

**LUTHERAN SENIOR SERVICES AFFORDABLE HOUSING
TENANT SELECTION PLAN
ELIGIBILITY FOR ADMISSION
FOR LIHTC & MARKET RATE COMMUNITIES
(Updated December 1, 2015; Effective January 1, 2016)**

Purpose of the Tenant Selection Plan

Lutheran Senior Services Affordable Housing, as described herein after as owner/agent, Tenant Selection Plan describes program eligibility, application procedures, screening of applicants, equal opportunity requirements and nondiscrimination requirements, when the applicant can be rejected, and selecting between current tenants and applicants on the waiting list who need housing assistance.

The Tenant Selection Plan is designed to protect the owner, the tenants and the applicant. The owner/agent is protected against charges of illegal discrimination, arbitrariness and partiality. The tenants are protected against the admission of someone who will not respect their rights. The applicant is protected against illegal discrimination and favoritism. The policies of tenant selection are consistently and fairly applied and all applicants are accepted or rejected by the same selection criteria.

The Tenant Selection Plan is established at the project level, not by law or regulations, but is subject to applicable laws and regulations, and is not so restrictive that it places undue hardship on individual applicants or frustrate the purpose of federal assistance or violates equal opportunity law.

Project and Program Eligibility Requirements

To be eligible for admission in these communities, an applicant must qualify as a family. A family is defined as an elderly household whose head-of-household, co-head, spouse or sole member is age 55 or older; or the remaining adult member of a tenant family. The household may include one or more elderly persons living together or one or more such persons living with one another who are determined to be essential to their care or well-being. If any adult household member moves in with a current qualified household within the first six (6) months of the initial occupancy period, the household must recertify and qualify as if they are an initial qualifying household.

Positive identification with a picture will be required (photocopy may be kept on file). All family members who are 18 year of age and older are required to sign consent and verification forms. All information reported by the family is subject to verification.

Applicants who are full-time students or a household where all members are full-time students are not considered qualified tenants for a Low-Income Housing Tax Credit (LIHTC) property, unless one of the following apply: the applicant is married and filing a joint tax return; a title IV recipient; enrolled in a job training program under the Job Training Partnership Act; or a single parent living with his/her minor child who is not a dependent on another's tax return. All applicants MUST



complete the Non Full-Time Student Affidavit (Exhibit M) prior to admission into an LIHTC property.

Assistance in assisted housing is restricted to U.S. citizens or national and non-citizens who have eligible immigration status. All family members, regardless of age, must declare their citizenship or immigration status. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with a student. For non-citizens age 55 and older, a signed declaration of eligible noncitizen status and proof of age will be required.

Non-citizen applicants will be required to submit evidence of eligible immigration status at the time of application and will be verified through the U.S. Immigration & Customs Enforcement, Systematic Alien Verification for Entitlements (SAVE) Program.

The apartment unit must be the family's sole residence. Applicants must agree to pay the rent required by the program under which they will receive assistance. Tax credits are sent at below maximum allowable rents based on the formula dictated by the LIHTC program and the LURA. Our LIHTC properties do accept vouchers and other forms of rental assistance.

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.

Social Security Number Requirements

Each member of an applicant's household; except those who do not claim to have eligible immigration status, or persons who were 62 or older and whose initial determination of eligibility was prior to January 31, 2010; must disclose and provide documentation of Social Security Numbers (SSN) before the household may be housed. Applicants must provide proof of their SSN and a copy will be maintained in their file. Applicants do not need to disclose their SSN in order to be placed on the waiting list, however the applicant has 90 days from when they are offered an apartment to disclose/verify the SSN to retain their place on the waiting list. The applicant may even be referred to the community's Service Coordinator for help in obtaining a copy of their SSN card from the Social Security Administration. Applications will be placed in pending status until proof of their SSN is obtained. After 90 days, if the applicant is unable to disclose/verify the SSN the applicant will be determined ineligible and removed from the waiting list.

All household members must disclose and document SSN for members including children age six (6) and older, before assistance can begin. Live-in Aides and foster children are also subject to the SSN requirements. Under certain circumstances, the owner/agent may provide an additional 90 days to allow the resident to obtain Social Security Number information in accordance with owner/agent requirements.

Income Eligibility Requirements

The applicant family's minimum annual income must be two times the required apartment rent for the Market (HTC) Rate apartments. Regarding the LIHTC: the applicant family's annual income



must not exceed program income limits, the applicable Area Median Gross Income (AMGI), published annually by HUD for each Missouri County. Income limits for the LIHTC property are listed below:

Low-Income Limit	60% of median income
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Occupancy Standards

Unit Size	Minimum Occupants	Maximum Occupants
One (1) Bedroom Unit	1	2
Two (2) Bedroom Unit	1	4

Fair Housing and Equal Opportunity Requirements

Lutheran Senior Services Affordable Housing is committed to equal opportunity and complies with Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act and Title IV of the Civil Right Act of 19674. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal assistance from HUD. An owner cannot determine if a handicapped person is eligible for the project program based on his/her ability to “take care of himself/herself or the unit”; the handicapped person makes that determination. The Fair Housing Act prohibits discrimination based on race, color, religion, sex, nation origin, disability and familial status. It applies to housing regardless of the presence of federal financial assistance from HUD. Title VI of the Civil Right Act of 1964 prohibits discrimination on the basis of race, color or nation origin in any program or activity receiving federal financial assistance from HUD. Equal Access to Housing in HUD Programs regardless of sexual orientation or gender identity is intended to ensure that housing across HUD programs is open to all eligible individuals and family regardless of actual or perceived sexual orientation, gender identity or marital status.

Section 504 of the Rehabilitation Act of 1973

The owner/agent will inform the family that a final decision on eligibility cannot be rendered until all information is verified. The owner/agent will advise the family that HUD might compare the information a family has supplied with federal, state, or local information about that family’s income and household composition. The owner/agent will also inform the family that federal laws prohibit discrimination against individuals with disabilities and provide an overview of its obligation toward such individuals. Obligations include:

1. Adopting and implementing nondiscrimination procedures.
2. Implementing procedures and using auxiliary aids to ensure effective communication with the handicapped.
3. Permitting the use of assistive devices.
4. Accommodating requests to make units and facilities handicapped accessible and usable.



5. Permitting handicapped tenants to modify individual units or common areas at their expense where the modification would pose an undue burden to the project.
6. Accommodating requests for reasonable modifications in rules, policies, practices and services where necessary to afford a handicapped person equal opportunity to use and enjoy the premises.
7. Keeping records regarding Section 504 compliance and making such records available to MHDC.
8. Performing a self-evaluation (to determine compliance with 24 CFR Part 8) and making necessary modifications after consultation with interested persons.
9. Designating at least one person to coordinate efforts to comply with Section 504 and notifying all applicants and tenants in writing that the project does not discriminate on the basis of handicap, for projects employing more than 14 people.
10. The owner/agent will inform the elderly and/or persons with disabilities who are eligible applicants that they may not be prohibited from keeping household pets in their units nor be discriminated against because of pet ownership, provided that they uphold our reasonable pet rules on keeping common household pets.

Violence Against Women Act & Justice Department Reauthorization Act of 2005 (VAWA) (LIHTC only)

The Violence Against Women Act and Justice Department Reauthorization Act of 2005 (VAWA) has been implemented for project based Section 8 based programs, (i.e. 202/8). VAWA provides legal protections to victims of domestic violence, dating violence or stalking. The owner/agent must provide applicants/tenants the option to complete the Certification of Domestic Violence, Dating Violence or Stalking, form HUD 91006. The form may be made available to all eligible residents at the time of admission, or in the event of a termination or start of an eviction for cause proceeding, the certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) business days. Owner/agent may extend this time period at their discretion.

In addition to the certification form we request that an individual produce:

1. A federal, stated, tribal, territorial or local police record or court record; or
2. Documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, stalking, or the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C. 1746 to the professional's belief that the incidents are bona fide incidents of abuse, and the victim of domestic violence, dating or stalking as signed or attested to the documentation.



Owner/agent is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, or stalking in order to receive the protections of the VAWA. Owner/agent may, at their discretion, provide assistance to an individual based solely upon the individual's statement or other corroborating evidence. Careful evaluation of abuse claims is used as to avoid an eviction based on false or unsubstantiated accusations.

All correspondence with the individual will be discussed via telephone. In the event that the abuser is watching the victim's mail, owner/agent will ask if the individual can come to the office to sign the appropriate paperwork and bring any appropriate documentation to the office. All information is confidential and kept in a separate secure file located from other tenant files.

Nondiscrimination Standards

Lutheran Senior Services Affordable Housing does not discriminate.

1. There is no assigning of minorities to designated units or sections of this project, or limits set on the number of one minority or another to be selected for tenancy.
2. There will be no renting units to one sex and not the other.
3. There are no priorities based on sponsoring organization.
4. There is no discrimination solely because of a disability within the guidelines of the housing program. The owner/agent does not deny qualified individuals housing or any other benefits on the basis of their disability. However, only a set number of units in the project are designed for mobility impaired individuals.
5. No inquiries will be made to determine whether an applicant is disabled or the nature or severity of such disability. The owner/agent does need to verify the applicant's need for the architectural features of a mobility impaired unit if one is requested. No prospective tenants can be required to undergo physical examinations.
6. There is a minimum age necessary for eligibility requirements, but no maximum age in this program.
7. There is no discrimination based on race, color, religion, sex, nation origin, disability and familial status.
8. No priorities or application criteria (i.e. variations in charges or deposits) are based on race, color, religion, sex, nation origin, disability and familial status.
9. There is no segregation on the basis of disability or on the basis of income.
10. The owner/agent does not require donations, contributions, or membership fees as a condition of admission.



Applicant Screening Criteria

The applicant household must meet the Tenant Selection Criteria established by the owner/agent to protect the rights and needs of the community for a decent, safe and livable environment. It is sometimes necessary to deny admission to applicants whose habits and practices may reasonably be expected to have detrimental effect on other tenants, the immediate environment or financial stability of the property.

The owner/agent uses specific criteria to determine an applicant's final eligibility for admission according to owner/agent guidelines regarding drug-related and/or criminal activity (including registration as a sex offender); as well as the owner/agent's screening of rental history; the applicant's ability to pay rent on time; and the ability to meet the requirements of the Lease. Please note that *screening* for suitability of tenancy is not a determination of *eligibility* for the program. *Eligibility* is a determination that an applicant meets all of the requirements for the type of subsidy program.

Verification Procedures:

The owner/agent will reject an applicant if any of the following facts are verified:

1. The past performance of the applicant or other members of the applicant's household in meeting financial obligations has been poor as demonstrated by a credit report and/or landlord references (required 24 CFR 60.205(b) (1)).
2. The applicant or members of the applicant's household have a history of disturbance of neighbors, damage to property, or living or housekeeping habits at prior residences, which would be likely to interfere with other tenants in such a way as to diminish their enjoyment of the premises as evidenced by landlord or other references (required 24 CFR 960.205 (b) (1)).
3. The applicant has been convicted of a violent crime or has a felony within the past three (3) years of submitting the application, the applicant will be denied based on the conviction. If an applicant has been convicted of, or is subject to a lifetime registration requirement under a state sex offender registration program, the applicant is ineligible for occupancy.
4. The applicant or member of the applicant's household has been convicted of prior drug-related activity, has a record of drug-related criminal activity, or has been evicted for drug-related activity. Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use of controlled substance (requires 24 CFR 960.205 (b) (3) and the Anti-Drug Act of 1988).
5. The applicant or a member of the applicant's household has a record of criminal activity or comes of physical violence to persons or property which would adversely affect the health, safety or welfare of other tenants or employees of the community or the right of tenants to the peaceful enjoyment of the premises. In determining an applicant's ineligibility on these criteria, the owner/agent will review police records and will consider the time, nature and extent of the applicant's conduct and factors which might indicate a reasonable probability of



favorable future conduct as outlined in Applicant Screening Criteria contained above. The owner/agent may conduct fingerprint checks on applicant's and tenant's when information is received indicating a criminal history.

6. The applicant has been evicted within the past three (3) years of submitting the application, the applicant will be denied based on the eviction. If the applicant or a member of the applicant's household is a former tenant of a HUD subsidized property who had a record of lease violations or whose residency was terminated by the management, the applicant will be denied. No previous tenant may be readmitted unless all previous amounts owed have been paid; but, payment of such debt does not necessarily entitle an applicant to eligibility under this section unless the Authority has agreed in writing to grant eligibility upon the payment of the amount owed.
7. There is reasonable cause to believe that any member of the applicant household has exhibited a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol which interfered with the health, safety, or right to peaceful enjoyment of the premises by other tenants. Acceptable landlord references and court and police record reports showing that no household member has exhibited these patterns constitute adequate evidence that the household meets this criteria.
8. The applicant has falsified information requested on the application for, or has failed to provide information requested.
9. There is other evidence relating to previous habits and practices which indicates that the applicant or a member of the applicant's household would be likely to have a detrimental effect on the community if admitted.

The owner/agent will consider the nature of the crime, as well as the time since the offense/conviction occurred when making their eligibility determination. In the event that the applicant has served time in a correctional institution, the applicant must be able to establish that he/she has been able to live with minimum supervision for at least the prior 12 months. Residency in a "half-way house" does not meet this standard. However, minimum supervision under the probation/parole program may be considered as satisfying this requirement.

The burden of proof is on the applicant to demonstrate, to the satisfaction of the owner/agent that the applicant is:

1. Willing to reliably discharge the financial obligations or renting an apartment.
2. Willing to maintain the apartment in a clean, safe, decent and sanitary condition (owner/agent will conduct a home visit prior to approval for occupancy. Home visits are to show that the applicant will maintain their unit in a clean, safe and sanitary condition. Home visits will be conducted within a 75 mile radius from the community applied to).
3. Willing to live peaceably with neighbors in a tenant community.



4. Willing to provide the owner/agent with accurate and complete information on the application form or any form required to determine initial eligibility. Failure or refusal to comply with the above or provision of falsified information is grounds for a determination of ineligibility.
5. Willing to obtain and maintain the necessary utility services in housing unit, if applicable. The applicant must be eligible for the necessary utility services to be billed in his/her name, if applicable.
6. Willing to accept and abide by the terms of the lease agreement, all attachments, addenda and all rules and regulations.

Sources of Information

Sources of information that the owner/agent will include but are not limited to:

1. Members of the applicant household.
2. Present and prior landlords or housing providers.
3. Present and former employers.
4. Credit bureaus.
5. Landlord Record services, where applicable.
6. Social workers, drug and alcohol treatment centers, clinics, health care providers and clergy.
7. Police Departments, parole officers and court records.
8. Internal Revenue Services and other federal, state and local government agencies.
9. Neighbors, community leaders and neighborhood watch groups.

The owner/agent will notify any applicant found ineligible as the result of failure to meet the Applicant Screening Criteria of the specific reason(s) for the determination and shall maintain a record of all applicants determined ineligible for the required time period.

The owner/agent will be the final judge of what constitutes adequate and credible information. If there are sufficient doubts with respect to the veracity, credibility, or reliability of any information received. Lutheran Senior Services Affordable Housing retains the right to pursue alternative sources of information until satisfied that the information received is the best available.

Special Eligibility Provisions Relating to Applicants Requiring a Live-in Aide:

Some applicants and tenants who would not otherwise be able to fully discharge the responsibilities of residency may be able to do so with the assistance of a live-in aide residing in



the unit. When an applicant or tenant can provide documentation to the satisfaction of the owner/agent that a live-in aide is required and available, the following provisions shall apply:

1. The live-in aide must submit information as requested and be reviewed by the owner/agent for eligibility under the Tenant Selection Criteria of this policy. If the owner/agent determines an individual proposed as a live-in aide to be ineligible, the tenant or applicant may propose an alternative live-in aide for screening or may appeal the owner/agent's determination to review officer.
2. Unit Size Consideration—owner/agent occupancy standards are: two persons per one bedroom.
3. A live-in aide who has been approved for occupancy by the owner/agent is added to the lease by means of a live-in aide addendum and does not have rights to occupy the unit as the Remaining Member of a Tenant Family if the tenant needing the services vacates the unit or dies.
4. The head-of-household is responsible for all acts of all household members with respect to the requirements of the dwelling lease. Any violation of lease provisions by the live-in aide may be cause for eviction of the household.

Applying for Housing

The tenant selection process begins with the application. The application contains information sufficient to tentatively determine the family's eligibility size of unit needed, head-of-household and if the applicant meets the Tenant Selection Plan Criteria and the background, credit and resident history.

All persons/families interested in applying for housing at Lutheran Senior Services Affordable Housing sites must:

1. Pick up an application or request one be mailed. The form solicits sufficient information to assess eligibility.
2. Complete the entire application and all required documents, date and sign it, return it to the owner/agent in person or by mail. The applicant must:
 - a. List all persons who will reside in the unit.
 - b. Show ability to meet financial obligations in a satisfactory manner and on time.
 - c. Have good and acceptable reference(s) from landlord(s), both current and previous, listed on the application for a time period of two years.
 - d. Show that the applicant has the ability to fulfill all the lease requirements with or without supportive care assistance where applicable.



- e. All applications are logged at the community by documenting the name of the applicant and the date and time the application was received at the community.

Processing Applications

For each application received, the owner/agent will:

1. Admit the applicant
2. Reject the applicant (see rejection section)
3. Place the applicant on the waiting list (see waiting list)

The owner/agent will place all eligible applicants for the community chronologically on the waiting list and notify the applicant head-of-household when a suitable unit is expected to become available.

Waiting List

All persons who meet eligibility requirements will be placed on the waiting list regardless of race, color, religion, sex, national origin, disability, and familial status. The waiting list is arranged in chronological order and the records indicate the date and time the application was placed on the waiting list.

The owner/agent gives preference to units designed specifically for the elderly, handicapped/disabled to households whose head or co-head is a member of the group for which the units were designed.

Applicants will be removed from the waiting list under the following conditions:

1. The applicant requests to be removed by phone or in writing. Verbal request will be confirmed in writing by the owner/agent prior to removal.
2. Reasonable efforts to contact the applicant have been unsuccessful (i.e. mail returned, mail could not be forwarded, telephone number disconnected).
3. Applicant has been told in writing they no longer qualify for housing.
4. The applicant has rejected two different offers of apartment units at the community.

Applicants who have been offered a unit and reject the first unit offered, go to the bottom of the waiting list. After two rejections of units by an applicant, the applicants name is removed from the waiting list. A response of not interest at this time will be interpreted as a rejection. A written notice will be sent to the applicant confirming that their name has been removed from the waiting list and they are allowed to reapply at a future date. This procedure is uniformly applied to all persons.



The owner/agent's system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that they failure to respond to a request for information or updates was caused by a disability, the owner/agent will verify that there is in fact, a disability and the disability caused the failure to respond, a provide a reasonable accommodation.

It is not the policy of Lutheran Senior Services Affordable Housing to close waiting lists. An annual purge enables the project to maintain a waiting list which can be handled efficiently and in accordance with the policies and regulations.

Unit Transfer Policies

Unit Transfers are possible for individuals requesting the transfer due to a medical reason certified by a local medical professional, or a need for an accessible unit. Residents already in-place at the community will be given preference for a vacant unit in the community, over an applicant on the waiting list.

Applicants/tenants moving into a handicapped accessible unit designed for individuals with disabilities who do not require a handicapped accessible unit but it is the only available unit at the time of their move in, will be required to move to a non-handicapped accessible unit, should one become available and a disabled individual is in line to move in. All costs related to such transfers will be the responsibility of the owner/agent.

If a tenant is transferred as a reasonable accommodation to a household member's disability, then the owner/agent must pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden. Transfers will only be granted if the family is in compliance with their Lease agreement and the rules and regulations contained in the Lease.

Formal Interview

As a vacancy becomes available a formal interview is scheduled to determine eligibility requirements. Topics covered during the formal interview are as follows:

1. **Follow up on application.** The owner/agent will update and confirm all information on the application.
2. **Program requirements.** Owner/agent will explain program requirements, verification procedures and penalties for false or incomplete information.
3. **Release Forms.** Consent forms for verification process must be signed by all household members who are age 18 and older.
4. **Eligibility certification.** Owner/agent will obtain family income and composition information and other data needed to certify eligibility and compute the tenant's share of the rent.



5. **Finances.** Owner/agent will review the financial information on the application and specifically ask the applicant for all the income and assets received by members of the household. Owner/agent will ask the head-of-household and/or all other household members to certify in writing whether any family member has disposed of assets for less than the fair market value during the past two years.
6. **Social Security.** Owner/agent will require the head-of-household, and/or all other household members to disclose and document all social security numbers or present an identification number if a social security number has not been assigned.

Health Information Requests

The owner/agent will request health information only when the applicant requests a unit designated for persons with disabilities or claims a preference for persons with disabilities. In such cases, inquiries may be made to determine whether an applicant is qualified for a unit or preference available to persons with disabilities or to persons with a particular type of disability.

Otherwise, the owner/agent may not make inquiries to determine whether a person is disabled or to determine the nature or severity of a disability. The applicant has to have the ability to fulfill all of the lease requirements with or without assistance. In addition, the owner/agent cannot require prospective tenants to undergo physical examinations.

Rejections

Applicants may be rejected if they:

1. Fail to meet the Tenant Selection Plan criteria.
2. Are unable to disclose and document Social Security numbers or provide an identification number.

Some examples of the rejections listed above are as follows:

1. The family income (using the LIHTC definition of income) is over the applicable income limits published by MHDC
2. Negative reference from current and/or previous landlords.
3. Submission of false or untrue information on the application or failure to cooperate in the verification process.
4. The household size, including a live-in aide is not appropriate for the unit.
5. Failure to sign designated forms and/or documents upon request.



6. The applicant has a pet that does not conform to management or HUD rules and regulations. Assistance animals are not considered pets.
7. This is not the applicant's only residence.
8. The applicant is not capable of fulfilling the lease agreement, with or without assistance.
9. The applicant has a history of non-payment of rent or of being evicted for non-payment.
10. Any conviction for the use, distribution, or manufacturing of any controlled substance. Anyone who is a current illegal user or an addict of a controlled substance.
11. Anyone whose tenancy would constitute a threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others, or whose tenancy would interfere with their peaceful enjoyment of the premises.

Rejection Procedures

When an application is rejected by the Community Director/Manager, the applicant will be notified of this decision in writing. This written statement, sent in a timely fashion, will include the reason(s) for the rejection, and state that the applicant has the right to request a meeting with someone other than Community Director/Manager to discuss the rejection. The applicant will be further instructed to request the meeting in writing within 14 days of the applicant's receipt of the rejection letter.

If the applicant wants to request a meeting, the applicant's written request must be sent to the owner/agent within 14 days of the applicant's receipt of the rejection notice. The requested meeting will be held by someone other than the Community Director/Manager within a reasonable period of time.

After the meeting the applicant is notified in writing within five (5) calendar days, whether or not the original decision has been changed. All of this material (original application, rejection letter, applicant's request for a meeting, and final determination) must be kept for three years confidentially in the files.

