



KINNERET II

HUD Project Number 067-EH004

517 S. Delaney Avenue

Orlando, Florida 32801

407-425-4537

FL Relay TTY: 1-800-955-8771

TENANT SELECTION PLAN

Kinneret II Apartments is a HUD Section 202/8 property designated to house low-income elderly families and persons (elderly or non-elderly) who require the accessible features of designated units. Overlooking Lake Lucerne in a beautiful historic district near downtown Orlando, Kinneret II Apartments is a high-rise housing community consisting of 112 one-bedroom apartments. All apartments are equipped with a foyer, living room, kitchen, bathroom, and storage closets. Amenities include elevator, community room, onsite laundry facilities, free parking, optional meal program and emergency call button pendant system. Rents are based on 30% of a person's adjusted gross income (gross income minus all allowable medical expenses).

The procedures contained in this TENANT SELECTION PLAN have been established in compliance with the Department of Housing and Urban Development (HUD) Handbook 4350.3, as amended, and all other applicable federal statutes and regulations. It is designed to promote fairness and uniformity in tenant selection and to promote efficiencies in the process by which applications are processed.

PROJECT ELIGIBILITY REQUIREMENTS

PERSONS ELIGIBLE

All applicants must qualify as elderly households or mobility impaired persons, which are defined as follows:

- A. Elderly Household is a family whose head or spouse or whose sole member is 62 years or older.
- B. Mobility impaired person means any person (elderly or non-elderly) with a mobility impaired disability who requires the features of the specially designed accessible units.

Pursuant to the HUD Multifamily Occupancy Handbook 4350.3, as amended, this Tenant Selection Policy is publicly posted in the office of Kinneret II Apartments for applicant/resident review.

CITIZENSHIP REQUIREMENT

Assistance in subsidized housing is restricted to the following:

1. U.S. Citizens or Nationals; and
2. Non-citizens who have eligible immigration status.

A. Required Documentation

Each family member, regardless of age, is required to submit the following evidence:

- From U.S. citizens or nationals:
 - A signed declaration of citizenship **and**
 - A U.S. birth certificate or U.S. passport.
- From non-citizens 62 years and older:
 - A signed declaration of eligible non-citizen status **and**
 - Proof of age
- From non-citizens under the age of 62 claiming eligible status:
 - A signed declaration of eligible immigration status **and**
 - A signed consent form **and**
 - One of the DHS-approved documents.

Those family members **not** claiming eligible immigration status may elect to sign a statement that they acknowledge their ineligibility for assistance.

B. Timeframes for Submitting Evidence of Citizenship/Immigration Status

- Applicants must submit required documentation of citizenship/immigration status no later than the date the owner initiates verification of other eligibility factors. Citizen or non-citizen eligibility verification will be done first. Owner determines the applicant's citizenship or immigration status during the initial eligibility determination. Applicant's name may be added to wait list pending verification, but information must be submitted prior to move-in.
- If the applicant cannot supply the documentation within the owner's specified timeframe, the owner may grant the applicant an extension of **not more than 30 days**, but only if the applicant certifies that:
 - The evidence is temporarily unavailable;
 - Additional time is required in order for it to be obtained; **and**
 - Prompt and diligent efforts will be undertaken to obtain the evidence.However, until the necessary documentation is received, a unit cannot be allotted to the applicant.
- A request for an extension must be **in writing**. Owner must inform the applicant in writing if an extension request is granted or denied. If the request is granted, the owner/agent will include the new deadline for submitting the documentation. If the request is denied, the owner/agent will state the reasons for the denial in the written response. When granting or rejecting

extensions, the owner/agent will treat applicants consistently.

C. Reviewing and Verification of a Household's Citizenship/Immigration Status

- Owner employs the INS automated Systematic Alien Verification for Entitlements System (S.A.V.E.) to verify eligibility for housing assistance.
- If secondary verification is necessary, owner must, within 10 days of receipt of such requirement, prepare and send DHS Form G-845S, Document Verification Request, to the Department of Homeland Security (DHS) office serving the property's jurisdiction.
- The owner must notify the family in writing as soon as possible if the secondary verification process returns a negative result. The family has 30 days from receipt of the notice to choose which option to follow.
- Assistance will not be delayed if the family submits immigration information in a timely manner but the DHS verification or appeals process has not been completed.
- Assistance may be prorated if some household members are eligible for assistance and others are not.
- Assistance must be denied or terminated if all family members are determined ineligible for assistance.
- If assistance is denied, applicants may appeal the determination with DHS:
 - E-mail: cs@ImmigrationDirect.com
 - WWW.immigrationdirect.com/index.html

SOCIAL SECURITY NUMBER REQUIREMENTS
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Each applicant must submit the following information:

- The complete and accurate Social Security Number (SSN) assigned to applicant and each member of the applicant's household who is at least six years of age; and
- Documentation necessary to provide that the Social Security Number is accurate (verification).

Adequate documentation to verify the SSN means a social security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN, including but not limited to an original social security card; driver's license with SSN; identification card issued by a federal, state, or local agency, a medical insurance provider, or an employer or trade union; earnings statements on payroll stubs, Form 1099; benefit award letter, etc.

- A. For eligibility purposes, the requirement to disclose a SSN is waived if no SSN has been assigned and:
- The household member is 62 or older as of January 31, 2010 and eligibility determination started before January 31, 2010
 - An individual does not contend eligible immigration status.
- B. Applicants must disclose and provide documentation to verify SSNs for all household members (except those exempt from the SSN requirements) **before being housed from the Waiting List.**

Applicants have 90 days from date they are offered a unit to disclose and/or provide documentation to verify all non-exempt household members' SSNs. Applicants may retain their position on the Waiting List during this time. After 90 days, if SSN has not been disclosed and verified, the applicant should be determined ineligible and removed from the Waiting List.

- C. The SSN provided will be compared to the information recorded in the SSA database (through HUD's EIV System) to ensure that the Social Security Number, birth date and last name match. If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error must be returned to HUD. If the applicant/resident deliberately provides an inaccurate Social Security Number, the owner/agent and/or HUD may pursue additional penalties due to attempted fraud.
- D. Adding household members after move-in:
- For a new member, regardless of age, who has a social security number, SSN documentation must be provided no later than the processing of the certification that adds the new person to the household.
 - If the new member is a child under 6 without a social security number, the household has 90 days to provide SSN documentation. An additional 90 days will be granted only if failure to provide documentation is due to circumstances beyond the tenant's control.
- E. Applicant(s) without Social Security numbers can contact the Social Security Administration:

Web site: www.ssa.gov
Or call: 1-800-772-1213

INCOME LIMITS

Applicant's annual income must not exceed program income limits established by HUD annually.

- A. **Kinneret II Apartments is a Section 202/8 project:** Only applicants whose income is at or below the **Low-Income Limit** as defined by HUD are eligible for occupancy. The income limits for this project's type of subsidy are:
- | | |
|----------------------------|----------------------|
| Low-Income Limit | 80% of Median Income |
| Very Low-Income Limit | 50% of Median Income |
| Extremely Low-Income Limit | 30% of Median Income |
- B. **Income Targeting: At least 40 percent of the assisted units that become available in each fiscal year must be made available for leasing to families whose income does not exceed 30 percent of the area median income (extremely low-income).**
- C. All information is subject to verification and applicant(s) must sign an Authorization for Release of Information – 9887 & 9887A.

D. Applicant(s) must submit income and asset information for verification.

SINGLE RESIDENCE/SUBSIDY CRITERIA

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

HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD assistance.

Nothing prohibits a HUD housing assistance recipient from applying to this property. However, if the applicant moves in to this property before moving out of another subsidized unit, the applicant will be required to pay market rent until the move out from the previous property is complete. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

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.

This information will be reviewed on an annual basis at each annual certification. If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

RESTRICTIONS ON STUDENTS FOR SECTION 8 ASSISTANCE

A student enrolled in an Institute of Higher Education as defined by the Higher Education Act of 1965-Amended 1998 will be deemed eligible for Section 8 assistance if the student meets all other eligibility requirements, passes screening criteria and is:

- 1) Living with parents/guardian who are receiving Section 8 assistance or are applying to receive Section 8 assistance or
- 2) Disabled and was receiving assistance as of November 30, 2005 or
- 3) At least 24 years of age or
- 4) A veteran or
- 5) Married or
- 6) Has a dependent child or
- 7) Can prove independence of parents including providing certification that the parents did not claim the student on the most recent tax return or
- 8) A person who has parents who are income eligible for the Section 8 program.

Any financial assistance, in excess of amounts received from tuition, that an individual receives under the

Higher Education Act of 1965 from private sources or an institution of higher education (as defined under the Higher Education Act of 1965) shall be considered income to that individual. There are two exceptions to this income calculation requirement. No financial assistance that an individual receives under the Higher Education Act of 1965 from private sources or an institution of higher education (as defined under the Higher Education Act of 1965) shall be considered income if the student is:

- 1) Living with his/her parents/guardian who are receiving Section 8 assistance or are applying to receive Section 8 assistance or
- 2) A person over the age of 23 with dependent children.

PROCEDURES FOR ACCEPTING APPLICATIONS AND SELECTING FROM THE WAITING LIST

Kinneret II Apartments will create and permanently maintain a waiting list of interested persons. Each waiting list will be maintained in chronological order and must include the following information: (a) Date and time the applicant submitted an application; (b) Name of head of household; (c) Annual income; (d) Identification of need for accessible unit, including the need for accessible features; and (e) Unit size. An in-house waiting list should also be created for residents requesting transfers as a reasonable accommodation.

Management shall make note of all correspondence, communication and actions taken regarding any applicant in the comment section of the waiting list.

ACKNOWLEDGING APPLICATIONS AND PREFERENCES

- A. All applicants who wish to be admitted or placed on the waiting list at Kinneret II Apartments must complete an application and submit it to the office at:

515 S. Delaney Avenue.
Orlando, FL 32801

1. Application requests can be made in person, by mail or by:
 - a. Phone: 407-425-4537
 - b. FL Relay TTY: 1-800-955-8771
 - c. Email: Kinneret@carteretmgmt.com
2. If the applicant requires assistance in reading, understanding or completion of the application because of a disability or limited English proficiency, he/she should contact the site office to request a reasonable accommodation.
3. ***Upon receipt of the application, the application will be marked with a date and time received. Applicants will be considered on a first received, first reviewed basis, based on the date that the completed and signed application is received by the management office.***

- B. **Preferences:** Kinneret II Apartments has permanently suspended Federal Preferences, in accordance with HUD directives.
- C. If an applicant(s) meets the key requirements (age and income limit) but no suitable unit is available, the applicant(s) will be placed on the waiting list according to the date and time the application was received. Management will send the applicant(s) a letter notifying him/her of this action.

NOTE: It is the policy of Kinneret II Apartments that the waiting list always remains open; the waiting list is never closed to applicants.

INCOME TARGETING

To comply with the U.S. Department of Housing and Urban Development’s (HUD) Income Targeting, Kinneret II Apartments must rent 40 percent (40%) of subsidized units that become available each year to extremely low-income households, which earn 30 percent or less of the area’s median income, as determined by HUD.

If Management determines that following Kinneret II 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.

Note: An applicant may be skipped over, but will not lose his/her place on the waiting list.

UPDATING THE WAITING LIST

Kinneret II Apartments shall update the waiting list on April 1 and October 1 of each year to determine if applicants are still interested and/or eligible to remain on the waiting list. All waiting list applicants shall be informed at the time their application is submitted to notify the office in writing of any changes to information supplied in the application.

- A. An update letter will be mailed to active waiting list applicant(s). The letter shall include a self-addressed envelope to return the response to the management office. Applicant will be provided fourteen (14) days in which to respond. If the applicant replies affirmatively, his/her application will retain its position on the waiting list. If the reply is negative or if update letter is returned because the address is not current, the applicant’s name will be removed from the waiting list. If no reply is received within the specified time frame (fourteen days plus a week for mail delivery), the applicant’s name shall be removed from the waiting list.

- B. The waiting list update conducted by management does not relieve applicant(s) of the responsibility to notify management of a change in address or a change in other critical aspects of the application.
- C. A list of all persons on the mailing list receiving an update letter must be taken to the post office to obtain a certificate of mailing. A copy of the form letter should be attached to the certificate of mailing and filed.

FILLING VACANCIES

When an applicant reaches Number 5 on the Waiting List, the on-site Manager will notify the applicant ***in writing*** to set up an application interview. The applicant will also be instructed to bring with him/her to this interview certain financial and medical expense documentation, a birth certificate and a picture I.D. (either a driver's license or a state-issued photo I.D.).

- A. A copy of the letter and the mailing date should be attached to each application. In the event an applicant does not respond to the letter, the on-site manager shall make one attempt to contact the applicant by telephone. If the applicant fails to respond within 24 hours, the application shall be removed from the waiting list. Complete documentation regarding the attempts to contact the applicant, including a copy of the letter and the time, date, and result of the telephone contact, should be attached to the application.
- B. Management shall simultaneously initiate the process to obtain the verifications necessary to certify the proposed household's income and assets in accordance with HUD regulations and to determine the applicant's compliance with the tenant selection criteria set forth below.

NOTE: If the next available unit is to be leased to an extremely low-income applicant, the applicant's income should be re-verified. If the income has changed, and the applicant is no longer extremely low-income, he/she should be put back on the list and the application documented as to why the applicant(s) was passed over. Management shall then move on to the next extremely low-income application and follow the same income verification procedure. If that applicant is still considered extremely low-income, Management shall proceed with the application interview.

- C. Upon a determination of eligibility, the applicant will be assigned a unit in accordance with the unit assignment policy.
- D. A trial HUD Form 50059 shall be completed except for the apartment unit in order that the final 50059 will only require the addition of the specific apartment information. The application and all of the specific apartment information related to the application should be placed in the new tenant's file. The index of the waiting list should reflect the final disposition of the application complete with the date of the new lease or the date as of which the application was removed from the waiting list.
- E. Applicant(s) will be allowed to refuse the first offer of a unit for any reason but will be advised that if he/she refuses a second offer, the applicant's name shall be removed from the waiting list. If the second refusal is due to a disability or an extenuating circumstance, however, then another offer will be made as a reasonable accommodation. Applicants who refuse a unit a second time shall be

advised that they can reapply, but that their application will be treated as a new application for waiting list priorities.

- F. For both denied and accepted applications, written documentation of the information received through the screening shall be attached to the application. All applications denied during a calendar year should be stored together.

APPLICANT SCREENING CRITERIA

Strict standards for selecting Tenants are a key element of the policy to continue our high standards of living conditions at Kinneret II Apartments and to protect the value of the property. The following screening standards and methods will be applied to all applicant(s) and will be employed fairly and consistently in order to determine suitability for this community.

- A. **Demonstrated ability to pay rent on time.** Applicant(s) must demonstrate through previous tenancies and other credit activity that they are disposed to paying rent and other bills in a timely manner. A mere inability to obtain some credit history is not grounds for rejecting an application. Negative reports on the applicant's credit are grounds for denial. Management may, however, consider extenuating circumstances regarding credit history problems; for example, credit problem dues to unforeseen medical bills.
- B. **Comments from former landlords.** At a minimum, comments should be obtained from two prior landlords if possible. By far, the best and most accurate recommendations typically come from a previous landlord where the applicant is not currently residing.
- C. **Housekeeping and cleanliness habits.** The applicant(s) demonstrates an ability and willingness to practice good housekeeping habits with no history of property damage or abuse. This information can be obtained from references from previous landlords or persons who for some reason have been able to observe the applicant's previous dwellings.
- D. **Ability to fulfill lease requirements.** All residents must be able to meet all of his/her personal needs and be able to fulfill the lease obligations with or without assistance. Kinneret II 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 to 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.
- E. **Behavior Activity.** The applicant(s) demonstrates an ability and willingness to live peacefully with neighbors, respecting their rights to a safe and secure living environment and quiet enjoyment of the premises.
- F. **Capacity to Contract.** All members of the proposed household must have the legal capacity to enter into the lease agreement and, in fact, must be willing to sign the lease agreement. The only

exception to this requirement is minors who are occupying the household with a parent or other legal guardian. Minors are not eligible for occupancy unless they are residing with a parent or legal guardian.

- G. **Illegal drugs.** All applicants shall be screened to determine whether the applicant or any household member is currently an illegal drug user of a controlled substance; has been convicted of the illegal manufacturing or distributing of a controlled substance, convicted of the illegal use of a controlled substance, engaged in other drug-related criminal activity; or has been evicted from Federally-assisted housing for drug-related criminal activity.

The following criteria will be grounds for rejection of applicants:

- a. Involvement by the applicant or any household member in illegal drug use or drug-related criminal activity.
- b. Eviction of any household member in the past three years from any federally assisted housing program for drug-related criminal activity.
- c. Management's determination that there is reasonable cause to believe that a household member's illegal use or pattern of illegal use of drugs may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Management may make an exception for those household members whose drug-related criminal activity is for possession or use of illegal drugs and who have successfully completed a supervised drug-rehabilitation program. Third-party verification may include legal documents, or statements from health or medical professionals, law enforcement officials, landlords, and social service workers.

- H. **Criminal/Sex Offender Background Checks.** All applicants, as well as all members of the household who will reside in the apartment (including Live-in Aides), shall be subject to a criminal background check including, but not limited to, a mandatory screening review of the lifetime registration list under a state's sex offender registration program. This screening shall be conducted in the State of Florida and in any other state where the applicant and members of the applicant's household are known to have resided. The following situations will constitute grounds for rejection:

1. Any conviction or adjudication other than an acquittal of a felony within the past five (5) years. An exception to this provision would be an applicant whose only felony is for possession or use of illegal drugs and who has successfully completed an approved, supervised drug rehabilitation program.
2. Applicant(s) with a felony conviction or adjudication prior to five years from the time of application may be considered for occupancy if, in management's sole judgment, the facts suggest that future criminal activity is unlikely. Some examples of this provision include:
 - i. The offense was not a crime against persons or property; or

- ii. The circumstances leading to the crime, including pattern of behavior, have changed to suggest that the person has been rehabilitated.
- 3. Felony or misdemeanor history relating to other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, or of the site's employees, contractors, or agents.
- 4. Any household member being subject to lifetime registration requirement under the sex offender registration program.
- 5. Any household member appearing on the list of known terrorists and wanted fugitives as provided by the Office of Foreign Asset Control (OFAC), federal agencies to include the FBI or other state and local law enforcement agencies.
- 6. If it is determined by reasonable cause that a member's abuse or pattern of abuse of alcohol will interfere with the health and safety of others. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.

ENTERPRISE INCOME VERIFICATION SYSTEM (EIV)

Kinneret II Apartments will utilize the Department of Housing and Urban Development's (HUD) Enterprise Income Verification (EIV) system during the occupancy process. The EIV system is a source of information for verifying employment and household income. Data will include income from such sources as Social Security, Social Security Disability, SSI, Wages, Unemployment Compensation, Medicare/Medicaid, etc. for each family member. EIV will also show whether an applicant or any member of the applicant household is currently receiving HUD assistance. (See *Single Residence/Subsidy Criteria* above)

An Existing Tenant Search Report shall be run prior to offering an applicant a unit to determine if applicant is currently receiving HUD housing assistance. For existing tenants, EIV information will be reviewed on an annual basis at each annual certification. Failure of any household member to report accurate income, employment status, or current status as a HUD housing assistance recipient constitutes a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges. In addition, the household member will be required to reimburse HUD for assistance paid in error.

Tenants shall be notified of any discrepancies in the EIV data and given an opportunity to dispute and discuss the findings. The data contained and provided by the EIV system is subject to the provisions of the Federal Privacy Act (5 U.S.C. § 552 as amended) and other regulations governing the privacy of information. All EIV originals shall be retained during the term of the tenancy and for at least three years thereafter, at which time they shall be destroyed by shredding.

INTERVIEW TOPICS

At the applicant interview, the on-site manager shall:

- A. Confirm and update all information provided on the application.

- B. Explain program requirements, verification procedures, and penalties for false information. The penalties include eviction, loss of assistance, fines up to \$10,000 and imprisonment for up to five years.
- C. Obtain family income and composition information and other data needed to certify eligibility and compute the tenant's share of rent.
- D. Review the financial information on the application and specifically ask the applicant whether any member of the proposed household:
 - 1. Receives any types of income (e.g., self-employment income, unemployment compensation, income maintenance payments)
 - 2. Has any assets.
- E. Sign the release of information consent portion of the Authorization for Release of Information (Forms HUD 9887 & 9887-A) and any other necessary verification required. These forms are signed by all persons age 18 or over who will reside in the unit.
- F. Obtain consent forms for verification for all household members as appropriate.
- G. Inform the applicant of the screening requirements.
- H. Require the head of household, spouse, and any other applicant age 18 or over to give a written certification as to whether any family member has disposed of any assets for less than fair market value during the two years preceding the effective date of the certification. The certification must include the following:
 - 1. A list of all assets disposed of for less than fair market value;
 - 2. The dates upon which the asset(s) was disposed of;
 - 3. The amount received for the asset(s); and
 - 4. The asset's market value at the time of disposition.
- I. Require the applicant and any person who will reside in the unit to disclose and document all social security numbers.
- J. Advise the family that HUD will compare the information families supply with information federal, state, or local agencies have on those families' income and household composition.
- K. Inform the applicant that final decision on eligibility cannot be made until all verifications are complete.
- L. Provide each tenant with a copy of the appropriate HUD fact sheet, which describes how the tenant's rent is calculated.

- M. Inform applicants that the Owner has the responsibility for taking reasonable steps to provide meaningful access to the community's programs and activities and that they will need to complete the Resident's Request for Reasonable Accommodation if they require a change in rules, policies or procedures or modification to a unit to insure their use and enjoyment of the community.
- N. Inform all applicants about the rules on owning pets (see Pet Policy below).
- O. Inform applicant that if documents requested are not returned in their entirety by the deadline specified, management will process the next applicant.

REJECTING INELIGIBLE APPLICANTS

Rejections will be sent in writing within a seven calendar day period of the date when Management makes the ineligibility determination. This written rejection notice shall include the following:

- A. The specifically stated reason(s) for the rejection;
- B. The applicant's right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection; and
- C. A note that persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

If the applicant(s) requests a meeting to discuss the applicant's rejection, it will be conducted by a member of the Management's staff who was not involved in the initial decision to deny admission or assistance.

- A. Within five (5) business days of the owner response or meeting, the owner will advise the applicant(s) in writing of the final decision on eligibility.
- B. All denied applications will be kept for three years along with copies of the denial letter to the applicant and any written documentation received through the screening process. At the end of the three calendar years, the applications will be discarded.

RACE/ETHNICITY DATA

HUD requires Owners to gather data about the race and ethnicity of applicants and tenants. While race/ethnicity data are collected at initial application or at lease signing, such information will not be included on the property Waiting List. Managers will maintain a separate record of this data. There is no penalty for persons who do not complete form HUD 27061-H, Race and Ethnic Data Reporting Form. However, the Manager shall place a note in the tenant file stating the applicant/tenant refused to complete the form. Parents or guardians are to complete the form for children under the age of 18.

UNIT ASSIGNMENT/OCCUPANCY STANDARDS

The project consists of 112 one-bedroom units. A maximum of two persons per bedroom shall be permitted to occupy a unit.

- A. **Accessible Units.** An “accessible unit” is defined as a unit located on an accessible route and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with a physical impairment; that is, these units are designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications. Assignment of such units shall be made in accordance with the guidelines set forth in Part B, Section 2 of the *Reasonable Accommodation Policy*. Persons moving into a unit so modified but who do not need the accessible features must enter into an agreement requiring them to relocate to the first available comparable unit if a tenant or eligible applicant requires the unit’s accessible features.

Modification and assignment of such units shall be made in accordance with the guidelines set forth in Part B, Section 2 of the *Reasonable Accommodation Policy*

- B. **Live-in Aide.** In some cases, an elderly, near-elderly or disabled person may require a Live-in Aide to provide supportive services.
1. A Live-in Aide means a person who:
 - a. Is determined to be essential to the care and well-being of the person(s);
 - b. Is not obligated to support the person; and
 - c. Would not be living in the unit except to provide the necessary supportive services.
 2. Verification of the need for a Live-in Aide by a medical professional is required.
 3. The Live-in Aide must complete an application and will be screened at move-in, annually and at the discretion of the management company for drug abuse and other criminal activity in accordance with management’s policies and procedures.
 4. Relatives may be considered Live-in Aides if they meet the criteria listed above.
 5. ***The Live-in Aide qualifies for occupancy only as long as the individual needing supportive services requires the aide’s services and remains a tenant.*** Live-in Aides DO NOT qualify for continued occupancy after the tenant vacates the unit or is confined to a medical facility, regardless of their relationship status. The tenant and Live-in Aide must execute a Live-in Aide Addendum that denies occupancy of the unit to a Live-in Aide after the tenant, for whatever reason, is no longer living in the unit. The lease addendum shall also give the owner the right to evict a Live-in Aide who violates any of the house rules.
 6. If the Live-in Aide changes, tenant must notify Management of the change and provide information to do a background check on the new Live-in-Aide.

UNIT TRANSFER POLICY

A. Unit transfers are generally not permitted. Tenants shall be permitted, however, to transfer units within the property only upon providing written evidence of medical necessity. The evidence of medical necessity must come from a qualified third party, such as a physician, licensed health professional, professional representing a social service agency, or disability agency or clinic. The evidence of medical necessity must state in at least broad terms the rationale for the medical necessity.

B. In order to maximize the use of accessible units by eligible individuals whose disability requires the accessible features of a unit, the Property will try first to make reasonable modifications to the existing unit that will enhance its accessibility, such as the installation of grab bars, lever-type handles, strobe lighting, etc. If, however, the disability requires a more fully accessible unit than can be satisfied with simple modifications to the unit, then Management will place the transfer request on the in-house waiting list.

C. Tenants needing a reasonable accommodation transfer will be placed on an in-house waiting list in the order of the date their request is received. Tenants needing a unit transfer will receive priority in unit selection over new applicants.

D. Existing Tenants from Kinneret I shall be permitted to transfer to a Kinneret II unit due to financial hardship provided they meet the current admissions criteria for Kinneret II. Hardship Transfers take precedence over applicants on the current Waiting List for Kinneret II.

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

F. The transfer process, including the approval, denial and appeal provisions, is provided in the *Reasonable Accommodation Policy*.

Unit transfers cannot be counted toward the mandatory 40 percent leasing requirement to extremely-low applicants.

PET POLICY

A. Permission to have pets must be secured from the Resident Manager **before** bringing a pet onto the premises. Any pets housed without management authorization will be considered a violation of house rules and could lead to serious consequences, including termination of the lease. All applicants will be advised of the existence of a Pet Policy at the time of their initial application and a copy of the Pet Policy will be publicly posted in the office for the applicant's review. This Pet Policy shall be explained to new tenants, and any tenant owning a pet shall be required to execute a Pet Agreement to be included as an addendum to the lease agreement. A copy of the Pet Policy will be provided to the tenant.

B. A person with a disability may keep a service/assistance animal that is needed as a reasonable

accommodation to his/her disability. Except for restrictions imposed on all tenants to maintain their units in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors, the Pet Policy does not apply to animals that reside on the premises and are used to assist persons with disabilities. The tenant is not required to pay a deposit for the service animal. The tenant must submit a request in writing (Request for Reasonable Accommodation form) to have a service animal as an accommodation for the tenant's disability. Such request will be granted under the guidelines set forth in the *Reasonable Accommodation Policy*.

VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women and Justice Department Reauthorization Act of 2005, as amended, protects residents who are victims of domestic violence, dating violence, sexual assault or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. Management understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act (VAWA). If any resident wishes to exercise the protections provided in the VAWA, he/she should contact Management immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

Some key points provided in the Act include:

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 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 a lease or other "good cause" for terminating assistance, tenancy or occupancy rights of a victim of abuse.

C. Criminal activity related to domestic violence, dating violence, sexual assault or stalking by a member of a tenant's household or guest/person under the control of tenant 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.

E. Notwithstanding VAWA, Management may terminate tenant's tenancy under the lease if it can demonstrate an "actual or imminent threat" to other tenants or those employed at or providing service to the property if the tenant's tenancy is not terminated.

F. Residents in assisted housing who face violence may be allowed early lease termination for a matter of safety.

Kinneret II Apartments will not assume that any act is a result of abuse covered under VAWA. In order to

receive the protections outlined in VAWA, the applicant/resident must specify that he/she wishes to exercise these protections.

When Management responds to a claim of protected status under VAWA, it will request, in writing if appropriate, that an individual document the occurrence of the domestic violence, dating violence, sexual assault or stalking. The individual claiming rights under VAWA has the option to complete, sign, and submit any appropriate HUD-approved certification form, or chose a different method of documentation of the abuse to verify his/her status as a victim of domestic violence. The resident will have fourteen (14) calendar days to submit the form or provide another form of documentation. If the resident fails to provide the information requested, none of the protections afforded to the victim of domestic violence, dating violence, sexual assault or stalking by VAWA will apply. Management would therefore be free to evict, or to terminate assistance, in the circumstances authorized by otherwise applicable law and lease provisions, without regard to the provisions made by VAWA. Kinneret II Apartments, at its discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

To learn more about the policies and procedures regarding VAWA, applicants/residents should consult the *Violence Against Women Act (VAMA) Policy* adopted by the project and posted in the site office.

PRIVACY POLICY

It is the policy of the property to guard the privacy of individuals to ensure the protection of such individuals' records maintained by the property. Therefore, the property shall not disclose any personal information contained in its records to any person or agency unless the individual about whom such information is requested provides written consent to such disclosure (as permitted in the Authorization for Release Information Form).

This privacy policy in no way limits the property's ability to collect needed information to determine eligibility and to compute rent.

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

SECTION 504 & FAIR HOUSING COMPLIANCE

It is the policy of Kinneret II, Inc., to provide housing on an equal opportunity basis in compliance with all applicable nondiscrimination and equal opportunity laws, including without limitation the following laws, as amended from time to time: Title VI of the Civil Rights Act of 1964; Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988); Executive Order 11603; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Americans with Disabilities Act of 1990; and The Florida Fair Housing Act.

- **In carrying out this Tenant Selection Plan, the Owner will not discriminate against any person because of Race, Color, Religion, Sex, Disability, Familial Status, National Origin, Sexual Orientation, Gender Identity or Marital Status.**

The property shall not...

- Deny any family the opportunity to apply for housing, nor deny any eligible applicant the opportunity to lease housing suitable to its needs;
 - Provide housing which is different from that provided to others;
 - Subject a person to segregation or disparate 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
 - Falsely deny the availability of a unit.
- **Applicant(s)/Resident(s) with Disabilities or Limited English Proficiencies and Reasonable Accommodations.** The Owner will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants/residents with special needs – including those who are physically challenged, hearing or visually-impaired, or with limited English proficiency – who require such changes to have equal access to any aspect of the application process or to the housing community and its programs and services. The Owner will, for example, arrange for sign language interpreters or other communication aides for interviews during the application process. In addition, the property may add special design features to a unit, such as additional grab bars in the bathtub/shower, specially designed hand-held shower, strobe lighting, etc.

In reaching a reasonable accommodation with, or performing modifications for, otherwise qualified individuals with special needs, the property is not required to:

- Make alterations that require the removal or alteration of a load-bearing structural member;
- Provide an elevator for achieving accessibility;
- Provide support services that are not already part of its housing programs;
- Take action that would result in a fundamental alteration of the nature of the program's service;
- Take any action that would result in an undue financial administrative burden for the property.

To learn more about the policies and procedures regarding reasonable accommodations under the Fair Housing Act, applicants/residents should consult the *Reasonable Accommodation Policy* adopted by the project and posted in the site office.

Appointments for an application or for reasonable accommodations, including materials in alternate formats, may be made by contacting the site office.

GRIEVANCE/APPEAL PROCEDURE

Applicants who believe they have been discriminated against or treated unfairly or who dispute a decision made by Management in the application process may file a complaint in accordance with the property's

Section 504 Grievance Procedure.

An applicant or resident may, at any time, exercise his/her right to appeal a decision or file a complaint through the HUD-FHEO office at:

40 Marietta Street
Atlanta, GA 30303
Telephone: 1-800-440-8091
Facsimile: 1-404-331-1021
TTY: 1-404-730-2654



Persons with disabilities or limited English proficiency may request a reasonable accommodation to assist them with the Grievance/Appeal Process.

UPDATING THE TENANT SELECTION PLAN

Kinneret II Apartments reserves the right to amend this Tenant Selection Plan from time to time when it is reasonably necessary to ensure that it accurately reflects current operating practices, program priorities, and HUD requirements.