

## THE COTTAGES AT DELTA ACRES TENANT SELECTION PLAN

Cottages at Delta Acres is a 202 PRAC Housing and Urban Development  
Project Rental Assistance Contract ( PRAC )

### 1. Project Eligibility Requirements:

#### Applicants must be:

- A. Elderly or mobility impaired persons, age 62 or older (P. 4-5). *(If an age waiver is provided by HUD, the project's new age requirements will be implemented)*. Applicants must provide one of the following as proof of age: birth certificate, baptismal certificate, military discharge papers, valid passport, census document showing age, naturalization certificate, social security administration benefits printout (Appendix 3) or driver's license.
- B. Applicant must provide Social Security documentation for all family members prior to admittance.
  - 1) A 90-day period from move in is allowed for disclosure of Social Security documentation for new family members under the age of 6 who do not already have a SSN.
- B. Social Security -All family members claiming eligible immigration status and requesting assistance, regardless of age, must disclose and document their SSN prior to admission.
  - 1) There is one exception to this rule for applicants age 62 or older as of January 31, 2010, whose initial determination of eligibility for assistance was begun before January 31, 2010. For these applicants, documentation must be obtained from the owner of the property where the initial determination of eligibility was determined that verifies the applicant's exemption status
  - 2) Applicants who have not disclosed and/ or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.
  - 3) The SSN requirements do not apply to persons not claiming eligible immigration status.

### 2. Income Limits.

*(If an income waiver is provided by HUD, the project's new income requirements will be implemented.)* Before his/her application is placed on the waiting list, applicants must meet income limits set for Very Low-Income families (50% of the area median income adjusted for family size).

### 3. Taking Applications.

- A. Persons meeting the age, income and social security requirements will be given an application, unless the waiting list is closed.
    - 1) Application includes two attachments and Supplemental/Optional contact HUD 92006.
      - a. Checklist for Income, Asset, and Allowances
      - b. Checklist for Family Composition and Eligibility
- A copy of this Tenant Selection Plan and four handouts will be given to each applicant
- a. HUD Fact Sheet
  - b. Privacy Act Notice
  - c. EIV & You Brochure
  - d. Resident Rights and Responsibilities Brochure

## Taking Applications(Con't)

- 2) Applications will be accepted from individuals on a first-come, first-served basis and will be date and time stamped when received.
- 3) Eligible applicants will be placed on a waiting list. If determined ineligible upon verification, the applicant will be rejected in writing within 14 days.
- 4) Applicant will be interviewed when an appropriate unit will be available in the near future.

### At the interview, the owner must:

- a. Confirm, update, and review all information provided on the application & checklists.
  - b. Explain program requirements, verification procedures, and penalties for false information (eviction, loss of assistance, fines up to \$10,000, or up to five years imprisonment). **In Tenant Selection Plan given with application.**
  - c. Obtain signatures of the head of household, spouse, co-head, and household members age 18 and over, on the release of information consent portion of the Authorization for Release of Information (Forms HUD 9887 and 9887-A) and any other necessary individual verification forms for income, assets, & medical expenses.
  - d. Review the screening requirements given to him/her in the Tenant Selection Plan.
  - e. Assure that head of household, spouse, or co-head did certify on the Income, Assets, Expenses Checklist as to whether any family member did/did not dispose of any assets for less than fair market value during the two years preceding the date of move-in. Obtain a list of all such assets disposed.
  - f. Require the head, and all family members to disclose and document all Social Security Numbers.
  - g. Advise family that HUD will compare the information they have supplied, with information federal, state, or local agencies have on the family's income and household information.
  - h. Advise family they must disclose on their application landlord references for the past 5 years or 2 landlords. If landlord reference is not able to be obtained a character reference will be required.
  - i. Advise family that a final decision on eligibility cannot be made until all verifications are complete.
  - j. Inform the family that federal laws prohibit the owner from discriminating against individuals with disabilities and that the owner will make reasonable accommodations in making units and facilities accessible.
  - k. Inform applicant about the rules on owning pets.
  - l. Inform applicant of Drug Free Housing Policy to be signed at move-in.
  - m. Advise the applicant that the apartment for which he/she is applying must be the family's only residence.
  - n. Inform applicant that he/she must agree to pay the rent required by the HUD program under which the applicant will receive HUD financial assistance.
- 5) Applicants may be rejected for reasons cited in paragraph "D." Reasons for rejecting applicants" on page 3 in this Tenant Selection Plan.

### **B. Preferences that permit applicants to be skipped over on the waiting list are as follows:**

- 1) In-House preference for current tenants requiring accessible units.
- 2) Mobility impaired for designated accessible unit only.

## Taking Applications(Con't)

- C. Screening is used to help insure that families admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and will not interfere with the health, safety, and right of other residents to peacefully enjoy their homes. This will be accomplished by:
- 1) Verify Landlord/Character References (lack of rental history is not sole reason for rejection)
  - 2) Performing Criminal and Sex Offender Background check, and Social Trace.
  - 3) Checking for HUD's one-strike rule (see P. 3, D6a) of this Tenant Selection Plan)
  - 4) Performing an Existing Tenant Search to identify applicants who may be receiving assistance at another Multifamily or PIH location.

Any person approved (including a Live-In Aide) added to the lease after move-in will also be screened for C1), 2), 3), and 4) above.

All applicants must present a government-issued photo ID to verify identity before viewing unit.

### D. Reasons for rejecting applicants:

- 1) Household does not meet income or age requirements.
- 2) Applicant unable to disclose and document SSN of all household members.
- 3) Household members do not sign and submit required verification consent forms.
- 4) Household has characteristics that are not appropriate for the specific type of unit available at this time.
- 5) Applicant does not meet the owner's tenant screening criteria (see P. 2 of this Tenant Selection Plan).
- 6) An applicant may be rejected if he/she does not have sufficient funds to pay the security deposit.
  - a) Any household that comes under HUD's one-strike rule as follows:
    - (1) Was evicted in the last three years from any federally assisted housing program for drug-related or criminal activity, unless either (a) or (b) below apply:
      - (a) Successful completion by evicted household member of a supervised drug re-habilitation program, or
      - (b) Circumstances leading to the eviction no longer exist.
    - (2) Currently uses illegal drugs or abuses alcohol.
    - (3) Is classified as a sex offender.
- 7) Failure to complete Criminal & Sex Offender Background Information Sheet.
- 8) A positive finding within the last five years from the background investigation will result applicant's rejection, with exception of some misdemeanors at the discretion of the management.
- 9) Applicant's failure to disclose landlord references for the past five years or two landlords, or a negative landlord response, i.e.
  - a. Failure to pay full security deposit, pay timely rent, or poor housekeeping habits resulting in safety and health hazards, or
  - b. Any criminal or disruptive activity that would threaten the health and safety of residents, owners, employees, or agents; or disrupt resident's peaceful enjoyment of the site.

Applicant will be notified within fourteen days after rejection and will be given fourteen days to to dispute the rejection. The owner will keep all rejected applications and paperwork for three years.

#### **4. Occupancy Standards**

(complies with state occupancy housing standards). Ensure that tenants are treated fairly and consistently and receive adequate housing space.

- A. One bedroom: maximum 2 persons.
- B. Owner will verify family composition and eligibility.
- C. Tenant must obtain owner approval before moving in an additional person. Adult children are not eligible to move into a unit after initial occupancy, unless they are performing the functions of a Live-In Aide and are classified as a Live-In Aide for eligibility purposes.
- D. The tenant agrees to reside in this unit and agrees that this unit shall be the tenant's and his/her family's only place of residence.

#### **5. Unit Transfers**

- A. If a tenant requests a transfer for medical purposes, a physician verification will be required. If verified as mobility impaired by a doctor, he/she will have in-house preference on the waiting list.
- B. If a non-mobility impaired applicant at the top of the waiting list accepts an accessible unit, he/she must sign a statement requiring him/her to transfer to the first available, non-accessible unit when one becomes available.
- C. If a tenant requests a transfer, the following criteria will apply:
  - a. Tenant must put the request in writing to the complex manager.
  - b. Unit Transfer paperwork will be reviewed/approved by management agent in Little Rock.
  - c. All costs of transfer will be the responsibility of the tenant.
- D. Paperwork applicable to a new unit must be completed at transfer, i.e. move-in inspection, agreement of release, permission to enter form, new lease and HUD Form 50059-A and, move out inspection of previous unit.

#### **6. Non-Discrimination Compliance:**

This site does not discriminate against applicants or residents based on race, color religion, sex, national origin, disability, and familial status.

Cottages at Delta Acres does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

#### **7. Waiting List Policies:**

- A. Applicant must submit a completed, signed, and dated application.
- B. Owner will determine if applicant is eligible.
- C. Owner will give preferences to applicants according to this Tenant Selection Plan, Page 2, "Preferences, 1) and 2)."
- D. Eligible applicants will be placed on the waiting list in the order received, by date and time.
- E. Applicants must contact the complex every six months in order to remain on the waiting list.
- F. Refusal of an available unit will move the applicant's name to the bottom of the waiting list. Refusal of second unit will remove applicant's name from the waiting list.

## Waiting List Policies (con't)

G. Reasons for removal from waiting list:

- 1) No longer meets eligibility requirements
- 2) Fails to respond for eligibility interview
- 3) Two refusals for available units
- 4) Mail sent to applicant is returned as undeliverable

H. When waiting list is excessive (1 year or more), owner will close waiting list and publish the closure in the local newspaper.

I. When waiting list is re-opened, owner will so publish in local newspaper.

J. If applicants on the waiting list are eligible due to an age or income waiver and those waivers expire, the applicants will be notified by letter within 14 days of waiver expiration, that they are deemed ineligible, and have been removed from the waiting list.

K. All persons applying for housing and those already on a waiting list will be sent/given a Tenant Selection Plan when a new Plan is implemented.

L. A current Tenant Selection Plan will be available in the office.

## 8. Security Deposits:

A security deposit in the amount of the larger of either one month's Total Tenant Payment (month's rent plus the utility allowance) or \$50, is required at initial lease execution from the tenant's own resources, or from other private or public sources. The tenant must provide the owner with a forwarding address or arrange to pick up the refund after move-out.

The security deposit will be refunded with interest within 30 days of move-out, except for:

A. Any unpaid rent due at move-out.

B. Any unpaid damage charges to the unit caused by the tenant, a household member, or guest of the tenant.

C. A fee for each key/gate remote not returned at the time of move-out.

HUD Lease requires tenant to give a 30-day written notice in order to vacate the unit.

If notice is not received and the tenant vacates, rent will be charged for 30-days. If notice is given, and tenant vacates prior to the full 30-days; rent will be charged for the remaining time of the 30-day notice period.

A letter itemizing any amount withheld and advising the tenant of his/her rights under the law will be sent with the security deposit refund. If refund check is returned as undeliverable, it will be held for 180 days; after which time, the security check will be forfeited.

## 9. Live-In Aide:

Should an applicant/tenant require the assistance of a Live-In Aide, as verified by a physician the live-in aide:

A. Shall undergo the same screening policies as the applicant.

B. Must meet the following HUD requirements:

1) Determined to be essential to the care and well-being of the tenant.

2) Is not obligated to the support of the person.

3) Would not be living in the unit except to provide necessary supportive services.

C. Lives in unit only as long as necessary for the tenant.

D. Does not qualify for occupancy as a remaining family member.

E. Can be evicted if he/she violates the lease, house rules or pet rules.

## Live-In Aide (Con't)

- F. Must sign the following:
  - 1) Live-In Aide /Attendant Agreement
  - 2) House Rules
  - 3) Pet Rules
  - 4) Criminal & Sex Offender Background Information Sheet
  - 5) Drug Policy
- G. Must vacate the unit within 24 hours after the tenant moves out.

## 10. Termination of Tenancy:

- A. The tenant may terminate tenancy as follows:
  - 1) By providing the owner with a 30-day written notice to vacate, unless for extenuating circumstances; i. e. health.
  - 2) By advising the Landlord in writing that the Landlord has been in material non-compliance with the Lease.
- B. The owner may terminate tenancy for the following reasons:
  - 1) Material Noncompliance with the Lease as follows:
    - a. Substantial lease violations: Failure of the tenant to timely supply all required information on household income and composition, such as the tenant's failure to:
      - (1) Disclose and verify social security numbers of all family members.
      - (2) Sign and submit consent and verifications for tenant's income and eligibility.
    - b. Fraud: the tenant's knowingly providing incomplete or inaccurate information on the application for occupancy or other Cottages at Delta Acres forms.
    - c. Extended absences or abandonment of the unit as defined in the House Rules.
    - d. Repeated minor violations that:
      - (1) Violate the House and/or Pet Rules
      - (2) Adversely affect the health or safety of any person, or the right of any tenant to the peaceful enjoyment of the property
      - (3) Interfere with the management of the property
      - (4) Intentionally neglect or destroy the unit or complex property
    - e. Nonpayment of rent due under the lease.
    - f. Other reasons as stated in paragraph 8, pages 2, 3, 4, & 5 of the PRAC Lease.
  - 2) Drug abuse and other criminal activity.
  - 3) Other good cause, as shall be given in written notice to tenant that such conduct shall henceforth constitute a basis for termination of tenancy.  
Tenant will receive a written notice when any of the above violations occur.

## 11. Unit Inspections:

- A. Move-in inspection: Gives the new tenant the opportunity to familiarize him/herself with the unit and to assure both the owner and tenant that the unit is in safe and sanitary condition and is free of damage. The tenant has 5 days to report any additional deficiencies to the owner to be noted on the move-in inspection form. If cleaning or repairs are noted on the inspection form, the owner will have the work completed within 30 days of the effective date of the lease.

## Unit Inspections(Con't)

- B. Move-out inspection: The tenant is advised to accompany the owner on the move-out inspection to verify there are no damages to the unit. If tenant abuse or neglect has damaged the unit, the owner may use the security deposit to cover the repair. Any amount in excess of the security deposit will be billed to the exiting tenant.
- C. Bi-annual unit inspections: Twice annually (more often if needed), the owner performs unit inspections to determine whether the appliances and equipment in the unit are functioning properly or need to be repaired or replaced, as well as to determine any damage to the unit caused by the tenant's abuse or negligence.
- 1) If during the inspections, the unit is determined to be damaged caused by the tenant, a household member, or guest's abuse or neglect, the owner will make the necessary repairs and bill the tenant for the cost of the repairs.
  - 2) If during the inspection, the unit is found to be in unsanitary condition, to the point where health and safety issues are at risk, the owner will issue a poor housekeeping write up. Owner will then give tenant a notice of a follow-up inspection to take place within 2 weeks to ensure that the tenant has taken the necessary steps to correct the situation.
  - 3) It is required that the resident accompany the manager during the semi-annual inspection. The inspection is required to be signed by resident. A copy will be provided to resident.
  - 4) After three write-ups for poor housekeeping, it will be at the managers discretion whether to allow the resident to continue tenancy.
  - 5) HUD contractors have the right to inspect the units and the entire property to ensure that the property is being physically well maintained by the owners to provide decent, safe, and sanitary housing.
  - 6) The tenant shall make no alteration, addition, or improvements in or to the premises without the prior written consent of the LANDLORD. A discovery at the time of a unit inspection, of any alteration, addition, or improvements made without the prior written consent of the LANDLORD, is a violation of the Lease and a possible cause for termination of tenancy.

## 12. Annual Recertification:

Tenants must recertify annually on the anniversary of move in.

- 1) Tenants must furnish all income, asset and expense information, as well as any changes in family composition.
- 2) Owners must review this information every year to redetermine rent and assistance levels.
- 3) Tenants must sign the Applicant/Tenant's Consent of the Release of Information forms for the owner to obtain third-party verification.
- 4) Owners will verify information on Income through the EIV System

**This review will begin 120 days before the tenant's anniversary date of move-in. Submitting false information may result in eviction, loss of assistance, fines up to \$10,000 and imprisonment of up to 5 years.**

**13. Interim Recertification:**

All tenants must notify the owner when

- A. A household member moves out of the unit or proposes to move a new member into the unit.
- B. An adult member of the household who was reported as unemployed on the most recent certification obtains employment.
- C. The household's income cumulatively increases by \$200 or more per month.

Tenants may request an interim recertification when there has been a decrease in income, increase in medical expenses, or other changes affecting the calculation of a family's annual income.

**14. House Rules:**

The house rules are attached to the lease and are related to the safety and habitability of the building, comfort of the tenants and include topics such as extended absences and abandonment of a unit. A copy of the House Rules is attached to the Lease.

Owners will give tenants written notice 30 days prior to implementing new House Rules.

**15. Pet Rules:**

Pet owners must apply to the owner for permission before a pet is brought on the premises. The Pet Rules are attached to the Lease. Owners will give the tenants an opportunity to review any changes made to the Pet Rules. A pet deposit of \$200 is required.

**Service animals are exempt from a pet deposit.**

**16. Extended Absences and Abandonment:**

Extended absences of longer than 30 days must be reported to management in writing. Should a unit be vacant longer than 30 days without notifying management the unit will be considered abandoned.

**17. Facilities:**

The community room, laundry room, kitchen area, and common areas of the property will be left in a clean and orderly condition after tenant use.

A use agreement must be completed and approved by management before event.

\_\_\_\_\_  
Applicant's/Tenant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's/Tenant's Signature

\_\_\_\_\_  
Date