

# HOUSING DEVELOPMENT CORPORATION MIDATLANTIC

## RESIDENT SELECTION CRITERIA Umbrella Works Apartments

This resident selection criteria is a plan for Umbrella Works Apartments which is operated under the Low Income Housing Tax Credit (LIHTC) Program. Umbrella Works also received funding from Lancaster County Housing and Redevelopment Authority through its HOME Program as well as the Pennsylvania Housing Finance Agency through its PennHOMES Program. Umbrella Works Apartments has five (5) units of rental subsidy through the Section 811 PRA Demonstration Program. This property is located at 250 West King Street, Lancaster, PA 17603. The rental community consists of eighty-three (83) units. Additional resident selection criteria such as income limits, rent restrictions, and unit assignments are covered in the Restrictive Covenant, Marketing Plan and Management Plan for this community. All documents together form the Resident Selection Criteria.

### **Interest List**

Before initial rent-up, for the purpose of marketing the new project, the name, address, and phone number of any person who contacts the Community Manager or any other Management Agent staff orally or in writing shall be placed on an interest list. The Leasing Specialist shall maintain this list and will not remove anyone's name unless that person requests it be removed. The list is maintained to assure that interested persons receive applications and are notified as apartments become available. This list is not a waiting list.

Management is using multiple communications for affirmative marketing of this property including TDD and the PA Relay Service and also on our website [www.hdcweb.org](http://www.hdcweb.org).

Applicants may request assistance/reasonable accommodation in completing the application if necessary. Our procedure is to assist applicants whenever possible, especially to accommodate requests by persons with disabilities.

### **Application Process**

Applications for admission to Umbrella Works Apartments are accepted at 250 West King Street, Lancaster, PA 17603.

Completed applications can be submitted to the property of interest in-person, by mail, or other approved method as necessary for a reasonable accommodation. Under Federal law, persons with disabilities have the right to request reasonable accommodations to obtain and/or complete the application in a means that is accessible to them.

Only once a completed application is received from an applicant will that applicant be placed on a waiting list. Section 8 voucher holders will not be refused based upon their status as a voucher holder but must otherwise be eligible for the property.

Both at initial rent-up and thereafter, applications will be accepted on a “first-come, first-serve” basis. Applications will be date-stamped, time-stamped and placed on a processing sheet in order of receipt.

### **Waiting List**

A waiting list based on the date and time of application will be established. Persons on the list will be offered suitable apartments as they become available on a first-come, first-serve basis. When an applicant declines the available apartment their name will go to the bottom of the list. **After three such offers**, the applicant will be confirmed as withdrawn and their name will be removed from the list.

The waiting list(s) will be updated at least annually. Applicants will be sent update forms and will be asked to note any changes in the household composition, household income/assets, and student status of all members. The forms should be updated, signed and returned to the rental office. The waiting list(s) will be updated to reflect any changes the applicant has designated on the returned form. Should the applicant fail to return the update form and no response to written correspondence from the rental office is received, the applicant will be removed on the decision that he/she is no longer interested in an apartment. The applicant will then receive notice of the removal.

The applicant has the right to challenge removal from the waiting list within fifteen (15) days of the date of the notice letter and may be placed back on the list in the same position he/she held at the time of removal if it is determined the applicant failed to respond to the update request due to reasons beyond his/her control.

Waiting lists will contain at least the following data: date of application and time received, name of applicant, address of applicant, phone number of applicant, income of household, income category the household appears to be qualified to occupy, bedroom size requested, and if the applicant has requested an accessible unit. An additional comment section, preferences, and a processing status column will also be included on all waiting lists.

Social Security numbers, race/ethnicity, gender, and family size will not be included on the waiting list.

Opening and closing of the waiting list will be posted on our website [www.hdcweb.org](http://www.hdcweb.org) and signage will be placed on the property when a change in the waiting list status occurs.

## **Preferences**

### **Displacement**

Property will give preference to applicants who have been displaced by a government action or a presidentially declared disaster. Acceptable documentation will be required to prove the applicant(s)' qualification for the preference.

Acceptable documentation includes copies of local government condemnation or displacement notices or government notices indicating that an applicant is eligible for disaster relief benefits. If these documents are not available, the owner may accept a letter (on appropriate letterhead) from a government organization confirming that the applicant is being displaced by government action or a presidentially declared disaster. If written documents cannot be obtained, the owner may verify the displacement by phone with the local government office, or a disaster relief office, and make a notation in the file as to the date of the oral verification.

### **Accessible Units**

Preference will also be given, for accessible units only, to those applicants who most require the features of an accessible unit (e.g. handicap accessible, hearing impaired or vision impaired). If no applicants on the waiting list require the features of an available accessible unit, the unit will be advertised for, at least, thirty (30 days). If, after at least thirty (30) days of advertising the unit, no applicants apply and qualify for the unit, the unit may be rented to the next applicant on the waiting list who does not need the features, but otherwise qualifies for the unit. The applicant will be required to sign an addendum that will require them to transfer from the accessible unit to a non-accessible unit in the event that a new applicant needs an accessible unit. The tenant will only be asked to transfer when a comparable unit is available for them.

### **Section 811 Units**

Five (5) units at Umbrella Works Apartments, will be filled with applicants who qualify for the Section 811 Project Rental Assistance Demonstration (PRA Demo) Program. The Section 811 PRA Demo Program is designed to serve extremely low-income, non-elderly individuals with disabilities who are eligible to receive care management and other supports from the Pennsylvania Department of Human Services (DHS), and who require affordable housing to live safely and independently in the community. Applicants must be identified and referred to the Program by the Local Lead Agency that has been designated by DHS for Lancaster County. Five (5) one bedroom units will be set aside as Section 811 units.

To fill a Section 811 unit, the Community Manager will notify staff at SocialServe.com of the vacancy either via email, phone or the monthly polling email. The staff will updated the website which will notify Regional Housing Coordinators and the Local Lead Agency of the vacancy. They will contact the top applicants on the waiting list and make

referrals to the property. Once applicants are received, they will be screened according to this Resident Selection Criteria. Once approved per this Criteria, they will be eligible to occupy one of the Section 811 PRA Program units at Umbrella Works Apartments and will receive housing subsidy through the U.S. Department of Housing and Urban Development.

The Section 811 PRA Demo Program units will not be fixed and if a unit is unable to be filled with a qualified applicant within sixty (60) days of vacancy, the Community Manager will rent the unit to a non-Section 811 applicant. The next appropriate, available unit will then become a Section 811 unit and will be filled with a qualified applicant from the Local Lead Agency.

### **Removal from Waiting List**

Documentation of the removal of an applicant will be kept with the date and time of the removal. An applicant may be removed from the waiting list due to the following reasons:

- The applicant no longer meets the eligibility requirements for the property or program
- The applicant fails to respond to a written notice for an eligibility interview
- The applicant is offered and rejects three units in the property
- Mail sent to the applicant's address is returned as undeliverable
- The unit that is needed (using family size as the basis) changes and no appropriate size exists in the property

### **Eligibility**

There are many eligibility factors that are reviewed upon receipt of an application. Each of these factors must be reviewed and a determination made that the applicant(s) meet the property-specific requirement before the process of verifying income and assets can begin.

Applicants who are eligible and approved for tenancy will be required to comply with all Lease terms which will be provided at initial occupancy during the Lease signing.

#### **1. Household Types**

Each property is designated, at the time of development, to serve a particular population of people. The various household types accepted are described here:

Elderly Housing is defined as: All residents must be at least 62 years old or older and meet the requirements of tenancy.

Elderly/Handicapped/Disabled housing is defined as: The head of household must be at least 62 years of age or handicapped or disabled and receiving social security disability benefits.

Housing for Older Persons is defined as: The head of household, spouse, or co-head must be 55 years old or older and meet the requirements of tenancy.

General Occupancy housing is defined as: Open to all persons regardless of age. Head of Household must be at least 18 years of age.

Umbrella Works Apartments has been designated as General Occupancy Housing.

## **2. Occupancy**

Management must determine that the household size is appropriate for a least one of the bedroom sizes offered at the property. In order to determine this, HDC MidAtlantic has determined the following to be the occupancy standards for this property, providing such standards do not violate local ordinances.

- No more than 2 people in a 1 bedroom
- No more than 4 people in a 2 bedroom
- No more than 6 people in a 3 bedroom
- No more than 8 people in a 4 bedroom

Applicants may elect to have their names placed on multiple bedroom-size wait lists.

## **3. Income Categories**

Income categories are set by the owner prior to the development of a property. Management must calculate an applicant(s)' approximate gross annual income based on the income and income from assets listed in their application. This income must be compared to the appropriate income limits for the property (based on funding sources and the county/state the property is located in). Applicant(s) must fall in one of the income categories that are listed below to qualify for this property.

Units will be rented per LIHTC Guidelines and per the Indenture of Restrictive Covenant as follows:

Forty-two (42) units will be rented to those with income at or below 50% of the area median income. Forty-one (41) units will be rented to those with income at or below 60% of the area median income.

## **Section 811 Program Units**

The five (5) Section 811 units will be occupied by applicants who qualify at or below 30% of the area median income.

**Maximum and Minimum Income Requirement**

At the time of application, an applicant must qualify for the rental unit at or below the applicable income limit in place. Income limits are determined by household size and are provided to the applicant on the rental application and available in the management office upon request.

An applicant must have income that would cover the cost of two (2) months' rent and two (2) months' utility costs. Applicants holding Section 8 vouchers and applicants applying for the Section 811 Program units will not be required to meet the minimum income requirement. Applicants may be given an exception to the minimum income requirement if there is proof that they have been able to pay a rent that is the equivalent or greater than what their rent at Umbrella Works Apartments would be.

**4. Housing Students**

Applicants who are applying for Umbrella Works Apartments must meet both the Section 8 Student Rule as well as the Tax Credit Student Rule.

**Eligibility of Students for Assisted Housing under Section 8 of the U.S. Housing Act of 1937**

No assistance shall be provided under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who--

- (1) Is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) and,
- (2) Is less than 24 years of age and,
- (3) Is not a veteran and
- (4) Is unmarried and,
- (5) Does not have a dependent child and,
- (6) Is not living with his or her parents who are receiving Section 8 Assistance and,
- (7) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), and,
- (8) Is not a person with disabilities, as such term is defined in section 3(b) (3) (E) of the United States Housing Act of 1937 (42 U.S.C. 1437a (b) (3) (E) and was not receiving assistance under such section 8 as of November 20, 2005.

\* Clarifying verification process for vulnerable populations – if the applicant is considered part of a vulnerable youth population (an orphan, in foster care, ward of the court, emancipated minor, unaccompanied homeless youth, and youth at risk of being homeless), then the tax return requirement only applies to providing the student's tax returns and not that of the student's parents, and a written certification is not required by the student's parent.

Independent Students – to be considered an Independent Student and eligible for Section 8 subsidy, a student must meet the Department of Education's definition of an Independent Student. This includes those who were an orphan, in foster care, or ward of court at the age of 13, those students who are or were emancipated or in legal guardianship, and unaccompanied youths who are homeless or at risk of homelessness.

For purposes of determining the eligibility of a person to receive assistance of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

### **Tax Credit Student Rule**

In general, a unit is not considered a low-income unit if all the occupants of such unit are full-time students (as defined in Section 151(c)) (4) of the Code; which includes children K-12). The exceptions to this are as follows:

- The full-time adult students are married and filing a joint federal income tax return. Under the Low Income Housing Tax Credit student rule, legally married same sex couples qualify under this exemption.
- The full-time student is receiving assistance under Title IV of the Social Security Act.
- The full-time student is enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar federal, state, or local laws. Note: The IRS does not consider an internship a "similar" program (for example, a medical school student doing their residency or a student in a fellowship).

-- The full-time student is a single parent living with his/her minor children (with none of the persons being dependents of a third party; Exception: Child may be a dependent of his non-resident parent.)

-- The full time student is/was a recipient of foster care assistance under Part B or E of Title IV of the Social Security Act.

The community manager must review the application to determine if all household members are full time students and reject the application if they are and do not meet one of the exceptions listed above.

### **Applicant Pre-Processing**

After initial review of the application, and determination that the applicant(s) meet the appropriate eligibility criteria, the community manager will ensure that each household member, age 18 or older, has signed a consent form. An application fee must be paid to cover the cost of the background checks. The application fee is \$20 per adult household member. Note: Applicants applying under the Section 811 PRA Demo Program, the application fee is not applicable. Once the fee is paid and the consent form is signed, the community manager will run a credit check on any household member age 18 or older.

### **Credit Screening Process**

The following procedures outline the review process used to determine whether an applicant or potential additional household member should be granted or denied housing due to credit report history.

The absence of a credit file shall not adversely affect the applicant. In the case of more than one adult member in the household; reports will be viewed individually. Each applicant's report will be requested by a third-party screening company and be reviewed by a designated screener at the property to determine the history of payment practices including utilities, rental payments, bankruptcies, etc. The following items will also be reviewed from the credit report:

- Credit history will be reviewed
- Aliases will be verified with criminal and sex offender background checks
- Special notes on the credit report will be reviewed
- Current and previous addresses may be verified with application

An application may be subject to Further Review if any of the following apply to the credit report:

- A civil judgement, open bankruptcy or a bankruptcy that has been discharged within six months of the report



- An application with at least one delinquent account from a previous or current landlord – as this will constitute a negative landlord reference as well as a negative credit rating.
- If there are any utility accounts in collections for utilities that the applicant would be required to pay at the property, the applicant must demonstrate that they will be able to open an account with the property’s utility provider prior to lease signing.

If the above items are absent from the credit reports of all adult members, the application will be considered pre-approved as to the credit screening process and the applicant may be approved, if otherwise eligible. If any of the adult members of the household individually do not meet the above credit criteria, they will be subject to Further Review.

A copy of the credit report may not be given to applicant because of an agreement between HDC MidAtlantic and the third-party screening company, which prohibits such disclosures. Community Managers are permitted to meet with the applicants to cover the contents of the report; the applicant must be referred to the third-party screening company to obtain a copy of their credit history report.

### **Further Review Process**

Upon review of applicant’s screening, the screener will send a letter to the applicant and their household advising of the need for Further Review of their application. The letter will include instruction for the Further Review process. The household member(s) will have fourteen (14) days to submit documentation for Further Review. Prior to forwarding the application to the Further Review Committee, the screener will conduct current and previous Landlord References dating back three (3) years from the date of application and collect any relevant documentation the applicant wishes to provide.

### **Examples of Documentation**

The applicant is invited but not required to submit the following, if relevant:

- Proof of payment made to prior/current landlord
- Proof of payment arrangement with prior/current landlord
- Proof of payment made to utility company
- Proof that applicant will be able to open utilities in their name at property
- Other relevant documents pertaining to the circumstances on report

The Further Review Committee will be scheduled to meet weekly or more/less often, as needed. Applicants requiring Further Review will be given the opportunity for a scheduled phone call with the committee and/or the opportunity to submit a written

statement explaining the details around the circumstances in the report and other documents for consideration. Please note: the applicant's presence or absence by phone will not be a determining factor.

The committee will follow a majority rule to make a decision. The committee will make every effort to reach its decision on the day of the Further Review, except when it lacks a critical piece of information. If more information is needed, the committee shall reach its decision as soon as possible.

The applicant will have the opportunity to dispute the accuracy of their credit report information, in accordance with the federal Fair Credit Reporting Act (FCRA). The Further Review Committee will review an application within 5 business days of receiving the application. In case of a decision to admit the applicant, the committee will notify the property's Community Manager and send a letter to the applicant within 5 business days of the decision. If the committee denies admission, the committee will notify the applicant in writing within 5 business days of the decision. The committee will consider any requests for reasonable accommodations and additional time.

### **Further Review Committee**

HDC will establish a committee to conduct Further Review of applications, referred to as *The Further Review Committee*. The Further Review Committee will conduct an individualized assessment based on the totality of the circumstances to determine whether an applicant or household member should be admitted or denied admission. The Further Review Committee will follow the procedures set forth in this document.

HDC's Further Review Committee shall be comprised of three members: a representative from the Compliance Department, a District Manager and a representative from Resident Services. If at any time a member of the Committee is not available, another member of the Property Management or Resident Services team may be designated to participate in Further Review of an application. The original screener of the application will not be a part of the Further Review Committee.

### **Lease Guarantors**

An applicant may be accepted if they can provide a lease guarantor. The lease guarantor would be subject to a credit check and review of income to ensure that they are capable of assisting the applicant with rent, if necessary. Both the applicant and the lease guarantor would sign a lease addendum at the time of move in.

### **Right to Appeal**

All applicants have a right to appeal the committee's decision to deny admission. The process or procedures of the committee are not appealable. If an appeal is filed, a member of HDC's Leadership Team will review the appeal and make the final decision to deny or approve admission based on the screening.

## **Equal Treatment**

The Further Review Committee will consider all applicants equally and render decisions in a fair and consistent manner. The development or site to which an applicant is applying shall be irrelevant to the committee.

## **Applicant Processing for a Unit**

Once the community manager has a unit available for rent, they will contact the next eligible person on the waiting list for processing or, if no waiting list exists, they will continue to process a new applicant. Once applicant confirms interest, the Credit Report and Sex offender will be reviewed for expiration. Please see below for expiration terms on each report:

- Credit report- six (6) months from the date report was run
- Sex Offender report- one (1) year from the date report was run

If one or more reports is considered expired, a new report will need to be run. If both reports are within the allowable timeframe, a Criminal report will then be run on all household members 18 years of age or older. Please note, a Criminal Report has an expiration date of one (1) year from the date it was run.

## **Criminal Screening Process**

The following procedures outline the review process used to determine whether an applicant or potential additional household member should be granted or denied housing due to a past criminal conviction. There shall be no presumption that an applicant with a criminal conviction should be denied housing in an HDC community. Before making a decision to admit or deny applicants with criminal convictions, applicants shall be given an individualized review based on accurate information, including written notice and an opportunity to be heard. Individual circumstances as well as the potential impact on safety of other residents shall be taken into account in the decision, as outlined below. The process outlined below is subject to a reasonable accommodation process.

These procedures apply to persons seeking admission to housing and to persons joining a household currently residing in an HDC community, including Live-In Aides. [.]

***There are two steps in the screening process.*** The first identifies applicants with one or more criminal convictions that require Further Review. The second sets out the methods and criteria to be used in that individualized Further Review.

## **Criminal Background and Sex Offender Registry Checks**

The Community Manager will request, through a 3<sup>rd</sup> party screening company, a criminal background check for each adult household member, including Live-In Aides (defined on page 23). Criminal background checks are provided through appropriate law

enforcement agencies, national crime information centers, police departments, or other law enforcement agencies that hold criminal conviction records. Criminal background checks will be performed in every state in which the applicant/household member has resided in the past 7 years, unless there is reason for a longer history. HDC MidAtlantic will rely on the information provided by the applicant/household member along with the credit screening report to identify the states in which they have resided.

The Community Manager/screener will be responsible for accessing the National Sex Offender Registry via the [www.nsopw.gov](http://www.nsopw.gov) website to request sex offender background checks for each adult household member, including Live-In Aides.

A determination will be made under the guidelines below, as to whether a household member listed on the application will need Further Review. All findings of criminal background or sex offender status used to make a determination shall be documented and provided to applicant. This documentation will set forth how the behavior identified in the criminal conviction could interfere with the property and/or the health, safety or peaceful enjoyment of other residents in the apartment complex. Please note that there are two (2) federally-mandated reasons for denial:

- A household member convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing will not be approved for residency under any circumstances.
- A household member who is subject to lifetime registration requirement under a State Sex Offender Registration Program will not be admitted under any circumstances. The Property Manager will check the names of all adults applying for housing through the sex offender registry in each state where each adult has lived.

If after a check has been conducted, it is discovered that the household member provided false information, HDC MidAtlantic may, at its discretion, deny admission to the household member and their household or may evict the household member and their household in accordance with the standards set forth above.

### **Screening Criteria Grid**

The following Screening Criteria Grid shall be used to analyze whether a housing applicant should be admitted or subject to Further Review. Applicants with convictions not listed in the Screening Criteria Grid may be subject to Further Review. Applicants with one or more convictions that fall in any of the categories described in the Grid will be sent for Further Review following the procedures outlined below.

<b>Type</b>	<b>#</b>	<b>Crime Category</b>	<b>Subcategory</b>	<b>Further Review</b>
<b>Crimes Against Persons</b>	1	Assault and Battery	Felony only	Further Review if within 3 years of conviction
	2	Domestic Violence	Felony only	Further Review if within 3 years of conviction
	3	Use of firearm against a person	Felony or Misdemeanor	Further Review
	4	Armed Robbery offenses	Felony or Misdemeanor	Further Review
	5	Robbery offenses, no weapon involved	Felony	Further Review if within 3 years of conviction
	6	Homicide	Felony or Misdemeanor	Further Review
	7	Manslaughter	Felony or Misdemeanor	Further Review
	8	Kidnapping and Abduction	Felony or Misdemeanor	Further Review
	9	Sex related offenses	Felony or Misdemeanor	Further Review if within 3 years of conviction
	10	Stalking	Felony or Misdemeanor	Further Review if within 3 years of conviction
<b>Type</b>	<b>#</b>	<b>Crime Category</b>	<b>Subcategory</b>	<b>Further Review</b>
<b>Crimes Against Property</b>	11	Arson-related offenses	Felony or Misdemeanor	Further Review
	12	Burglary/Breaking and Entering-related offenses	Felony only	Further Review if within 3 years of conviction

	13	Theft, Stolen Property, Fraud-related offenses	Felony only	Further Review if within 3 years of conviction
	14	Destruction/Damage/Vandalism of Property offenses	Felony only	Further Review if within 3 years of conviction
<b>Crimes Against Society</b>	15	Drug related offenses	Felony or if two or more Misdemeanors	Further Review if within 3 years of conviction
	16	Weapons offenses (other than use of a firearm against a person)	Felony or Misdemeanor	Further Review if within 3 years of conviction
	17	Alcohol related offenses	Felony or if two or more Misdemeanors	Further Review if within 3 years of conviction

**In addition:**

Type	#	Crime Category	Subcategory	Further Review
<b>Multiple offenses</b>	18	# 1, 2, 4, 5, 7, 9, 10, 15 or 17	If two or more convictions	Further Review if two or more convictions are within previous 7 years from date of screening

The Screening Criteria Grid should be used by all HDC staff performing criminal background screening. Screeners can request permission to depart from the Grid under the following circumstances: If an applicant has one or more convictions (for felonies or misdemeanors) that do not fall within the Screening Criteria Grid, but the screener has grounds to believe that the applicant presents has committed a crime not listed and the reviewer reasonably believes it would interfere or threaten the property or the health, safety or peaceful enjoyment of other residents in the apartment complex, the screener may, after stating case-specific reasons, request written permission from HDC's Director of Property Management or their designee to depart from the Grid and submit the applicant or household member to Further Review. If HDC's Director of Property Management or their designee grants permission, the applicant or household member shall be subject to Further Review as if the conviction(s) were within the Screening Criteria Grid. HDC's Director of Property Management or their designee shall document in writing their decision and the reasoning behind it.

**Rules to Apply the Screening Criteria Grid**

The look-back periods in the Screening Criteria Grid apply from the date of conviction to the date of the screening. The Screening Criteria Grid applies to convictions, only. Arrests alone shall not be considered unless charges are pending. In the case of

pending charges listed on the Grid, a decision on admission may be deferred until adjudication of the case.

The criminal background screening will not consider arrests, charges, expunged convictions, convictions reversed on appeal, vacated convictions, offenses where adjudication was withheld or deferred, pardoned convictions, and sealed juvenile records. It will not treat people differently based on whether the applicant is on probation or parole.

Attempts and conspiracies to commit a crime will be treated the same way as the primary crime. For example, an applicant with a conviction for attempted homicide will be screened the same way as a person with a conviction for homicide; the application will be subject to Further Review. Convictions for “accessory after the fact” crimes will not be considered.

If an applicant has more than one conviction, the screener will apply the grid to each conviction. If any conviction is a crime listed on the grid, the application will be submitted to Further Review. If none of the convictions are for crimes listed on the grid, the applicant may be admitted, if otherwise eligible.

### **Further Review Process**

Upon identifying an applicant (or household member) with one or more criminal convictions that require Further Review, the screener will send a letter to the applicant and their household advising of the need for Further Review of their application. The letter will include instructions on the Further Review process. The household member(s) will have fourteen (14) days to submit documentation for Further Review. Prior to forwarding the application to the Further Review Committee, the screener will conduct current and previous Landlord References dating back three (3) years from the date of application and collect any relevant documentation the applicant wishes to provide. (Examples of such documentation are set forth on the following page.)

The Further Review Committee will be scheduled to meet weekly or as needed. Applicants requiring Further Review will be given the opportunity for a scheduled phone call with the Committee, the opportunity to submit a written statement explaining the details around the convictions identified during the initial screening process and any documentation they wish the Committee to consider. Please note: the applicant’s participation or lack thereof in the scheduled phone call will not be a determining factor.

The applicant will have the opportunity to dispute the accuracy of the conviction information, identified during the criminal background check, in accordance with the federal Fair Credit Reporting Act (FCRA). The Further Review Committee will review an application within five (5) business days of receiving the application. The Further Review Committee will notify the applicant in writing of the Committee’s decision within

five (5) business days. In case of a decision to approve the applicant or household member, the Committee will also notify the Community Manager of the HDC community to which admission has been granted. The Further Review Committee will consider any requests for reasonable accommodations and additional time to respond.

### **Examples of Documentation**

The applicant is invited but not required to submit the following, if relevant:

- Letter or comments from a probation/parole officer
- Proof of payment for fines/costs
- Letter or comments from a case worker, counselor, or therapist (maybe add member of the clergy?)
- Certificates of treatment completion as relevant to the conduct underlying the conviction(s) (e.g., drug or alcohol treatment, cognitive behavioral therapy)
- Letter or comments from family members or others who know the applicant well
- Document from a community organization with which the applicant has been engaged
- Letter or comments from employers or teachers
- Certificate of completion of a training program
- Other relevant documents
- Statement from the applicant of mitigating circumstances

### **Decision-Making Process**

The Further Review Committee will review the applicant's circumstances and other available information, including any information the applicant chooses to bring to the Committee's attention. After the Further Review Committee reviews all relevant information, its members will vote to grant or deny admission. The Further Review Committee shall, consider the following factors in making its decision:

#### **a. Criminal History**

- Time since most recent conviction
- Conduct since conviction
- Number of convictions
- Age and family situation at time of conviction(s)
- Nature of the conviction
- Circumstances surrounding conviction

#### **b. Rehabilitation**

- History of drug/alcohol abuse
- Treatment participation (while incarcerated or not)
- Treatment completion



- Success or failure during community supervision if any

**c. Community Ties/Support**

- Household composition
- Support networks (both who supports the applicant and who the applicant supports)
- Involvement in community groups (e.g., volunteer work, AA/NA).

**d. Landlord History**

- Current and previous addresses will be verified with application and landlord references will be conducted
- Balances owed to current or previous landlord
- Evictions

The Further Review Committee may consider any factors other than the above, that it deems relevant. If the Committee considers any factors other than the above, it will identify the factors and explain why they were deemed relevant. For any denial based on a household member's criminal record, the Committee may permit the remaining household members to be admitted, if otherwise qualified, after excluding the denied family member.

The Further Review Committee's decision shall be based upon the vote of the majority of its members vote. The Committee shall use its best efforts to reach its decision on the day of Further Review, except when it lacks information it deems relevant. If more information is needed, the Committee shall reach its decision as soon as possible. The applicant will be notified in writing within five business days of the Further Review Committee's decision.

**Further Review Committee**

HDC will establish a committee to conduct Further Review of applications, referred to as *The Further Review Committee*. The Further Review Committee will conduct an individualized assessment based on the totality of the circumstances to determine whether an applicant or household member should be admitted or denied admission. The Further Review Committee will follow the procedures set forth in this document.

HDC's Further Review Committee shall be comprised of three members: a representative from the Compliance Department, a District Manager and a representative from Resident Services. If at any time a member of the Committee is not available, another member of the Property Management or Resident Services team may be designated to participate in Further Review of an application. The original screener of the application will not be a part of the Further Review Committee.

### **Right to Appeal**

All applicants have the right to appeal a denial of admission by the Further Review Committee, however, the process and procedures of the Further Review Committee are not appealable. A member of HDC's Leadership Team will review any appeal and make the final decision to deny or approve admission.

### **Equal Treatment**

The Further Review Committee will consider all applicants equally and in accordance with the Fair Housing Act and render decisions in accordance this policy.

### **Retention and Privacy of Records**

Criminal records are to be managed in accordance with the requirements in the regulations at 24 CFR Section 5.903(g) which requires that: "any criminal record received...from a reporting or law enforcement agency is maintained confidentially; not misused or improperly disseminated; and destroyed once the purpose for which the record was requested has been accomplished." In addition, any information obtained from other records must be handled in accordance with applicable state and federal privacy laws and in accordance with the provisions of the consent forms.

When destroying records of criminal background, a notation should be made in the tenant file that includes the date the records are destroyed and a statement that the records were destroyed for purposes of confidentiality.

### **Landlord Screening Process**

In addition to running criminal background checks and credit reports, the screener will ask the applicant(s) for references from previous landlords, dating back three (3) years prior to application. References from landlords prior to applicant's current landlord shall be pursued as they may be more objective than that of the current landlord, whose motives may be to either hold on to or get rid of the applicant. All applicant household members' landlord references shall be reviewed individually for eligibility consideration. The absence of a landlord reference shall not adversely affect the applicant.

### **An application may move forward with processing if the Landlord verification reports the following:**

- A history of prompt rental payments with minimal late payments and no history of filing for eviction
- No outstanding balances owed to current or previous landlords.
- No indication of previous history of interfering with the health, safety and right to peaceful enjoyment of the residential community in which the applicant resided.
- No previous history of intentional damage or destruction of the unit or premises.

**An application may need Further Review if the Landlord verification reports the following:**

- Failure to make prompt rental payments without evidence of good cause.
- Indicates responsibility for or substantial risk that the applicant, any member of the applicant's household or their guests will interfere with the health, safety, security and the right to peaceful enjoyment of the resident community.
- Indicates substantial risk of intentional damage or destruction to the unit and surrounding premises by the applicant, any member of the applicant's household or their guests.
- Any balances owed to previous or current landlords must be satisfied or evidence of a payment arrangement must be produced.

**Further Review Process**

Upon review of applicant's screening, the screener will send a letter to the applicant and their household advising of the need for Further Review of their application. The letter will include instruction for the Further Review process. The household member(s) will have fourteen (14) days to submit documentation for Further Review. Prior to forwarding the application to the Further Review Committee, the screener will conduct current and previous Landlord References dating back seven (7) years from the date of application and collect any relevant documentation the applicant wishes to provide.

Examples of Documentation

The applicant is invited but not required to submit the following, if relevant:

- Proof of payments made to prior/current landlord
- Proof of payment arrangement with prior/current landlord
- Evidence of uninhabitability
- Other relevant documents

The Further Review Committee will be scheduled to meet biweekly or more/less often, as needed. Applicants requiring Further Review will be given the opportunity for a scheduled phone call with the committee and/or the opportunity to submit a written statement explaining the details around the circumstances in the report and other documents for consideration. Please note: the applicant's presence or absence by phone will not be a determining factor.

The committee will follow a majority rule to make a decision. The committee will make every effort to reach its decision on the day of the Further Review, except when it lacks a critical piece of information. If more information is needed, the committee shall reach its decision as soon as possible.

The Further Review Committee will review an application within five (5) business days of receiving the application. In case of a decision to admit the applicant, the committee will notify the property's Community Manager and send a letter to the applicant within five (5) business days of the decision. If the committee denies admission, the committee will notify the applicant in writing within five (5) business days of the decision. The committee will consider any requests for reasonable accommodations and additional time.

### **Further Review Committee**

HDC will establish a committee to conduct Further Review of applications, referred to as *The Further Review Committee*. The Further Review Committee will conduct an individualized assessment based on the totality of the circumstances to determine whether an applicant or household member should be admitted or denied admission. The Further Review Committee will follow the procedures set forth in this document.

HDC's Further Review Committee shall be comprised of three members: a representative from the Compliance Department, a District Manager and a representative from Resident Services. If at any time a member of the Committee is not available, another member of the Property Management or Resident Services team may be designated to participate in Further Review of an application. The original screener of the application will not be a part of the Further Review Committee.

### **Right to Appeal**

All applicants have a right to appeal the committee's decision to deny admission. The process or procedures of the committee are not appealable. If an appeal is filed, a member of HDC's Leadership Team will review the appeal and make the final decision to deny or approve admission based on the screening.

### **Equal Treatment**

The Further Review Committee will consider all applicants equally and render decisions in a fair and consistent manner. The development or site to which an applicant is applying shall be irrelevant to the committee.

### **Other Criteria for Consideration During Applicant Processing**

Listed below are other criteria that are required for an applicant to be approved. These criteria can be determined based on the application, credit check, criminal check, sex offender check, and other sources.

1. Head or Co-Head must meet the minimum age requirement of 18 years. Only one person in the household must meet this requirement.
2. There must not be substantial risk that applicant will be incapable of self-sufficiency with reasonable outside assistance.
3. Intentional falsification of any information placed on a rental application may

be grounds for rejection. Accidental misrepresentation on the rental application may be grounds for rejection.

4. Business Relationship – If an applicant or any member of the applicant or any member of the applicant's household/family demonstrates unprofessional behavior, such as yelling or using profanity in the presence of the management team, the applicant may be denied. If the applicant or any member of the applicant's family exhibits threatening behavior, appears to be intoxicated or attempts to intimidate staff, the applicant, the applicant's family and other members of the applicant's entourage (if applicable) will be required to leave the property and the applicant may be denied. We reserve the right to refuse rental to anyone who is verbally abusive, swears, is disrespectful, makes threats, makes discriminatory comments, appears to have been drinking or taking drugs, is argumentative, or in general, displays an attitude, at the time of the unit showing and application process, that causes management to believe we would not have a positive business relationship.

When a determination has been made that an applicant is ineligible or does not meet the Resident Selection Criteria, they will be given prompt, written and specific notice of the determination. The notification will also include instructions on how to obtain a copy of the Resident Selection Criteria. If mitigating circumstances apply, the applicant may contact the Community Manager and request a Further Review of their application. At the time of request, applicant will be given an opportunity to submit additional information that may be grounds for reconsideration. The Further Review Committee will review the application and relevant documentation in accordance with the Further Review Process listed above. Minutes of all conferences and documentation relating to the rejection of an applicant will be kept on file for three years. If it is determined that the applicant is eligible, they shall be placed back on the waiting list or further processed if a unit is available, whichever is applicable.

### **Application Processing - Documentation**

Once all background checks are complete, the community manager will meet with the applicant and his/her household to gather all necessary documentation including, but not limited to, photo ID(s), birth certificate(s), Social Security number(s), pay stubs, bank statements and other documents related to the applicant(s)' income and assets. Failure to provide any document necessary to determine an applicant(s)' eligibility will be a cause for rejection.

### **Disclosure of Social Security Numbers**

Applicants must disclose social security numbers (SSNs). This paragraph explains the requirements and responsibilities of applicants or residents to supply owners with this information, the responsibility of owners to obtain this information, and the consequences for failure by either party.

The head of household/spouse/co-head must disclose SSNs for all family members. If no SSN has been assigned to a particular family member, the applicant must sign a certification stating that no SSN has been assigned.

### **Required Documentation**

Applicants must provide documentation of SSNs. Adequate documentation can be any one of the following:

1. Social Security card issued by the Social Security Administration (SSA)
2. Medicare card
3. Social Security Benefit Letter
4. State ID (if it includes the SSN)
5. Driver's License (if it includes the SSN)
6. Earnings Statements or Payroll Stubs
7. Form 1099
8. Bank Statement
9. Retirement Benefit Letter
10. Life Insurance Policy
11. Court Records

### **Provisions for Accepting Applicants without Documentation of Social Security Numbers**

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. Management will accept the certification provided there is evidence that a SSN exists or is forthcoming.

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 move in and provide documentation of the SSN following the initial certification.

Management reserves the right to reject a household which cannot provide SSNs for all household members. Each situation will be evaluated, and a determination made with the Owner's approval.

**Note:** Applicants applying for a Section 811 unit, must provide a SSN prior to move in, per HUD guidelines.

**EIV Reporting Requirements at Processing – Section 811 Program Units ONLY**

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) and complete an Existing Tenant Search 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, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to minor children where both parents share 50% custody. If the applicant or any member of the household fails to fully and accurately disclose rental history, the applicant may be denied based on the applicant's "misrepresentation of information." If the person is not receiving any subsidies, the resulting page will display a message that no match has been found. The report along with any coordinating documentation of move in and move out dates will be kept in the new resident file.

**The EIV system will be used for applicants applying for the Section 811 Program Units only. Under no circumstances will EIV data be used for the LIHTC program.**

**Third Party Verification of Income and Assets**

The community manager will obtain third party written verification of all assets, income, and deductions (Section 811 units only). Documentation on all verification efforts must be maintained for a minimum of 30 years. In all cases, the applicant is not to hand-deliver verifications to the manager.

- \* An HDC checklist for each applicant documenting verification efforts and tracking responses shall be maintained in the files.
- \* The verification forms are standard for each applicant.
- \* Each applicant will be required to sign the appropriate verification forms for the release of information.
- \* A self-addressed, stamped, return envelope shall accompany the request for verification unless the verifications are faxed or scanned through email to the third party for verification.
- \* The applicant shall be given the opportunity to explain any significant difference between the amounts they report on their application and amounts reported on returned verifications.

**In all instances eligibility must be determined in compliance with the Low Income Housing Tax Credit Program as well as the HOME Program.**

### **Adding Household Members after Initial Occupancy**

Management will screen persons to be added to the tenant household after initial occupancy to include the same screening activities used to approve all applicants. They must also meet all criteria for tenant selection including landlord references, credit reports, criminal checks, sexual offender screening and income verification and be approved for housing by HDC MidAtlantic.

### **Adding Live In Aid to Household**

The community manager will first verify a tenant's need for a live in aide. They will also verify that the person being added as the live in aide can perform the functions the tenant requires. The community manager will screen persons to be added as a live-in aide to the tenant household by completing criminal and sex offender checks and landlord references. Credit reporting and income for live-in aides will not be verified since live-in aides are not responsible for rental payments.

### **Transfers**

Under these certain circumstances, we allow unit transfers:

- Family Size
- Change in family composition
- Upon Request
- Medical reasons
- Need for accessible unit
- Emergency Transfer per VAWA

### **Reasonable Accommodations and VAWA Transfers**

Residents who have an approved reasonable accommodation to transfer to a different unit or who have an approved emergency transfer request will receive priority for transfer to available units. Units will be assigned based on the needs of those applicants, the features of the available unit and the urgency of the need.

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

### **All Other Transfers**

Residents requesting a transfer will be selected, alternating between the applicants on the wait list and the residents on the unit transfer request list.

A tenant may be obligated to pay a \$200 transfer fee to cover cost associated with the transfer.



Should existing tenant(s) wish to transfer to a new low-income unit within the project; however in a different building, the tenant(s) must be treated exactly as prospective tenants in a new move-in. Therefore, all application, verification, and certification procedures must be completed for the transferring tenant(s). The Household must now meet appropriate income limits. Existing tenant(s) wishing to transfer with in the same building may be transferred without completing the certification procedures.

### **Compliance with 504, the Fair Housing Act and other relevant civil laws and statutes**

Federal civil rights laws addressing fair housing prohibit discrimination against applicants or tenants based on one or more of the following classifications:

- **Race**
- **Color**
- **National Origin**
- **Sex**
- **Age**
- **Disability**
- **Religion**
- **Familial Status**-refers to families living with children under the age of 18, regardless of age or number of children. Familial Status also includes pregnant women, families that are planning to adopt, and families that have or are planning to have foster children or to become guardians of children.
- **Gender Identity/Sexual Orientation**
- **Marital Status**
- **Ancestry**

Owner may not refuse, either directly or indirectly, to rent or negotiate for rental of a dwelling based on an individual's race, color, national origin, sex, age, disability, religion, familial status, or gender identity/sexual orientation or those of a person associated with the individual.

The following Acts/Laws are included as part of this Resident Selection Criteria:

- **Fair Housing Amendments Act of 1988** - Establishes statutorily: (1) the Civil Rights Act of 1968 as the short title of P.L. 90-284; and (2) title VIII of such Act as the Fair Housing Act.  
Amends the Civil Rights Act of 1968 to include within the definition of discriminatory housing practice new prohibitions against coercion, intimidation, threats, or interference because of a handicap.  
Defines handicap as: (1) a substantially limiting physical or mental impairment; (2) a record of having such an impairment; or (3) being regarded as having such

an impairment. Stipulates that the following shall not be considered a handicap: (1) current illegal use of or addiction to a controlled substance; and (2) transvestism.

Extends the protections against discrimination based on familial status to pregnant women and adopting parents.

Makes it unlawful to: (1) refuse to sell or rent a dwelling to an individual, someone associated with such individual, or a resident or potential resident, who is handicapped; (2) discriminate against a handicapped individual in the conditions of sale or rental, or in the provision of a related service or facility; (3) refuse to permit reasonable modifications, at the expense of the handicapped renter, except that a landlord may condition interior modifications where reasonable; (4) refuse to make reasonable accommodations in rules, policies, or services to afford handicapped individuals equal use and enjoyment of a dwelling; or (5) fail to design and construct multifamily dwellings with specified adaptive accessibility and usability designs.

Provides with regard to accessibility and adaptability requirements for multifamily dwellings: (1) that State and local incorporation of new construction and design requirements (as set forth in this Act), will serve as compliance under this Act; and (2) that States and localities are encouraged but not required to include such construction and design provisions in their own review procedures.

States that nothing in this Act requires that a dwelling shall be made available to an individual whose tenancy: (1) would constitute a direct threat to the health or safety of other individuals; or (2) would result in substantial physical damage to the property of others.

Prohibits discrimination based on handicap in the provision of housing brokerage services (multiple listing services, real estate agents' organizations) and specified rental or sales housing activities.

Prohibits discrimination based on familial status in the sale or rental of homes. Defines "familial status" to mean one or more individuals under the age of 18 being domiciled with a parent, legal custodian, or designee of such parent or legal custodian.

Makes it unlawful for anyone engaged in residential real estate-related transactions to discriminate in the provision or terms of a transaction because of race, color, religion, sex, handicap, familial status, or national origin.

States that nothing in this Act prohibits real property appraisers from considering nondiscriminatory factors when making appraisals.

States that nothing in this title shall limit the applicability of any reasonable local, State, or Federal restrictions on the maximum number of occupants permitted to occupy a dwelling unit. States that nothing in this Act regarding familial status applies to any State or Federal elderly assistance program.

States that nothing in this title prohibits conduct against a person who has been convicted of the illegal manufacture or distribution of a controlled substance.

States that Federal agencies having regulatory or supervisory authority over financial institutions shall cooperate with the Secretary of Housing and Urban Development.

Requires the Secretary to report annually to the Congress regarding fair housing progress and the number of hearings, investigations, and determinations not completed within the required timeframe.

Requires the Secretary to report annually to the Congress regarding Department of Housing and Urban Development (HUD) program applicants and participants.

Revises fair housing enforcement procedures. Permits an aggrieved person to file a housing discrimination complaint with the Secretary within one year of the alleged act. Allows the Secretary to file such a complaint on his or her initiative or investigate a housing practice to determine whether such a complaint should be brought.

Requires the Secretary to: (1) notify the aggrieved person and the respondent of the filing; (2) advise the aggrieved person of the time limits and choice of forums; (3) advise the respondent of the alleged discriminatory practice and his or her rights; and (4) complete the investigation within 100 days unless impracticable to do so.

Permits additional persons to be added as respondents during or after the course of an investigation.

Requires the Secretary to attempt to correct a discriminatory practice by informal methods of conciliation, which may provide for binding arbitration. States that a conciliation agreement shall be made public unless both parties agree otherwise and the Secretary concurs with such decision.

Requires the Secretary to prepare a final investigative report.

Requires the Secretary to refer matters to the Attorney General, recommending that civil actions be filed, when a respondent has failed to comply with a conciliation agreement. Allows the Secretary to refer matters to the Attorney General for prompt judicial action when necessary. Authorizes the Secretary to seek temporary or preliminary relief pending final disposition of a complaint.

Revises current requirements for referring charges to State or local agencies for investigation and enforcement. Specifies the elements of "substantial equivalency" to Federal law which permit certification and referrals of discrimination charges. Continues certification for 40 months from the date of enactment of this Act for previously certified agencies, with an additional eight-month extension if necessary. Requires the Secretary to review agency certification at least every five years.

Permits the Secretary to file an administrative complaint or refer the matter to the Attorney General for civil action if the investigation supports a finding of reasonable cause, except with respect to matters involving land use control, which must be referred.

Requires the Secretary to determine whether reasonable cause exists to believe that a discriminatory housing practice has occurred (or will occur) within 100 days

after the filing of a complaint. (If unable to make such determination within the 100-day period the Secretary must notify complainant and respondent.)

Authorizes the Secretary to issue subpoenas and order discovery. Establishes criminal penalties of up to \$100,000 or imprisonment of up to one year, or both, for failure to cooperate with such subpoenas or discovery.

Allows a complainant, respondent, or aggrieved person on whose behalf a complaint was filed to elect judicial enforcement as an alternative to administrative enforcement. Requires: (1) such election to be made within 20 days of receipt of the Secretary's charge; and (2) the electing party to notify the Secretary, complainant, and respondent.

Specifies the following hearing procedures for an administrative complaint: (1) representation by counsel, presentation of evidence as provided for under the Federal Rules of Evidence, and cross-examination of witnesses; (2) expedited discovery and hearing; (3) consent of the aggrieved party in order to resolve a charge before an administrative decision is reached; (4) cessation of administrative proceeding upon commencement of a parallel civil trial; (5) commencement of an administrative hearing within 120 days following issuance of a charge; (6) findings of fact and conclusions of law within 60 days after the end of the hearing, unless impossible to do so (the Secretary must report to the Congress annually on the number of times such time limits are not met); (7) relief in the form of compensatory or equitable relief, and civil penalties; (8) attorney's fees for the prevailing party; (9) court enforcement of an administrative order upon petition by the party entitled to relief; and (10) discretionary review by the Secretary of any finding, conclusion, or order.

Makes certain revisions in the private right of action for aggrieved persons. Extends the statute of limitations from 180 days to two years. Disallows simultaneous administrative and judicial proceedings involving the same charge. Allows the court to appoint an attorney or waive fees and costs for any party in a housing discrimination action.

Allows the Attorney General to intervene upon certification that the civil action is of general public interest.

Continues the authority of the Attorney General to initiate civil actions where there is reasonable cause to believe that a pattern or practice of resistance to fair housing rights has occurred. Permits the Attorney General to commence a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint.

Describes the types of relief which may be granted in civil actions under such Act. Repeals the \$1,000 limit on punitive damages.

Permits an aggrieved person to intervene in a civil action.

Prohibits housing discrimination against pregnant women.

- **PA Human Relations Act of 1955 -**

The practice or policy of discrimination against individuals or groups by reason of their race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability, use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals is a matter of concern of the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of a free democratic state. The denial of equal employment, housing and public accommodation opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives large segments of the population of the Commonwealth of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public health and welfare, compels many individuals to live in dwellings which are substandard, unhealthful and overcrowded, resulting in racial segregation in public schools and other community facilities, juvenile delinquency and other evils, thereby threatening the peace, health, safety and general welfare of the Commonwealth and its inhabitants.

- **Title VI of the Civil Rights Act of 1964** prohibits all recipients of federal financing assistance from discriminating based on Race, Color, or National Origin. In housing, Title VI and the Fair Housing Act apply to many of the same types of activities. Title VI regulations require that recipients have an affirmative obligation to take reasonable steps to remove or overcome any discriminatory practice or usage that subjects individuals to discrimination based on Race, Color, or National Origin. The regulations also require that, even in the absence of prior discrimination, recipients should take affirmative steps to overcome the effects of conditions that result in limiting participation by persons of a particular Race, Color, or National Origin. Title VI regulations also require that owners maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federal financial assistance.
- **Age Discrimination Act of 1975** prohibits discrimination based on age in federally assisted and funded programs or activities, except in limited circumstances. It is not a violation of the Act to use age as screening criteria in a particular program if age distinctions are permitted by statute for that program or if age distinctions are a factor necessary for the normal operation of the program or the achievement of a statutory objective of the program or activity.
- **Fair Housing Act - Disability**  
Although the Fair Housing Act generally requires applicants to be given equal treatment and prohibits discrimination against anyone with respect to the prohibited basis, there are certain limited circumstances when the Act requires a

housing provider to treat persons with disabilities differently to enable them to have equal access to, or enjoyment of, housing and other housing-related programs. Specifically, the Fair Housing Act requires housing providers to provide “reasonable accommodations” to persons with disabilities. This means an owner may have to modify rules, policies, practices, procedures and/or services to afford a person with a disability an equal opportunity to use and enjoy housing.

- **Section 504 of the Rehabilitation Act of 1973** prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. Although Section 504 often overlaps with the disability discrimination prohibitions of the Fair Housing Act, it differs in that it also imposes broader affirmative obligations on owners to make their programs as a whole accessible to persons with disabilities. These obligations include the following:
  - Making and paying for reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities unless those modifications would change the fundamental nature of the project or result in undue financial and administrative burdens.
  - Operating housing that is not segregated based upon disability or types of disability, unless authorized by federal statute or executive order.
  - Providing auxiliary aids and service necessary for effective communication with persons with disabilities.
  - Developing a transition plan to ensure that structural changes are properly implemented to meet program accessibility requirements.
  - Performing a self-evaluation of the owner’s programs and policies to ensure they do not discriminate based on disability.
  - Operating their programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

In order for a unit to be considered accessible, it must meet the requirements of the Uniform Federal Accessibility Standards (UFAS). The Section 504 regulations also require that recipients not discriminate in employment based upon disability.

- **Civil Rights Related Programs** include, but are not limited to, the items listed below:
  - Occupancy policies which include Application requirements, waiting list

requirements, and tenant selection requirements.

- Use of residency preferences in a manner that does not have a disparate impact on members of any class of individuals protected by federal civil rights laws.
- Consistent maintenance requirements.
- Consistent policies across properties owned by the same owner to ensure against steering, segregation, or other discriminatory practices.

### **Required Data and Record-Keeping**

Owners must collect and maintain various types of information regarding prospective and current tenants to help establish compliance with program requirements. For the LIHTC program, PHFA requires owners to gather data about the race and ethnicity of applicants and tenants so that they can easily spot possible discrimination, track racial or ethnic concentrations, and focus enforcement action on owners with racially or ethnically identifiable properties. Ethnicity and Race of applicants and tenants is determined by self-certification rather than an observation of the owner. The Agency also requires that owners report the number of persons with disabilities served by their programs. To avoid the risk of violating civil rights and nondiscrimination requirements when seeking to gather such data, owners should consistently ask the same questions of all prospective and current tenants. Also, owner will avoid asking for information only from certain populations and not from others.

Owners must keep civil rights related records in accordance with 24 CFR 1.6, 8.55(b), and 107.30. The civil rights related records include race and ethnicity data, compliance with 504, and compliance with Executive Order 11063.

Owners are required to allow PHFA staff access to the relevant records for their properties and other sources of information, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

### **Violence Against Women Act of 1994 (VAWA)**

The **Violence Against Women Act of 1994 (VAWA)** is a United States federal law, passed as Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act of 1994 HR 3355 and signed as Public Law 103-322 on September 13, 1994. The Act was reauthorized in 2005 and amended by a technical corrections bill and signed into law in August of 2006. It was reauthorized in 2013 and the VAWA Final Rule was published in 2016.

### **DEFINITIONS**

The following definitions are provided as assistance in understanding and implementing the VAWA protections. The definitions for domestic violence, sexual assault, dating

violence, stalking and immediate family member have been incorporated into the United States Housing Act.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Sexual Assault** means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

**Dating Violence** means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

**Stalking** means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

**Immediate Family Member** means, with respect to a person: (a) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

**Bifurcate** means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Among other provisions, this Act protects housing assistance applicants and residents who have been victimized by domestic violence, sexual assault, dating violence, or stalking.

If an applicant or tenant identifies as a victim of domestic violence, sexual assault, dating violence or stalking, they will be given the opportunity to complete a certification



form (HUD-5382), submit a police record, court record, or other documentation signed by a professional familiar with the victim's situation. All information regarding the victim and any related incidents will be kept confidential in a separate file.

It affords the following legal protections:

- An applicant's or program participant's status as a victim of domestic violence, sexual assault, dating violence or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
- An incident or incidents of actual or threatened domestic violence, sexual assault, dating violence or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
- Criminal activity directly related to domestic violence, sexual assault, dating violence or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
- 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.
- The provisions protecting victims of domestic violence, sexual assault, dating violence or stalking engaged in by a member of the household, may not be construed to limit the Owner/Management Agent, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
- The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an Owner/Management Agent can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the

VAWA notwithstanding. Ultimately, the Owner/Management Agent may not subject victims to more demanding standards than other tenants.

- The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, sexual assault, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.
- Tenants may certify as a victim of domestic violence, sexual assault, dating violence or stalking and request an emergency transfer (see Transfers, page 23).

Every applicant will be given a Notice of Rights (HUD 5380) and Certification (HUD 5381) at lease signing. In addition, these documents will be distributed with every rejection letter, eviction notice, and/or termination of assistance notice.

### **Pet Policy**

Umbrella Works Apartments does not allow pets. Resident agrees that Resident will NOT keep any pets on the leased premises without prior written permission from the Owner. Resident agrees that Resident WILL NOT ALLOW Resident's family or Guests to allow pets on the leased premises without written permission from the Owner. The Owner's has a policy for assistance animals, which are not pets, which you may obtain from the rental office.

### **Reasonable Accommodations**

HDC has developed the following procedure to handle requests from residents for upgrades and changes to their apartment or common areas to accommodate their needs.

1. Accept any requests made in person, on the phone or received in the mail as valid.
2. The Community Manager and/or Resident will complete and sign the Resident Request for Accommodation form. The Resident should also sign the Medical Verification of RA form and provide the CM with their Medical Provider's contact information.
  - If the Community Manager can visually verify the need for the requested accommodation, then the Medical Verification of RA form is not needed. Instead, the Community Manager will complete the Management Certification of Disability form. For example, if someone who is confined to a wheelchair requests an accommodation to have grab bars installed in their bathroom and a roll-in shower, you can visually verify the need for the grab bars and/or roll-in shower. There is

no need to send a verification to his or her medical professional to verify the disability.

3. The Community Manager will send the Medical Verification of RA form to the medical provider for completion. Once returned, the Resident Request for Accommodation Form and Medical Verification form (or Management Certification of Disability) will be submitted to the Compliance Specialist for review.
4. The Compliance Specialist will send the tenant a letter approving or disapproving the request.
5. The Community Manager must obtain three contractor bids for all requests over \$2,000.00. United Disability Services can be contacted to review necessary accommodations and provide alternative solutions for a fee. Please contact your District Manager regarding this service if you have a reasonable accommodation that you estimate to be over \$2,000.00.  
If additional time is needed to contact an outside agency or to collect three contractor bids, the Community Manager must mail an acknowledgment letter to the resident informing the resident that their request is being considered and that management will be contacting them for discussion and consideration of the proposal.
6. The Community Manager, District Manager and a member of the Facilities Department will review the request, bids and decide how to proceed.
7. Work will proceed with the on-site maintenance staff overseeing the project. If the site is paying the costs, a final inspection by the Maintenance Technician & Community Manager and sign off will be required prior to payment to the vendor.
8. A Reasonable Accommodation Follow Up form is to be completed by the Community Manager and forwarded to the Compliance Specialist.
9. If the request is ONLY for an Assistance Animal, use the Assistance Animal Request Verification Form.

### **Improving Access to Service for Persons with Limited English Proficiency (LEP)**

On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," requiring Federal agencies to examine the services they provide, identify any need for services to those with LEP and develop and implement a system to provide those services so LEP individuals could have meaningful access to them. This Order also requires that recipients of Federal financial assistance comply. Under written HUD Guidance, recipients are required to take reasonable steps to insure meaningful access to their programs and activities by LEP persons.

This property will maintain a language identification card that applicants/residents can use to identify the language that they are proficient in. We will also provide a free 24/7 phone/video translation service for applicants/residents to utilize to communicate with

property staff. Appropriate translated materials will also be provided upon request. We will continue to monitor LEP activity to ensure individuals are being served.

**Distribution of Resident Selection Criteria**

Copies of the Resident Selection Criteria will be maintained in the office at 250 West King Street, Lancaster, PA. A copy will be provided, upon request, to any applicant. A shortened version including the credit and criminal criteria specifically will be provided to any resident whose application needs to go through the Further Review Process.

If, at any time, significant changes are made to the Resident Selection Criteria, management will notify all applicants on the waiting list in writing. The notice will include a summary of the changes as well as information on how to obtain a copy of the full Resident Selection Criteria.

THE OWNER HEREBY REQUESTS THAT HDC MIDATLANTIC USE THE ABOVE CRITERIA IN ITS MANAGEMENT OF OWNER SITE.

Owner: LITHC Preservation Partners I, LP

Address of site: 250 West King Street, Lancaster, PA 17603

Property: Umbrella Works Apartments

By: \_\_\_\_\_ (Seal)

Name: Dana Hanchin

Title: President & CEO, HDC MidAtlantic

Date: 11/18/2020