ST. BERNARD COMMONS

5007 Greenlee Ave.
Cincinnati, OH 45217

RESIDENT SELECTION GUIDELINES
HUD Project # 046-EE097

U.S. Department of HUD –Section 202 PRAC-Housing for Elderly Person and Families
Per HUD 24CFR5.403-Elderly Family whose head or spouse or sole member is at least 62 years of age.

The following topics are covered in these resident selection guidelines as follows:

1. Fair Housing and Equal Opportunity	16. Applicants with Disabilities
2. Privacy Policy	17. Rejection of Application of Ineligible or Unqualified Applicants
3. Qualifying for Admission-Eligibility Requirements	18. Acceptance and Move-In of Eligible and Qualified Applicants
4. Application Intake and Processing	19. Offering an Apartment
5. Priorities for Accessible or Adaptable Apartments	20. Prior to Move-In – Tenant Interview
6. Waiting List Selection Priorities & Preferences	21. Transfer Policy
7. Changes to Waiting List(s)	22. At Move-in
8. Interviews and Verification Process	23. Failure to Move-in On Time
9. Verification Requirements including EIV	24. Apartment Inspections
10. Attempted Fraud	25. Annual Recertifications/Interim Recertifications
11. Determination of Applicant Eligibility	26. Reasonable Accommodations and Modifications
12. Determination of Applicant Qualification	27. Apply Screening Criteria Uniformly to All Applicants
13. How Applicant's History Will Be Checked	28. Pets for Elderly and Properties For Persons with Disabilities
14. Obtaining Applicant Releases	29. Use of EIV During Application Processing
15. Review of Application for Acceptance or Rejection	30. Grievance Procedure

1. FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS STATEMENTS OF NONDISCRIMINATION

It is the policy of this **St.Bernard Commons** to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Fair Housing Amendments Act of 1988, Equal Access to Housing in HUD Programs - Regardless of Sexual Orientation or Gender Identity Final Rule and any legislation protecting the individual rights of residents, applicants, or staff which may subsequently be enacted.

We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, disability, familial status, national origin, and regardless of sexual orientation or gender identity or marital status of applicants and residents.

The **St. Bernard Commons** shall not discriminate because of race, color, sex, familial status, religion, disability, or national origin in the leasing, rental, or other disposition of housing regardless of sexual orientation or gender identity or marital status of applicants and residents in any of the following:

a. deny to any household the opportunity to apply for housing, or deny to any eligible applicant the opportunity to lease housing suitable to their needs,
b. provide housing which is different than that provided to others,
c. subject a person to segregation or disparate treatment,

d. restrict a person's access to any benefit enjoyed by others in connection with the housing program,
e. treat a person differently in determining eligibility or other requirements for admission,
f. deny a person access to the same level of services, or
g. deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

The **St. Bernard Commons** will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, the **St. Bernard Commons** will make reasonable accommodations and structural modifications for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, services and making structural modifications when necessary.

2. PRIVACY POLICY

It is the policy of the **St. Bernard Commons** to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, the Health Insurance Portability & Accountability Act of 1996 (HIPAA) and Enterprise Income Verification (EIV) System to ensure the protection of such individuals' records maintained by the **St.Bernard Commons**.

Therefore, neither the **St. Bernard Commons** nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure or information is being subpoenaed by a court of law.

This Privacy Policy in no way limits the **St. Bernard Common's** ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on disability will be treated in a confidential manner.

We are dedicated to protecting the privacy of your personal information that was used to determine your eligibility for rental assistance based on HUD regulations, including Social Security, other governmental identification numbers and any other required information. We have adopted a Privacy Policy for Personal Information of Applicants and Residents as well as an EIV Privacy and Security Policy to help ensure that your personal information is kept secure.

***3.* QUALIFYING FOR ADMISSION – ELIGIBILITY REQUIREMENTS**

Based on Federal Regulations, the **St. Bernard Commons** may not admit ineligible applicants. In the selection of applicants for admission, Eligibility Criteria has been established in accordance with HUD guidelines. All information reported by the household is subject to verification. All applicants will be screened carefully and the following eligibility standards will be applied:

In order to be ELIGIBLE, a household must meet these tests:

a. The family's annual income must not exceed program **HUD income limits published annually based on household size;**
b. All applicants must **disclose valid social security numbers with verification for all household members** to receive assistance. Assistance will not be provided until all household members have disclosed valid SSNs with verification unless the SSN is not required. This includes live-in aides, adult and foster children.

Documentation of SSN is not required for 1) Applicants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010 or 2) Applicants who do not contend eligible immigration status.

1. SSN do not need to be disclosed or verified to be placed on the waiting list BUT SSN MUST be disclosed and verification provided for all non-exempt household members before they can move-in.
2. If all nonexempt applicant household members have not disclosed and verified SSN then move to the next applicant household on waiting list.

3. Once the unit is offered then the applicant has 90 days to supply all SSN documentation and verification. Applicant households may remain on the waiting list until all household members disclose and verify their SS numbers, but no longer than 90 days.
4. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the application will be determined ineligible and removed from the waiting list.
5. If the applicant is unable to provide all Social Security Numbers within the 90 days, then the application will rejected for failure to provide Social Security numbers for all nonexempt household members.
6. Once an application is denied, a new application must be submitted and added to the waiting list based on the date and time it is received.

c. All adults in each applicant household must sign all consent forms required including but not limited to the 9887, 9887A, any other owner consent forms and verifications prior to receiving assistance and annually thereafter;

d. The unit for which the household is applying must be the household's **only residence**;
e. An applicant must agree to **pay the rent required** by the program under which the applicant will receive assistance;

f. **Non Section 8 Student Eligibility:** Eligibility of students will be verified at move-in (initial certification), annual and interim recertification (if one of the family composition changes reported is that a household member has enrolled as a student).

The student must meet all of the following criteria to be eligible. The student must:

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

To meet the U.S. Department of Education's definition of an independent student, a student must meet one or more of the following criteria:

1. Be at least 24 years old by December 31 of the award year for which aid is sought
2. Be an orphan or a ward of the court through the age of 18
3. Be a veteran of the U.S. Armed Forces
4. Have legal dependents other than a spouse (ie; dependent children or an elderly (dependent parent)
5. Be a graduate or professional student or
6. Be married

g. **Occupancy Standards:** The household size must be appropriate for the available apartments**.**

Applicants must meet the established occupancy standards. As a general policy there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management shall take into consideration mitigating circumstances in cases where applicants or residents have a verifiable need for a larger unit.

Children who are away at school who have established residency at another address or location as evidenced by a lease agreement are not counted in occupancy.

Any household placed in a unit size different than that defined in these occupancy standards shall agree to transfer to an appropriate size unit when one becomes available at their own expense (in accordance with the Transfer Policy Paragraph 21).

NOTE: In addition, in Section 202 PRAC projects, 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 and they have no rights to apartment after their parent no longer needs

their care as required by HUD regulations.

Dwelling units will be assigned in accordance with the following standards:

	Persons per Household	
Bedroom Size	Minimum	Maximum
1	1	2

i. **Criminal History:** (READ THIS VERY CAREFULLY)

It is the policy of **St. Bernard Commons** to screen applicants, residents and household members for criminal history, and to reject applicants, or terminate the leases of residents, if it is determined that current or past criminal activity of an applicant, resident or household member may indicate a present threat the health, safety, or right to peaceful enjoyment by other residents, St.Bernard Commons management staff or persons residing in the immediate vicinity of the facility.

St. Bernard Commons may deny admission to applicants or terminate the lease of any resident or household member who is or has been engaged in criminal activity that could reasonably indicate a present threat to the health, safety or welfare of others. All applicants and residents will be screened using **St. Bernard Commons** Criminal History Policy.

Applicants must not have been released from a penal system for a felony in the last 5 years and must not have a criminal background that falls in the following criminal activity:

1. Eviction for Drug Related Criminal Activity: If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected for 3 years.
2. Illegal Drug Use: If the applicant or any household member is currently engaged in illegal use of a drug or shows a pattern of illegal use that may interfere with the health, safety, or right to peaceful enjoyment by other residents, the application will be rejected.
3. Alcohol Abuse: If a determination is made that the applicant or any household member's abuse, or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
4. Sex Offenders: If the applicant or any household member has a conviction or adjudication other than acquittal, for any sexual offense, the application will be rejected.
5. Sex Offender Registration: If the applicant or any household member is subject to registration under a state sex offender registration program, the application will be rejected.
6. Domestic Violence: If the applicant or any household member has a conviction or adjudication other than acquittal, for domestic violence, dating violence, sexual assault or stalking, the application will be rejected.
7. Applicant's criminal history includes grounds for rejection as described in the Criminal Activity Policy set forth in Section 17j.

NOTE: The tenant is expected to pay a security deposit from his/her own resources, and/or other public or private sources at the time of the initial lease execution. The amount of the security deposit to be collected is dependent upon the HUD program; any applicable state and local laws governing the security deposit. The security deposit is refundable.

NOTE: Being eligible, however, is not an entitlement to housing. In addition, every applicant must meet the Resident Selection Guidelines. The Resident Selection Guidelines are used to demonstrate the applicant's suitability as a resident using verified information on past behavior, to document the applicant's ability, either alone or with assistance, and to comply with essential lease provisions and any other rules and regulations governing residency.

4. APPLICATION INTAKE AND PROCESSING

It is the **St. Bernard Commons**' policy to accept and process all applications in accordance with the current version of the HUD Handbook 4350.3 and all applicable HUD regulations.

All written communications with applicants will be by First Class Mail. Failure to respond to the application notices may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control (for example, medical emergencies or extreme weather conditions or reasonable accommodation for a disability).

Every application must be completed and signed by the head of the household, spouse, and every adult household member 18 years and older. All members of the household must be listed on the application.

Assistance from the management might take the form of answering questions about the application, helping applicants who might have literacy, vision, or language challenges, and, in general, make it possible for interested parties to apply for assisted housing. Applicants with disabilities may be provided an alternative method of having their application processed as a result of their disability.

An application must be completed by every applicant who wishes to be considered for an apartment. If an apartment is not immediately available, a pre-application (brief form of application), which provides the minimum information needed to determine if the applicant is eligible be put on the waiting list, will be used. If the pre-application is used to place an applicant on the waiting list, then a full application must be completed at the time a unit is available. Applicants on the waiting list are not guaranteed an apartment. All applicants must complete a full application then the application must be processed according to the tenant selection plan which will determine the applicant's eligibility.

5. PRIORTIES FOR ACCESSIBLE OR ADAPTABLE APARTMENTS

When applicable, all apartments accessible to, or adaptable for, persons with mobility, visual, or hearing impairments, households containing at least one person with such impairment will have first priority (as applicable for a particular apartment feature). NOTE: Current residents requiring accessible/adaptable apartments shall be given priority over applicants requiring the same type apartment. Where persons without disabilities are moved into physically accessible apartments, they shall do so only after agreeing to move to an apartment with no such design features at their expense should an applicant or current resident require an accessible apartment of the type currently occupied by the persons without disabilities.

6. WAITING LIST SELECTION PRIORTIES AND PREFERENCES

A waiting list is necessary to provide a fair and equitable means of tracking applicants who have applied for an apartment. It helps assure that each applicant is offered an apartment in the proper order, thus preventing claims of discrimination or favoritism, and allows for the most efficient turnover of vacant apartments. If an applicant qualifies for a preference or priority then it is possible to move up the waiting list based on the circumstances.

Preferences are established criteria used to determine the order applicants are selected from the waiting list for housing assistance or an assisted housing unit. Preferences may be established by federal law, HUD regulations, State or local law, or written owner policy.

Priorities are statutory requirements which include 1) the need for an accessible unit or accessible features and 2) income targeting that at least 40% of new admissions to a Section 8 St.Bernard Commons in each fiscal year be households with incomes at or below 30% of the area median income but this priority is **not applicable** to the PRAC program.

NOTE: Current residents who meet the qualifications listed in the Transfer Policy (paragraph 21) shall be given priority over applicants. It is likely that there will be more applicants for housing than can be assisted. In order to select those households most in need of housing, the following categories will be the basis of selecting residents from among all applicants:

a. Households with one or more, members with a disability, when accessible units or features are designated for the disability.
b. Approved applicants will be housed based solely on the date and time of application.

7. CHANGES TO WAITING LIST(S)

It is the policy of Management to administer its waiting list as required by HUD handbooks and regulations.

a. Opening and Closing Waiting Lists

In order to maintain a balanced application pool, **St. Bernard Commons** may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part as allowed by the current version of the HUD Handbook 4350.3. The **St. Bernard Commons** waiting list will be updated by removing the names of those who are no longer interested in or no longer qualify for housing.

If **St. Bernard Commons** has sufficient applications, it may, subject to HUD regulations, elect to close the waiting list if the waiting list contains more applicants than can be housed in a one year period. When the waiting list is closed, an announcement of the closure will be posted in the **St. Bernard Commons**' rental office and according to the Affirmative Fair Housing Marketing Plan (AFHMP). During the period when the waiting list is closed, **St. Bernard Commons** will not maintain a list of individuals who wish to be notified when the waiting list reopens.

When the waiting list is to be opened, an announcement will be made in compliance with the **St. Bernard Common's** approved Affirmative Fair Housing Marketing Plan which will appear in or be sent to the locations and entities in the AFHMP.

b. Change in Priority or Preference Status While on the Waiting List

Occasionally households on the waiting list who did not qualify for a priority or preference when they applied will experience a change in circumstances that qualifies them for a priority or a preference. In such cases, it will be the household's duty to contact the **St. Bernard Commons** so that their change in status may be verified to reflect the priority.

To the extent the verification determines the household does now qualify for a priority or a preference, they will be moved up on the waiting list in accordance with the priority and their date and time of application.

c. Removal of Applications from the waiting list

An applicant's name will not be removed from the waiting list unless:

1. the applicant requests their name be removed, or
2. the applicant was clearly advised, in writing, of the requirement to tell St. Bernard Commons of their continued interest in housing by a particular time and failed to do so, or
3. a reasonable effort is made, in writing, to contact the applicant to determine if there was continued interest in housing but has been unsuccessful, or
4. the applicant was notified, in writing, of its intention to remove the applicant's name,
5. because the applicant no longer qualifies for assisted housing, or
6. the applicant refused second offer of unit for other than medically related reason.

8. INTERVIEWS AND VERIFICATION PROCESS

As applicants approach the top of the waiting list, they will be contacted to schedule an application interview. The interview shall be conducted in accordance with the current version of the HUD Handbook 4350.3.

No decisions to accept or reject applications shall be made until all information presented by the applicant on the application has been verified.

9. VERIFICATION REQUIREMENTS

St. Bernard Commons shall obtain verifications in compliance with requirements set forth in the current version of the HUD Handbook 4350.3. No decision to accept or reject an application shall be made until verifications triggered by the application form have been collected and any necessary follow-up interviews have been performed.

a. Types of Verification Required

All information relative to the following items must be verified as described in these procedures:

1. Eligibility for Admission, such as
   a. income, assets, and asset income
   b. household composition
   c. Social Security Numbers
   d. student status – full or part-time
2. Allowances, such as
   a. age, disability, or disability of household members
   b. full time student status
   c. child care costs
   d. disability expenses
   e. medical costs (for elderly/disabled households only)
   f. priority - mobility accessible apartments
3. Compliance with Resident Selection Guidelines, such as
   a. history of criminal activity including sex offender registry of any household member
   b. positive prior landlord reference, rent paying, caring for a home
   c. history of criminal activity of any household member
4. Credit checks will be processed through approved credit bureaus.
   a. applicants are to have an approved credit rating
   b. lack of credit does not necessarily mean bad credit

   Exceptions may include:
      1. medical collections
      2. proof of satisfactory dispute of credit rating
      3. applicant shows period of credit problems which have been corrected
      4. applicant has proof of repayment of debt (Proof must be a statement of satisfaction from creditor, court, or other legal proof)
5. Reasonable accommodations/modifications based on disability

All the above information must be documented and appropriate verification forms or letters placed in the applicant file.

b. Period for Verification

Only verified information that is less than 120 days old may be used for certification or recertification. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

c. Forms of Verification - documentation required, as part of the verification process, may include:

1. checklists completed as part of the interview process (signed by the applicant)
2. verification forms completed and signed by third parties
3. reports of interviews
4. documentation, ie, award letters, pay stubs, bank statements, IRS 1040, etc
5. notes of telephone conversations with reliable sources
6. facsimile, email and internet
7. IRS tax returns
8. EIV Existing Tenant Search – to determine is applicant is currently receiving HUD assistance

At a minimum, such reports will indicate the date and time of the conversation, source of the information, name and job title of the individual contacted, and a written summary of the information received.

Management will be the final judge of the credibility of any verification submitted by an applicant. If the documentation is considered to be doubtful, it will be reviewed by Management, who will make a ruling about its acceptability. Management will continue to pursue credible documentation until it is obtained or the applicant's application is rejected for failing to produce it.

d. Sources of Information - Sources of information to be checked may include, but is not limited to:

1. the applicant by means of interviews
2. present and former housing providers
3. present and former employers
4. credit checks and management record services
5. social workers, parole officers, court records, drug treatment centers, physician, clergy
6. the Department of Health and Human Services (HHS) Database of Wage, New Hires, and Unemployment Compensation
7. the Social Security Administration (SSA)
8. Medicare/Medicaid
9. law enforcement – federal, state, or local
10. "Dru Sjodin National Sex Offender Public Website
11. Enterprise Income Verification (EIV) Existing Tenant Search

e. Four methods of verification are acceptable to HUD. Verifications shall be attempted in the following order:

1. EIV System; with
2. Third-party verification (written or oral);
3. Review of documents provided by the applicant;
4. Self-certification.

NOTE: If third party verification is not available, then the file will be documented to show that the management attempted to obtain third-party written documentation before relying on some less acceptable form of information.

10. ATTEMPTED FRAUD

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for admission on the basis of attempted fraud. HUD regulations consider false information discovered during the application process on any of the following to be grounds for rejecting an application:

a. Income, assets, household composition
b. Social Security Numbers
c. Priority – mobility unit
d. Allowances
e. Previous residence history
f. Criminal history
g. Student status, full or part time

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject the application.

11. DETERMINATION OF APPLICANT ELIGIBILITY

Information needed to determine applicant eligibility shall be obtained, verified, then the determination of applicant eligibility will be performed, in accordance with HUD and St. Bernard Commons eligibility regulations.

12. DETERMINATION OF APPLICANT QUALIFICATION

The Applicant Screening Policy**:** All applications will be screened according to the criteria set forth in these Resident Selection Guidelines. These guidelines, which are based on HUD regulations, relate to the individual behavior of each applicant household.

a. Past performance in meeting financial obligations, especially rent.
b. A record of disturbance of neighbors, destruction of St. Bernard Commons, or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents or cause damage to the apartment or community.
c. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
d. A record of eviction from housing or termination from residential programs.
e. An applicant's ability and willingness to comply with the terms of the **St. Bernard Common's** Lease and community's policies.
f. An applicant's misrepresentation of any information related to eligibility, allowances, household composition, or rent.

13. HOW APPLICANT'S HISTORY WILL BE CHECKED

Listed below are the methods by which every applicant's performance, relative to each of the following criteria, will be verified:

a. Past performance meeting financial obligations, especially rent:

1. Credit check with Credit Bureau.
2. Contacting the current landlord and at least one prior landlord.

NOTE: Applications from households which owe any outstanding balance to any other landlord or rental housing provider will be immediately rejected.

b. Disturbance of neighbors, destruction of St. Bernard Commons, living or housekeeping habits that would pose a threat to other residents:

1. Management will check for these potential problems with the current management and at least one former manager.
2. If the applicant is not currently living under a lease with a management, the housing provider will be asked to verify the applicant's ability to comply with **St. Bernard Commons** lease terms as it relates to these guidelines.

NOTE: An applicant's behavior toward management will be considered in relation to future behavior toward neighbors. Physical or verbal abuse or threats by an applicant toward management will be noted in the file and the application will be rejected.

c. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.

d. Criminal history checks of convictions and outstanding warrants with local, state and possibly federal authorities including sex offender registry by state.

e. A record of eviction from housing or termination from residential programs will be considered:

1. Manager will check **St. Bernard Commons** records, management records, and other records to determine whether the applicants have been evicted from the **St. Bernard Commons** or any assisted or market rate housing in the past
2. Records of evictions from residential programs will be checked with service agencies and with any housing providers referred by the applicant
3. Circumstances of any past eviction or termination in determining its relevance to **St. Bernard Commons** tenancy.

f. Ability and willingness to comply with the terms of the lease & community policies (house rules).

An applicant household must be able to document that they have complied with lease terms and community policies (house rules), in current and former residences.

g. An applicant's misrepresentation of any information related to eligibility, award of priority for admission, allowances, household composition, or rent.

h. The EIV Existing Tenant Search to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location.

If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise misrepresented any facts about their current situation, criminal history, or behavior in a manner that would affect eligibility, preferences, priorities, application selection criteria qualification, allowances, or rent, the application shall be rejected.

14. OBTAINING APPLICANT RELEASES

All applicant household members, age 18 and older, must sign the necessary consent releases required for gathering information needed to determine eligibility during the application process.

15. REVIEW OF APPLICATIONS FOR ACCEPTANCE OR REJECTION

a. If the applicant requests an appeal interview to determine whether mitigating circumstances or reasonable accommodations due to their disability would make it possible to accept their application, management will do so according to HUD regulations and Section 504 of the Rehabilitation Act of 1973.
b. And, if you are a person with a disability, you have the right to request reasonable accommodations to participate in the informal hearing process.
c. If an applicant is clearly eligible and passes the screening guidelines, admission shall be authorized. Likewise, if the applicant is ineligible, rejection of the application shall be authorized.
d. Management will follow the grievance process set forth in the current version of the HUD Handbook 4350.3 which is the applicant's right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection.

16. APPLICANTS WITH DISABILITIES

Management must consider the appeal of an application rejection; if the applicant has a disability and the reasons for the rejection could be overcome by management's reasonable accommodation of the applicant's disability. For reasonable accommodations to apply there are several requirements. First, the applicant must make the request and have a verifiable disability [mental or physical impairment that substantially limits one or more major life activities]. The disability must have a direct nexus to the reason the application would be rejected. The applicant must request the reasonable accommodation and provide verification of the disability and the need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in an undue financial and administrative burden to the **St. Bernard Commons**.

In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program requirements. In these situations the applicant is not eligible and the application will be rejected. Examples of such situations are where the behavior or performance in past housing caused a direct threat to the health or safety of persons or St. Bernard Commons; past history or other information that shows the applicant's inability to comply with the terms of the **St. Bernard Common'**s lease; or an objective determination that the applicant would require services from management that represent an alteration in the fundamental nature of the **St. Bernard Common'**s program.

17. REJECTION OF APPLICATION OF INELIGIBLE OR UNQUALIFIED APPLICANTS

The **St. Bernard Commons** complies with application rejection requirements set forth in the HUD Handbook 4350.3 Revision. Applications will be rejected if it is determined that the applicant or any member of the household falls within the following categories, including but not limited to:

a. **Security Deposit:** Applicant does not have sufficient funds to pay the security deposit. (If security deposits

are allowed to be paid in installments then this statement needs to be removed)

b. **Misrepresentation:** Willful or serious misrepresentation in the application procedure for the apartment or certification process for any government assisted dwelling unit.

NOTE: Incomplete applications will be rejected.

c. **Records of Disturbance of Neighbors, Destruction of St. Bernard Commons or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility, which damages the equipment or premises in which the household resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.

d. **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors.

e. **Non-compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.

f. **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the household to pay rent and other charges when due.

g. **Owing Utility Providers:** Applicants who owe a balance to the local utility provider for present or prior residences will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for failure to pay the utility bill have changed sufficiently to enable the household to pay and maintain utilities in the name of the head of household.

h. **Unsanitary or Hazardous Care of Unit:** Includes generally creating any health or safety hazard through acts of neglect, including but not limited to: causing or permitting any damage to or misuse of premises and equipment, if the household is responsible for such hazard, damage or misuse; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.

i. **Credit History:** A consistent, severe or recent history of deficiencies in overall credit or rent payment which indicate the household will be unable or would otherwise fail to pay when due rent for the apartment and other expenses relating to occupancy of the apartment.

j. **Failure** to provide social security number documentation for all family/household members.

k. **Student status** does not meet the HUD Student eligibility requirements.

l. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity or has been released within the past five years from a penal system. READ THIS CRIMINAL POLICY VERY CAREFULLY.

The activities that will be grounds for rejection of an application include but are not limited to the following:

1. Any conviction or adjudication other than acquittal for generally violent crimes and felonies in all states, including but not limited to: criminal homicide, manslaughter, robbery, assault, arson, etc. within the last 5 years.
2. Any conviction or adjudication other than acquittal which involved injury or potential injury to a person or St. Bernard Commons within the last 5 years.
3. Any conviction or adjudication other than acquittal for generally non-violent crimes, the severity or existence of crime vary from state to state including, but not limited to: other simple assaults, forgery, fraud, embezzlement, weapons, etc. within the last 3 years.

4. Any conviction or adjudication other than acquittal for the sale, distribution or manufacture of any controlled or illegal substance within the past 5 years.
5. Any conviction or adjudication other than acquittal involving illegal use or possession of any controlled or illegal substance within the last 5 years.
6. Any current illegal user or addict of a controlled or illegal substance.
7. Any act which results in the person's tenancy constituting a threat to the health or safety of other individuals, result in substantial physical damage to the St. Bernard Commons of others, or interfere with the peaceful and quiet enjoyment of the premises.
8. Any conviction or adjudication other than acquittal, for any sexual offense.
9. Registration on any state sex offender registry.
10. Any conviction or adjudication other than acquittal, which involved bodily harm to a child.
11. Any conviction or adjudication other than acquittal, for domestic violence, dating violence, sexual assault or stalking.
12. Eviction for Drug Related Criminal Activity from federally assisted housing for drug related criminal activity within the last 3 years.
13. Alcohol abuse or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

It is the policy of St. Bernard Commons to screen applicants, residents and household members for criminal history, and to reject applicants, or terminate the leases of residents, if it is determined that current or past criminal activity of an applicant, resident or household member may indicate a present threat the health, safety, or right to peaceful enjoyment by other residents, St. Bernard Commons management staff or persons residing in the immediate vicinity of the facility.

Management will work with law enforcement to follow-up on any criminal reports received for all criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including St. Bernard Commons management staff residing on the premises); or any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises. And, if the criminal police reports indicate criminal activity which allows for the termination of tenancy, then eviction proceedings will be started.

18. ACCEPTANCE AND MOVE-IN OF ELIGIBLE AND QUALIFIED APPLICANTS

a. Determination for Rent and Security Deposit
b. Monthly rent and security deposit amount will be determined in accordance with the federal regulations governing the housing program and state law.

19. OFFERING AN APARTMENT

When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for that apartment type. If the applicant cannot be contacted within five (5) working days, the offer will be cancelled and the apartment will be offered to the next applicant on the waiting list.

In that event, the first applicant will be sent a letter requesting confirmation of its interest in remaining on the waiting list. If the applicant replies affirmatively, its application will retain its position on the waiting list. If the reply is negative, or if no reply is received within five (5) working days, the application will be removed from the waiting list.

If an applicant rejects the offer of an apartment twice, the applicant will be removed from the waiting list.

20. PRIOR TO MOVE-IN / TENANT INTERVIEW

Management will explain the HUD regulations regarding the following:

a. security deposits and refunds – applicant must pay before moving in
b. use of the HUD EIV System for all recertifications after move-in
c. annual recertifications

d. interim recertifications
e. unit inspections
f. community policies (house rules)
g. transfer policy
h. student eligibility
i. charges for facilities and services
j. reporting required when the household composition changes, or there is a change in employment status or income increases of $200 or more per month
k. apartment must be the family's only residence; therefore; residents are not allowed an unexplained and/or extended absence from the premises for sixty (60) continuous days or for longer than 180 continuous days for medical reason
l. all adult members of the household, 18 years and older will sign the lease, community policies (house rules), and related documents
m. applicant and management will inspect the apartment and sign the Move-In Inspection form
n. applicant will pay the rent for the first month, as set forth in the Lease
o. applicant will be given a copy of the Lease, the Move-In Inspection form, Community Policies, and the receipt for the Security Deposit and first month's rent
p. applicant must have receipt of proof that the utilities have been transferred into their name
q. All household members age 18 and older will be screened during the annual recertification process using "The Dru Sjodin National Sex Offender Public Website"

21. TRANSFER POLICY

Residents who wish to transfer to another unit must complete a Unit Transfer Request. This request must be completed and signed by the head of household and all adult household members who wish to transfer. Security Deposits will be refunded if the original unit is left clean and with no damages beyond normal wear and tear. Payment of new Security Deposit will be required on the new unit. .

Transfers will be reviewed and may be granted based on, but not limited to the following

a. Household size;
b. Changes in family composition;
c. Deeper subsidy (Rent Supplement, RAP, or Section 8 assistance) needed and available;
d. Medical reason or a need for an accessible unit because of a Reasonable Accommodation due to the disability of a household member;
e. If the household member needing the accessible features moves out of the accessible apartment, then the remaining household members will be required to move to a non accessible unit; or
f. If no household member needs the accessible features of their current apartment and the accessible apartment is needed by a household with person(s) with disabilities.

Transfers will not be made due to household size or a change in household composition if all of the apartments are the same size or the current occupancy of the household meets the current occupancy policy of the St. Bernard Commons.

Transfers will not be made for a deeper subsidy if the St. Bernard Commons has a project based Section 8 contract which includes 100% of the apartments.

Residents, who either request a transfer or are required to transfer for any of the above reasons, will be placed on a transfer waiting list based on the apartment size requested.

Residents, with disabilities, currently residing in a non-accessible apartment, and need accessible features will be given priority for an apartment with accessible features over other residents and applicants.

Residents, without disabilities, currently residing in an accessible apartment will be given a 30 day notice to transfer to a nonaccessible apartment as agreed to when an applicant and/or resident household needs an apartment with accessible features.

Residents may be required to transfer in any situation which may arise that is due to reasons beyond anyone's control, including, but not limited to, natural disasters or extensive repairs to be completed in, or around, the unit which cannot be completed while the unit in question is occupied.

NOTE: Current residents that have been required to transfer due to reasons beyond anyone's control, (noted in previous paragraph) will be given priority over applicants.

NOTE: Current residents, who may qualify for rental assistance, or who meet the qualifications listed in the above Transfer Policy for transfer to a different unit shall be given priority over applicants.

NOTE: Depending upon the circumstances of the transfer, a resident may be obligated to pay all costs associated with the move. However, if a resident is transferred as a reasonable accommodation to a household member's disability, then the owner must pay the costs of moving the resident's belongings, unless doing so would be an undue financial and administrative burden.

NOTE: Transfers will not take place if the resident is not in compliance with their Lease, this includes but is not limited to the lease violations for "decent, safe and sanitary care of apartment that have not been "cured", unpaid rent, late fees, damage charges and any other outstanding lease violations. The transfer request will remain on the waiting list until resident is in compliance with their least and transfer takes place or resident moves out.

22. AT MOVE-IN

Keys to the apartment will be issued to the household. After move-in, periodic inspections will be completed as well as annual and interim certifications will be completed.

23. FAILURE TO MOVE-IN ON TIME

If a household fails to move in on the agreed date, the application will be declined and the apartment will be offered to the next household on the waiting list unless there are extenuating circumstances.

24. APARTMENT INSPECTIONS

All apartments must undergo a move-in and move-out inspection by the on-site management team. These inspections include not only interior but also exterior inspections. There will be an annual inspection. From time to time, HUD and/or the Contract Administrator will conduct an inspection.

25. ANNUAL RECERTIFICATIONS/INTERIM RECERTIFICATIONS

HUD regulations require an annual recertification of income and expenses for rent determination. Interim recertifications depend upon certain resident changes such as adding another person to your household, change in income, increase or decrease. This policy will be discussed during the initial recertification process.

26. REASONABLE ACCOMMODATION AND MODIFICATIONS

It is our policy, pursuant to Section 504 of the Rehabilitation Act (if applicable) and the Federal Fair Housing Act, to provide reasonable accommodations and modifications upon request to all applicants, residents, and employees with disabilities. The **St. Bernard Commons** will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, the **St. Bernard Commons** will make reasonable accommodations for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services.

When an otherwise qualified applicant requests a reasonable accommodation or modification, management is not required to:

a. make structural alterations that require the removal or altering of a load-bearing structure,
b. provide support services that are not already part of its housing programs,
c. take any action that would result in a fundamental alteration in the nature of the program or service, or
d. take any action that would result in an undue financial and administrative burden on the **St. Bernard Commons**, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

27. APPLY SCREENING CRITERIA UNIFORMLY TO ALL APPLICANTS

Screening is used to help ensure that households admitted to a St.Bernard Commons will abide by the terms of the lease, pay rent on time, take care of the unit and common St.Bernard Commons, and allow all other residents to peacefully enjoy their homes. Anyone who wishes to live on the St.Bernard Commons must be screened prior to moving in. This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in.

Should an application be approved and move-in has occurred, any addition to the household must be approved by Management. The same screening completed to approve the original application will be used for future household members.

28. PETS FOR ELDERLY AND PROPERTIES FOR PERSON'S WITH DISABILITIES

HUD properties for the elderly and disabled people must permit residents to keep common household pets in their apartment (subject to the provisions in 24 CFR Part **5** and the pet rules promulgated under 24 CFR Part 5). Before bringing a pet to their apartment, an applicant or resident must complete the pet application and sign the pet addendum. Copies of the pet policy and pet lease addendum will be given to the applicant and/or the resident upon their request.

29. USE OF EIV EXISTING TENANT SEARCH

The Existing Tenant Search report identifies applicants applying for assisted housing that may be receiving rental assistance at the time of application processing at another location.

The Existing Tenant Search will be used during the processing of an applicant for admission to determine if the applicant or any applicant household members are currently being assisted at another Multifamily Housing or Public and Indian Housing (PIH) location.

If the applicant or a member of the applicant's household is identified as residing at another St. Bernard Commons receiving HUD assistance, they will be given the opportunity to explain any circumstances relative to their receiving assistance at the other St. Bernard Commons.

Before the applicant(s) can move-in, management will use the EIV Coordination of HUD Assistance from St. Bernard Commons to St. Bernard Commons form to follow up with the respective PHA or O/A to confirm the applicant's move-out status before admission. Use of the EIV Existing Tenant Search report and the EIV Coordination of HUD assistance form gives management the ability to coordinate move-out and move-in dates with the PHA or O/A of the other St. Bernard Commons, thus helping to reduce "double subsidy".

The EIV Existing Tenant Search report and the EIV Coordination of HUD Assistance from St. Bernard Commons to St. Bernard Commons along with any documentation obtained as a result of contacts with the applicant and the PHA and/or O/A at the other St. Bernard Commons will be printed and kept with the application.

An EIV Income Report will be pulled on all new move-ins within ninety (90) days after move-in information has been transmitted to TRACS to confirm and validate the income reported by the now resident household.

Any discrepancies found in the reported income of the resident household will be resolved within 30 days of the EIV Income Report date. A copy of this Income Report will be kept with the applicable move-in income verifications.

30. GRIEVANCE PROCEDURE – WHEN REJECTING AN APPLICATION, MANAGEMENT WILL:

a. **provide notification in writing of reasons for rejection;**
b. **inform the applicant they have 14 days to request in writing a meeting to discuss the rejection;**
c. **allow the applicant with a representative to participate in an informal meeting;**
d. **have the meeting conducted by a member of management who was not involved in the initial decision to reject the application;**
e. **consider mitigating circumstances would allow the processing of your application to continue;**
f. **provide a written determination to the applicant within 5 days of meeting.**

NOTE: If you are a person with a disability, you have the right to request reasonable accommodations to participate in the informal hearing process

NOTE: Your response to this letter does not preclude you from exercising other avenues available if you believe that you are being discriminated against on the basis of race, color, religion, sex, national origin, familial status, or disability.

I/we have been given the opportunity to ask any questions that pertain to the Resident Selection Guidelines. By signing below, we certify that we have read and received a copy of these guidelines.

_____ _____
Applicant's Signature Date

_____ _____
Applicant's Signature Date

_____ _____
Applicant's Signature Date

_____ _____
Applicant's Signature Date

PENALTIES FOR MISUSING THIS CONSENT: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD and any owner (or any employee of HUD or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willingly requests, obtains, or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than $5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages and seek other relief, as may be appropriate, against the officer or employee of HUD or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 42 USC 208 a(6)(7) and (8). Violations of these provisions are cited as violations of 42 USC 408 a(6)(7) and (8).

St, Bernard VOA Elderly Housing Inc. 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.