**Tenant Selection Plan**

**Mont Pleasant Commons**

**1502 Chrisler Avenue**

**Schenectady, New York 12303**

**(518) 382-1848**

**August, 2014**

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**August, 2016**

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**A Hall**

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HUD Subsidized Program type 202 PRAC

Resource HUD Handbook 4350.3

Rev 1 Chng 4 Chapters 2-4

HSG Notice 2015-01

HSG Notice 2017-05

VET Plan

Mont Pleasant Commons encourages and supports affirmative programs in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status, or nation origin. We also comply with Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from the U.S. Department of Housing & Urban Development, the Fair Housing Act Amendments of 1988 and Title VI of the Civil Rights Act of 1964.

We further support HSG Notice 2015-01 insuring applicant’s sexual orientation, gender identity and marital status are not required information or information taken into consideration in the approval process for housing.

The guidelines stated below are to determine who can be admitted to reside at the facility (final approval will be subject to all verified material):

# **Project Eligibility Requirements**

***Project Specific Requirements*** *-*The head of household must be 62 years of age or older.

***Social Security Number Requirements*** *–* Applicants and tenants must disclose SSNs for all households’ members. *Exception to Disclosure of Social Security Number:*

1. *Individuals age 62 or older as of January 31, 2010, who initial determination of eligibility was begun before January 31, 2010.*
2. Individuals who do not contend eligible immigration status. When applicants and residents are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for missed families must continue to be followed.
3. A child under the age of 6 years added to the applicant household within the 6-month period prior to the household’s date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number or HUD requires Mont Pleasant Commons to terminate tenancy.
4. A foster child or adult when:

* The foster agency will not provide the SSN or adequate documentation to verify the SSN and
* With HUD approval

***Citizenship Requirements*** -At this property individuals who do not contend eligible immigration status must sign a certification, containing the penalty of perjury clause, certifying to that effect. The certification will support the individual not being subject to the requirements to disclose or provide verification of a SSN. The certification must be retained in the tenant file. (Par. 3-9, Chg 4)

# ***Income Limit Requirements*** – A resident must meet income guidelines for the county in which the facility is located as set forth by HUD. Income limits are updated each year by HUD. This information is included in the Application cover letter or you may contact Mont Pleasant Common’s Director (518 382-1848) for the current income limits.

# **Procedures for Accepting Applications**

An applicant must submit a completed application. Incomplete applications will not be accepted and will be returned to the sender.

Applications are accepted by mail at Mont Pleasant Commons, 1502 Chrisler Avenue, Schenectady, New York 12303.

Other acceptable methods of submitting an application are: delivered to office at the above address Monday through Friday 9 to 4 PM; faxed to 518 382-1942 or emailed to [ahall@cdymca.org](mailto:ahall@cdymca.org).

An application is stamped with the date and time it is received. It is then evaluated. Any application meeting the age and income requirements are added to the waiting list in the chronological order in which it is received.

Any application not meeting these requirements will be rejected and not placed on the waiting list.

In accordance with HSG Notice 2017-05 all applications being rejected will be issued a letter stating the reason, include VAWA Notification and Certification (HUD Forms 5380 and 5382) and advise denied applicant of their right to appeal.

**Applicant Screening Criteria**

Once an application is received and the project specific requirements are meet (age and income) the application is placed on the waiting list.

Because an applicant can be on the waiting list a year or more, the financial/criminal background and landlord references are not reviewed until a unit is becoming available for the applicant on the waiting list.

**Applications will be immediately rejected based upon 1) eviction of an applicant or 2) Criminal History Search resulting in any conviction of one or more Federal charges.**

Upon being selected and offered a unit the following information is required by HUD:

**EIV** – Enterprise Income Verification is a web-based computer system containing employment and income information.

HUD mandates that this system to search for existing tenants. It is also used at certification and recertification to confirm information such as income and new hires.

All applicants MUST disclose if they are currently receiving HUD housing assistance. Mont Pleasant Commons will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit. HUD provides the owner/agent with information about an applicant’s current status as a HUD housing assistance recipient.

For more information about EIV you may request a brochure entitled “EIV & You”. One is provided to you at move-in certification and one is provided to you each year during your annual recertification.

**Eviction** – Using EIV, any applicant found previously evicted from Federally Funded HUD housing will automatically be denied.

Any applicant having been evicted from non Federally Funded HUD housing will automatically denied.

**Landlord References** – HUD expects Mont Pleasant Commons to make every effort to confirm that the applicant will be *a positive tenant*. The applicant is required to provide positive Landlord history and references including:

Rent being paid in a timely manner

Compliance with facility policies

Compliance with Lease requirements

Property left in an acceptable condition

**Credit history** - The applicant’s credit history will be searched via a credit reporting agency. If a credit report shows a negative status, such as foreclosure, Management will review each case individually. It is our policy to consider extenuating circumstances. (Par 4-28 B Chg. 4). If these conditions exist, the applicant will be asked to give a written statement describing the circumstances.

**Criminal History Search** – A nation-wide criminal screening will be performed for each adult member of the household. *Criminal screening indicating the following is grounds for denial of application:*

Felony or misdemeanor history related to any household member's eviction from federally-assisted housing for drug-related activity.

Any household member being subject to a lifetime sex offender registration program.

Felony or misdemeanor history in the past seven (7) years relating to other criminal activity that threatens the health, safety, and right to peaceful enjoyment of the property by other residents or the health and safety of the owner, employees, contractors, subcontractors, or agents of the owner.

**Other allowable screening criteria**

Any household member currently engaging in or has engaged in violent criminal activity or other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, or of the site's employees, contractors, or agents.

A resident must be able to live according to and abide by the terms of their lease agreement.

**Student Eligibility**

There are restrictions at most communities for providing Section 8 assistance to any individual who is enrolled as either a part-time or a full time student at an institute of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized education credential. Restrictions will apply if the student:

* Is under the age of 24
* Is not married
* Is not a veteran of the US Military
* Does not have a dependent child
* Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the US Housing Act of 1937 (42U.S.C. 1437 a(b)(3)(E) and was not receiving Section 8 assistance as of November 20, 2006); and

* Is not living with his or her parents who are receiving Section 8 assistance; and
* Is not individually eligible to receive Section 8 assistance and has parents (the parents individually or jointly) who are to income eligible to receive Section 8 assistance.

**HUD Conditions Under Which Owners Will Reject Applicants**

The applicant does not meet the program age or income requirements.

Criminal History Search resulting in any conviction of one or more Federal Drug charges will result in applicant rejection.

Using EIV, any applicant found previously evicted from Federally Funded HUD housing and/or non-Federally funded housing will be rejected.

The applicant cannot provide previous positive landlord/rental history information.

If an applicant does not sign and submit verification consent forms or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A)

(Par. 4-9 B 3 Chg 4)

**Procedures for rejecting ineligible applicants**

Once the applicant screening criteria has been completed and all materials have been evaluated, any application not meeting the above requirements will be rejected and the applicant will receive written notification.

The applicant shall have fourteen (14) days from the date of the letter to respond in writing or to request a meeting date to discuss the rejections. When an applicant is rejected, more detailed information concerning appeal rights will be furnished at the time of rejections.

**Waiting List Procedures**

The applicants place on the waiting list is determined by the date on which the completed application is received. **However, acceptance to the waiting list does not automatically guarantee eligibility for an apartment**. Further screening as described in the applicant screening criteria section will be completed at the time an apartment is offered.

Based on chronological order, from the waiting list, an offer of an apartment will be made by letter. A person offered an apartment has ten (10) working days from the date of mailing to notify the office of their intention to accept or reject the offered apartment. If mail is returned due to incorrect mailing information we will attempt to contact the applicant by phone. Any deviation from this time frame must be approved in writing by the Director.

Any applicant who is offered a unit and is not able to move at that time will be put at the bottom of the list. If the individual is offered a unit for the second time and refused, the applicant will be removed from the waiting list. The individual may reapply at any time.

**Updating Waiting List**

At least twice a year a notice will be mailed to every household on the waiting list. The applicant must indicate their interest in remaining on the waiting list and mail the notice back to the property. Any notice returned “unable to forward” from the post office will be removed from the list. For those who do not respond a second notice will be

generated informing them that they are being removed from list.

At that point an updated waiting list will be generated and mailed to those who remain on the list.

**Occupancy Standards**

No more than two (2) persons may reside in any apartment.

**Procedures for Identifying and Assigning Units with Accessible Features**

It is important to note that Mont Pleasant Commons was constructed prior to the concept of universal design and prior to the ADA and are not considered 100% accessible by today’s standards, particularly the bathrooms.

Applicants are asked to indicate if they are in need of any accommodations and we do our very best to meet those needs. However, we strongly suggest each applicant who is in need of an accessible environment, visit a unit and evaluate it for their own personal needs.

Mont Pleasant was designed with a total of 5 “accessible units” in the building. These units do not have cupboards under the sink, allowing for wheelchair clearance and bathrooms that have a “walk-in shower”. We would note the shower is not roll-in.

In accordance with HUD guidelines, when an “accessible unit” becomes available the waiting list is reviewed for anyone indicating a need for an accessible unit and they will be offered the unit first, regardless of their ranking on the list. (Par. 4-15 C 2 Chg 4)

**Annual Recertification Requirement**

HUD requires the household income and expenses be reviewed to assure that they are paying the proper subsidy and you are paying the proper rent. (7-4 A1-8)

The Lease indicates in Paragraph 8d3 and 22, that if a household does not comply with the Annual Recertification, supplying all required information, it is a substantial violation of the Lease. HUD mandates that any household not complying with the Annual Recertification process have their subsidy removed immediately and to proceed with eviction.

**Interim Recertification Requirement**

An interim recertification is processed for the following reasons: decrease in income; increase in income of $200 or more a month and/or increase in medical expense/allowance. (7-11 A1-5)

**Unit Inspection**

Each unit will be inspected, with the tenant, upon move in. Thereafter each unit will be inspected a minimum of once a year, up to 4 times a year as scheduled by management.

A notice will be given at least 3 business days in advance of any inspection.

Each unit will be inspected, with the tenant, upon move out.

**Unit Transfer Policy**

A transfer request is only granted for medically necessary reasons, to be confirmed by a letter from the resident's physician.

Transfer requests will be placed on an in-house waiting list, in the order of the date they are received. In-house transfers have priority in regard to accessible units and apartment availability.

Reasonable Accommodation as defined by the Fair Housing Act as any accommodation by management in rules, policies ( including acceptance of assistance animals as an exception to a "no" pet rule) and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. ***It is your responsibility to inform management of a situation where a Reasonable Accommodation is needed.***

Reasonable Accommodations should be submitted in writing. If unable to provide the request in writing, please notify management. Reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities may be approved and funded by Mont Pleasant Commons, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens.

**Policy for Opening and Closing the Waiting List**

It is not the policy of the Mont Pleasant YMCA Housing Corporation to close the waiting list for the Mont Pleasant Commons.

**Violence Against Women’s Act (VAWA)**

Violence Against Women’s Act (VAWA) provides protections to an applicant for assistance or resident receiving assistance that they may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing **on the basis or as a direct result of** the fact that the applicant or resident is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant or resident otherwise qualifies for admission, assistance, participation, or occupancy.

If you are applying for housing and recently have been a victim of domestic violence, dating violence, sexual assault or staking and would like further information regarding VAWA, please contact Mont Pleasant Commons for more information.

Confidentiality is a priority with regard to any request for protections under VAWA.

It is required that anyone claiming protections under VAWA must provide certification, which can include legal documentation.

Information will be provided with HUD Form 5380 and we will require Form HUD 5382 be completed within 14 business days.

If your application is denied and the reason(s) for the denial is a direct result of being a victim as described above, you are encouraged to contact Mont Pleasant Commons and request an appeal based on the facts under VAWA.

VAWA may afford alternatives such as Lease Bifurcation which would allow a separation of a household and a separate unit. At this time, HUD does not have any approved Lease Amendment for a 202 PRAC.

**Additional protection under VAWA – Victim Emergency Transfer (VET)**

In addition to the protections provided under VAWA, HUD also allows additional protections as defined in the following Victim Emergency Transfer (VET) process.

**Mont Pleasant Commons** is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault or stalking.

In accordance with the Violence Against Women Act (VAWA), MONT PLEASANT COMMONS allows tenants who are victims of domestic violence, dating violence, sexual assault or stalking to request an emergency transfer from the tenant’s current unit to another unit.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. **The ability of MONT PLEASANT COMMONS to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether MONT PLEASANT COMMONS has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.**

Information regarding VAWA will be provided with HUD Form 5380, Form 5382 Certifying your eligibility under VAWA are required within 14 days and HUD Form 5383 Emergency Transfer Request will be required to initiate the VET process.

**Sexual Harassment in Fair Housing Initiative**

Sexual harassment in HUD housing is illegal. Sexual harassment in housing includes demands for sex or sexual acts in order to buy, rent or continuing renting a home. It also includes other unwelcome sexual conduct that makes it hard to keep living in or comfortable in your home.

Applicants and tenants are encouraged to contact the Director of they feel they are a victim of sexual harassment by any staff or other people who have control over housing.

All housing staff are required to participate in sexual harassment training.

If an applicant or tenant feels that management has not responded to their complaint of sexual harassment, HUD has established a telephone number to report the incident to 800-669-9777.

**Security Deposit Requirements**

HUD requires collection of a security deposit at the time of the initial lease execution. The amount of the required deposit is equal to the Total Tenant Payment, line 50 from the HUD 50059 form.

**Changes to Document**

This document may be modified at any time. Approved modification of this document will be mailed to each applicant on the waiting list.