineligible and removed from the waiting list (see HUD Handbook 4350.3, Chapter 4-20A).

An applicant family with a child under the age of 6 years, who was added to the household 6 months or less from the move-in date, may become a participant family, even if the SSN for the child has not been verified at the time of admission. Families with the above composition will be granted an initial grace period 90 days from the effective date of their move-in certification to provide documentation of the SSN for the child. An additional 90-day period will be granted if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the household. Examples include but are not limited to: delayed processing of the SSN application by the SSA, natural disaster, fire, death in family, etc. During this time period, the child is to be included as part of the household and will receive all of the benefits of the program in which the child is involved, including the dependent deduction. An interim recertification will be processed once the household discloses and provides verification of the SSN for this individual.

The penalty associated with the failure to disclose and provide verification of all household member's SSN within the grace period is termination of tenancy (4350.3, REV-1, paragraph 8-13.A.6). Proration of assistance is not permitted for household members who are required to obtain SSN but fail to disclose and provide verification.

An applicant 62 or older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those who do not contend eligible immigration status are exempt from Social Security disclosure and verification requirements.

Current tenants must also disclose SSN for all members of the household or they will lose their tenancy.

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## SCREENING\REJECTION CRITERIA

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All applicants 18 years of age or older in a household will be screened for rental history, including but not limited to property damage, disturbances caused by applicant, non-payment of rent, and lease violations. All household members will be screened for credit history including but not limited to late payments, collections, and bankruptcy. All household members will be screened for criminal history including but not limited to



arson, homicide, drug related crimes, violent crimes, sexual offences, felonies, and alcohol abuse. Applicants will be screened for general program eligibility prior to residency. This includes police officers or security personnel living on-site. The screening of live-in aides at initial occupancy and the screening of persons or live-in aides to be added to the tenant household after initial occupancy involve similar screening activities. Both live-in aides and new additions to the tenant household will be screened for drug abuse and other criminal activity. An application may be rejected for any one of the following reasons:

- ♦ The applicant/family is not eligible based on program requirements.
- ♦ Submission of false or untrue information on the application, or failure to cooperate in the verification process.
- ♦ The applicant has a history of unacceptable or unsatisfactory credit or criminal history as reported by a credit agency or other organization. ***Please see Rental, Credit and Criminal Screening Criteria section for more information.***
- ♦ Negative reference from current or previous landlord, including but not limited to late rent, NSF (non-sufficient funds) checks, lease violations, evictions, etc.
- ♦ The household (including a **Live-In Aide**) size is not appropriate for this unit. ***Please refer to Unit Size Standards & Guidelines.***
- ♦ Failure to sign designated or required forms and/or documents upon request.
- ♦ The applicant cannot pay the appropriate security deposit at move-in or make arrangements for the deposit to be paid by a third party. .
- ♦ This will not be the applicant's only residence and he/she will pay an assisted rent.
- ♦ The applicant has repeatedly (more than twice) been offered a housing unit and, for other than a verified medical reason, he/she has refused to take the unit offered.
- ♦ The applicant is not a Citizen, National or eligible non-Citizen (as defined by HUD).
- ♦ The applicant is not capable of fulfilling the lease, with or without assistance.
- ♦ A negative criminal history as defined in the ***Criminal or Drug-Related Activity*** section.
- ♦ By HUD formula, the applicant cannot show a need for the subsidy assistance,

(where applicable) or the household income exceeds the **HUD** limits.

- ♦ The applicant was unable to provide proof of SSNs as required by HUD and management policy.

Applicants have a right to request a free copy of the screening report from the screening agency if they are rejected.

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## REJECTION PROCEDURES

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When an applicant is rejected by management, the applicant is notified of this decision in writing. This written statement, which will be sent in a timely fashion, will include the reason(s) for the rejection, and state that the applicant has the opportunity to request a meeting with the management to discuss the rejection. The applicant will be further instructed to request the meeting in writing within fourteen (14) days of the date of the rejection letter.

If the applicant wants to request a meeting, the applicant's written request should be sent to Elbert Apartments within fourteen (14) days of the date of the rejection notice. The requested meeting will be held by a staff member who was not involved in the initial decision to deny admission or assistance. Within five (5) business days of Management's response or meeting, Management must advise the applicant in writing of the final decision on eligibility. All of this material (original application, rejection letter, applicant's request for a meeting, summary of the meeting and the final decision) must be kept for three (3) years in confidential files.

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## CRIMINAL OR DRUG-RELATED ACTIVITY

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Upon move-in tenants sign leases requiring them to accept responsibility for the actions of individual household members, their guests, or other persons on the premises with their consent. No tenant, no member of the tenant's family or household nor a guest or any other person visiting a tenant shall engage in criminal activity on or near the apartment complex, including drug-related criminal activity, or other criminal activity or drug and alcohol abuse that threatens the health and safety of the tenants or staff or hinders the peaceful enjoyment of the housing premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution or use of a controlled substance (as defined in **Section 102 of the Controlled Substance Act**).

Neither tenant, nor member of the tenant's household or family, nor shall any guest or other person engage in any act intended to facilitate criminal activity, drug-related activity on or near the apartment complex.

Neither tenant, nor member of the tenant's household or family, nor shall any guest or other person shall use of Marijuana on or near the apartment complex. Marijuana is legal for adults under Washington state law, but is prohibited under HUD regulations which take precedence in this situation.

Neither tenant, nor members of the tenant's household or family will permit the dwelling unit to be used for, or to facilitate, criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, family or a guest.

No tenant or members of the tenant's household or family will engage in the manufacture, sale or distribution of illegal drugs on or near the apartment complex or elsewhere.

No tenant, nor shall any member of the tenant's household or family, guest or other person, engage in acts of violence, including, but not limited to, the unlawful discharge of firearms on or near the apartment complex. All residents and guest are strictly prohibited from possession of weapons or firearms of any kind while on the premises, regardless of whether the person is licensed to carry the weapon or not. "Weapons" which are not allowed on the CHS premises include any form of weapon or explosive restricted under local, state, or federal regulations. This includes all firearms, illegal knives or other weapons covered by the law.

Violation of the above provisions shall be a material noncompliance violation of the lease and good cause for termination of the lease. A single violation of any of these provisions shall be deemed a serious violation and material noncompliance with the lease. It is understood and agreed that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

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## **RENTAL, CREDIT & CRIMINAL SCREENING CRITERIA**

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### **Landlord References:**

Reference from present and previous landlords for a minimum of five years prior to application will be considered. An applicant may be rejected if these reports document the following:

1. If a prior landlord reported the applicant(s) damaged property or committed other lease violations the applicant may be denied. This includes but is not limited to lease violations such as disturbing the peace, harassment, poor housekeeping habits, improper conduct or other negative reference against the household.
2. Any eviction within the past three (3) years may be grounds for denial. If the



evicted household member is able to provide evidence that the circumstances leading to the eviction no longer exist, management will review on a case-by-case basis.

3. Management may accept a rental history of no more than two (2) late payments of rent in a six (6) month period, with verification of all charges paid and no more than one (1) NSF check in a one (1) year period. Anything beyond this specification may be grounds for denial.
4. Any debt balance owing to a prior management company or housing complex may need to be paid prior to move-in or have an establish payment plan in place.
5. Lack of rental history is not grounds for denial.
6. In some cases, a payee-ship may be required for Elbert Apartments to accept the potential resident. Refusal to obtain a payee-ship under certain circumstances may be grounds for denial.

**Credit Criteria: An applicant may be denied for any of the following:**

Elbert Apartments will screen all applicants for their credit activity for the past 7 years. Elbert Apartments will not reject an applicant for a lack of a credit history.

1. Federal and State Tax liens that are unresolved may be grounds for denial. We may request proof of payment/release on any Lien over \$1,000.00 that is still on the applicant's credit history.
2. Any amount showing owed to a prior management or utility company. We reserve the right to ask for proof of payment or established payment plan.
3. Any eviction within the past three (3) years may be grounds for denial. If the evicted household member is able to provide evidence that the circumstances leading to the eviction no longer exist, management will review on a case-by-case basis.
4. Total household debt cannot exceed annual household gross income.
5. Any bankruptcy must be discharged.
6. Lack of credit history is not grounds for denial.

**Criminal Background Criteria:**

During the admission screening process, Elbert Apartments will perform the necessary criminal history background checks in the state where the housing is located and in other



states where the household members are known to have resided.

Admission may be denied to a household for the following reasons:

1. Any household member who is subject to a state sex offender lifetime registration requirement, or who is a registered sex offender in any jurisdiction (Required by 4350.3 Rev1 Par4-7 C).
2. Any household member who has committed fraud in connection with any Federal Housing Assistance.
3. Any household member who has an active or open warrant.
4. Any conviction for a non-violent felony (forgery, fraud, theft, etc.) that is less than three (3) years from the date of the disposition.
5. Any household containing a member(s) who has been evicted in the past three years from a federally assisted site for drug-related criminal activity. There are two exceptions to this provision(required by HUD 4350.3 par 4-7 C):
  - The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
  - The circumstances to the eviction no longer exist (e.g. the household member no longer resides with the applicant household).
6. Any conviction for arson may be grounds for denial.
7. Any conviction within the past twenty (20) years for homicide is grounds for denial.
8. Any conviction within the past three (3) years for illegal drug use, manufacture or distribution of a controlled illegal substance. Documentation of successful completion of a rehabilitation program may be considered upon request for an exception to the rule.
9. Any conviction within the past five (5) years for any crime of violence or other crime which establishes that the applicant's tendency might constitute a direct threat to the health or safety of other individuals or result in the substantial physical damage to the property of others is grounds for denial.
10. Any conviction for any activity concerning sexual abuse or assault is grounds for denial.
11. Any other felony conviction within the past five (5) years after release from incarceration may be grounds for denial.

12. Any household member who is currently engaging in illegal drug use or there is reasonable cause to believe that a household member's illegal use or pattern of illegal drug use that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants is grounds for denial ([Required by 4350.3 Rev1 Par4-7 C](#)).
13. Any household member who has a pattern of alcohol abuse or there is reasonable cause to believe that a household member's behavior from abuse may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants is grounds for denial. The screening standards will be based on behavior, not the condition of alcoholism or alcohol abuse ([Required by 4350.3 Rev1 Par4-7 D](#)).

*NOTE: All applicants in a household will be processed as one approval or denial for an apartment. If any one of the applicants has negative rental history, negative credit history or negative criminal history all applicants will be denied.*

END