

NEGAHA PROPERTIES, LLC
Multi-Family Housing
Rental Assistance Demonstration

TENANT SELECTION PLAN

INTRODUCTION

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and the Tenant Selection Regulations published by HUD Occupancy handbook – 4350.3 Rev.1, Change 4, and the Rental Assistance Demonstration (RAD) Final Rule. The Tenant Selection Plan sets forth procedures for processing and selecting applicants, rejection standards, reviews and appeals of rejection decisions, and notice requirements.

RIGHT TO APPLY

No person may be refused the right to apply for housing unless the development’s waiting list is closed for a particular unit size or type, and notice the closed waiting list has been posted.

APPLICANTS WITH DISABILITIES AND REASONABLE ACCOMMODATIONS

The NEGAHA PROPERTIES, LLC will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities (as defined in the above listed Acts or any subsequent legislation) who require such changes to have equal access to any aspect of the application process or to the development and its programs and services; e.g., arrange for sign language interpreters or other communication aides for interviews during the application process.

IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

The NEGAHA PROPERTIES, LLC will take affirmative steps to communicate with persons who need services or information in a language other than English. This may include interpreter services and/or written materials translated into other languages.

APPLICATIONS:

It is the policy of the NEGAHA PROPERTIES, LLC to accept completed applications on a first come, first served basis. After receiving a fully completed application, Management will process it in accordance with the following policy.

I. DEFINITION:

The tenant selection procedure is the process by which Management determines which applicants are eligible for residency, and which of those eligible applicants will make the best tenants by:

1. Caring for and avoiding damaging the unit and common areas, to use facilities and equipment in a reasonable way, And to create no health or safety hazards;
2. Making timely rent and other charges under the lease; and
3. Respecting the rights of their neighbors and the other residents of the community;
4. Not engaging in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff;
5. Not engaging in any activity on or near the premises that involves illegal use of controlled substances, abuse of alcohol, or weapons;
6. Complying with necessary and reasonable rules and program requirements of the housing provider.

The NEGAHA PROPERTIES, LLC consist of efficiency, one, two, three, and four bedroom affordable units provided to lower income individuals and families that meet the eligibility requirements of the program providing the subsidy.

II. INCOME LIMITS:

The maximum income an applicant can have and be admitted to the NEGAHA PROPERTIES, LLC is the low-income limit for White, Banks, Stephens, and Habersham Counties, as defined by HUD, posted in a conspicuous place in the waiting room of the NEGAHA PROPERTIES, LLC’s office at 223 Bryant St, Cleveland, GA, 166 Richie St., Clarkesville, GA, 800 Galloway St, Cornelia, GA, 164 Hill St, Homer, GA, and at the Administrative Office, 437 S. Pond St, Toccoa, GA., and incorporated herein by reference. This property will lease a minimum of 40% of its units that become available for occupancy in any fiscal year to extremely low-income families as published by The Department of HHS in January of each year.

Applicant Signature

Other Adult Signature



III. OVER GROSS RENT APPLICANTS:

For all new admissions to NEGAHA PROPERTIES, when TTP equals or exceeds the contract rent plus any utility allowance, NEGAHA must charge a tenant rent equal to the lesser of (a) TTP (which is not capped at gross rent), less the utility allowance in the contract, or (b) any applicable maximum rent allowable under LIHTC regulations. To this end, HUD is waiving sections 8-5 C. and 8-6 A. 1. of Housing Handbook 4350.3, REV-1. In such cases, the tenant will still be considered a Section 8 tenant and will still have the rights and be subject to the requirements of Section 8 tenants. Tenants will retain all of the rights under the Model Lease, including the right to occupy the unit, as well as those provided through this Notice, and tenants will still be subject to the requirements for Section 8 tenants, including the requirements concerning reexamination of family income and composition found in 24 CFR §§ 5.657 and 880.603(c). When TTP equals or exceeds Gross Rent, the excess rent collected by the owner is considered project funds and must be used for project purposes. Assistance may subsequently be reinstated if the Tenant becomes eligible for assistance. In the event that the tenant moves out, the Project Owner must select an applicant from the waiting list who meets the applicable income limits for the project. NEGAHA is not required to process these individuals through Multifamily Housing's Tenant Rental Assistance Certification System (TRACS) but may be required to do so in the future when a future revision of the TRACS can accept such certifications. All normal actions for the contract rent shall continue for these units, including application of the OCAF adjustment to the contract rent indicated in the HAP Contract—since the OCAF adjusted rent will still be in effect whenever the unit is occupied by a family eligible for rental assistance.

IV. PURPOSE:

To avoid admitting applicants who will later have to be evicted. To ensure compliance with the Department of Housing and Urban Development (HUD) requirements as published in the Federal register and in HUD Occupancy Handbook 4350.3 as most recently revised.

V. RULES OF THE NEGAHA PROPERTIES, LLC MANAGEMENT:

Management will ensure the following:

1. Resident selection standards are to be consistently implemented to ensure that all applicants are treated fairly.
2. Applicants will not be discriminated against on the grounds of race, color, creed, sex, familial status, national origin, religion, ethnicity or disability.
3. Applicants will not be discriminated against solely because they have children.
4. Applicants will not be discriminated against because they are a member of a class or group such as unwed mothers, single parent households or families with children.
5. Admission will not be based strictly on HUD eligibility requirements, but will also be subject to state and local laws as well as meeting Management's established Tenant Selection Criteria.
6. Forty percent of all vacancies will be made available for those households that fall within thirty percent of the area median. To insure this requirement is met, we shall semi-annually monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families. If there are not enough extremely low-income families on the waiting list, we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

VI. FAIR HOUSING AND NON-DISCRIMINATION:

It is the policy of Management to fully comply with all Federal, State and local nondiscrimination laws: the Americans with Disabilities Act; and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. Management shall affirmatively further fair housing in the administration of its programs.

To further its commitment to full compliance with applicable Civil Rights laws, Management will provide Federal/State/local information to applicants/tenants of its program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. All applicable Fair Housing information and discrimination complaint forms will be made available at the Administrative Office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

It is the policy of Management to comply with Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act Amendments of 1988 including

1. 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 HUD.
2. The Fair Housing Act which prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. It applies to housing, regardless of the presence of federal financial assistance.
3. Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

VII. ELIGIBILITY OF STUDENTS FOR ASSISTED HOUSING:

Student Eligibility for Section 8 Assistance

On September 21, 2016, HUD released additional guidance relative to the Section 8 Student Rule. [Docket No. FR-5969-N-01] Eligibility of Independent Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Additional Supplemental Guidance. [Eligibility of Independent Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Additional Supplemental Guidance.](#)

HUD has added two new eligibility criteria to previous criteria relative to students who are enrolled in an institute of higher education. Students are eligible when the individual is:

1. Classified as a Vulnerable Youth.
2. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances?

Listed below is the now current list of eligibility criteria for a student for Section 8 Assistance and appropriate for inclusion in your property's Resident Selection Plan/Tenant Selection Plan.

Student eligibility is determined at move in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All students are required to report any change in their student status.

A student who is enrolled as either a part time or full time student at an institute of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential will be eligible for assistance if the student meets all other eligibility requirements, meets screening criteria requirements and:

- Is living with his or her parents/guardian or
- Is at least 24 years old or
- Is married or
- Is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes or
- Has legal dependents other than a spouse or
- Is a person with disabilities who was receiving Section 8 assistance as of November 20, 2005 or
- Is a graduate or professional student or
- Is an independent student, defined as:
 - a) The individual is 24 years of age or older by December 31 of the award year;
 - b) The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court at any time when the individual was 13 years of age or older;
 - c) The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- Or, is classified as a Vulnerable Youth. A student meets HUD's definition of vulnerable youth when:
 - i) The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in Section 725 of the McKinney-Vento Homeless Assistance Act), or as unaccompanied, at risk of homelessness and self-supporting, by
 - ii) A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
 - iii) The director of a program funded under the Runaway and Homeless Youth Act or designee of the director;

- iv) The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director or
- v) A financial aid administrator.
- Or, the individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances or
- Has parents who are income eligible for the Section 8 program

Any financial assistance a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:

1. If the student is over the age of 23 with dependent children or
2. If the student is living with his or her parents who are receiving Section 8 assistance

Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

These newly added eligibility criteria may also require revision to the Student Status Certification that is used at move in, initial and annual certification.

HUD has also amended the Student's Independence Verification Requirements. Verification requirements to be used when a student does not meet general eligibility criteria but wishes to be eligible based on his or her status as an Independent Student are as follows:

Owner/agents providing Section 8 assistance will verify a student's independence from his or her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by doing all of the following:

1. Reviewing and verifying previous address information to determine evidence of a separate household or verifying that the student meets the U.S. Department of Education's definition of "independent student";
2. Reviewing the **student's** prior year income tax returns to verify that the student is independent or verifying the student meets the U.S. Department of Education's definition of "independent student"; and
3. Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student.

Is not otherwise individually eligible, and has parents who, individually or jointly, are not eligible on the basis of income to receive Section 8 assistance; then no Section 8 assistance can be provided to the student. Applicants will be required to certify as to their student status on the application form, and residents will be certified at each annual recertification regarding their eligibility status, as outlined within the most recent revision/change of HUD Handbook 4350.3 which will be strictly adhered to by the NEGAHA PROPERTIES, LLC

VIII. ACCEPTING APPLICATIONS:

Management will advertise for applicants through community contacts, service agencies, senior fairs, and radio and newspaper media. Management will accept an application for rental from any and all interested persons during normal business hours. It is the policy of NEGAHA PROPERTIES, LLC not to close the waiting list.

1. Written application, on the properly prescribed form, must be made in order to be considered for residency.
2. The person(s) seeking the rental unit at the office on the property must make application in person. Proof of identity will be required of all applicants (such as drivers' license or other photographic identification, social security cards, birth certificates, etc.).
3. In addition to providing applicants with the opportunity to complete applications on site, Management may also send out applications by mail. Should the applicant be personally unable to complete the form, the applicant will be present to provide the information and have someone accompany them to complete the application form. The person assisting the applicant must sign and date the application, indicating it was completed at the direction of the named applicant(s) and provide identification to the Management.
4. All applications must be complete. An application, which is not complete in its entirety, may disqualify an applicant. Applications that do not include phone numbers, addresses, names, etc. will not be accepted. Only fully completed applications will be accepted and recorded by date and time on the Record of Application/Waiting List.

5. All applicants must provide a social security card for all members of the household. Documentation necessary to verify a social security number is a valid SSN card issued by the Social Security Administration or a HUD approved document as defined in HUD Handbook 4350-3, Rev. 1. The only exception to this rule is a minor child under the age of six that has been added to the household within the last six months (24CFR 5.216). The household will have 90 days to provide the SSN to management. The Social Security Number requirements do not apply to: A child under the age of 6 years old 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 and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the household's tenancy be terminated. The Notice also outlines how to process a move in certification or initial certification for a minor who does not have a Social Security Number assigned to them. HUD advises that until TRACS version 2.0.3 is released, that owners/agents should use 999-99-0000 as the Social Security Number for a minor, under the age of 6, who has been added to the household within 6 months of the move in or initial certification and does not have a Social Security Number assigned to them.
6. All applications must include a completed Citizen Declaration Form for each person who will reside in the unit.
7. All applications must include the signed HUD Consent Forms-9887 and 9887A.
8. All applications must include a completed Family and Owner Summary Sheet.
9. Management will indicate on the Record of Applications/Waiting List the following about each qualified applicant
 - A. Application number
 - B. Applicant name
 - C. Current Address
 - D. Social Security Card
 - E. Date of Application
 - F. Time Application was taken
 - G. Priority rating – units will be offered to families who qualify for the appropriate bedroom size, first by displacement as defined by Federal Disaster Relief Laws.
 - H. Date assigned to a dwelling unit and identification of unit to which assigned.
 - I. Date and unit offered and rejected with reason for the rejection noted.
 - J. Date unit offered and accepted.
 - K. Reason for moving applicant to an inactive status (if necessary).
10. Those applicants on the Record of Application/Waiting List who have not been housed and have met eligibility and screening requirements, and are still interested in housing, constitute the NEGAHA PROPERTIES, LLC waiting list.
11. All applicants are thoroughly verified and written notification of the disposition of their application provided to the applicant.
12. HUD's EIV (Enterprise Income Verification) is used at the Administrative Office by certified Occupancy staff who are specifically trained and authorized to use the system which authenticates applicant and resident incomes through Social Security. Management uses the EIV Reporting system's Existing Tenant Search to determine if the applicant is already being assisted in other federally subsidized properties prior to move-in to ensure that the tenant does not receive dual subsidy. Information is gathered using EIV during the initial application process as well as during subsequent re-certifications and during an interim recertification as necessary. Any printouts obtained using EIV are destroyed three years from the EOP date unless there is pending litigation. Any other provision concerning EIV as described in the most recent revision/change of HUD Handbook 4350.3 will be strictly adhered to by the NEGAHA PROPERTIES, LLC.

Those applicants who have passed the initial screening criteria and have been accepted to remain on the Waiting List must be notified of their responsibility to inform Management of any changes in household income or composition and of their continued interest in the rental of an apartment in this community. They must also be informed that their application is subject to periodic reverification until admission into the apartment community.

IX. REJECTING APPLICATIONS

Those applicants who failed to pass the initial screening criteria must also be notified of the rejection of their application. Applicants may be rejected for the following reasons:

1. For not meeting property screening criteria.
 - A. Required denials:
 - (1) Any household containing a member who was evicted in the last five years from federally assisted housing for drug-related criminal activity that would adversely affect the integrity of the Housing Program. Management may, but is not required to, consider exceptions to this provision, if the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or the circumstances leading to the eviction no longer exists.
 - (2) A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.

- (3) Any household member who is subject to a state sex offender lifetime registration requirement as conducted via database that checks against all state registries; and
 - (4) Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.
 - (5) Any household member who owes money to a federally funded housing program;
 - (6) Any household member who has a history of previous evictions due to lease violations or non-payment of rent within the past five years
 - (7) Any household containing a member who has been convicted of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) as dictated by Part III, Section 807(b)(4) of the Fair Housing Act. *
2. Application is incomplete.
 3. Family composition does not conform to units available on the property.
 4. Household income exceeds HUD income limits for the programs available on the property.
 5. Applicant provided false information necessary in the determination of eligibility.
 6. Applicant failed to meet screening criteria as defined in Section VIII.
 7. Applicant failed to complete the HUD Consent Forms-9887 and 9887A.
 8. Applicant failed to complete the Citizen Declaration Form for each family member who will reside in the unit.
 9. Applicant failed to complete the Family Summary Sheet.
 10. Applicant failed to disclose a valid Social Security card.
 11. Applicant or household member, has caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by a tenant, would have a material adverse effect on the housing development or any unit in such development.

The written notification must inform them of their right to meet with Management within fourteen (14) days to clarify or provide additional information for which the rejection was based upon. If clarification or additional information is provided, Management may decide to uphold the decision to reject the application. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

X. SELECTION CRITERIA:

All applications must be complete. An application, which is not complete in its entirety, may disqualify an applicant. Applications that do not include phone numbers, addresses, names, etc. will not be accepted. This community plays an active role in Resident integrity and the Management will investigate any and all reports of false statements. Deliberately submitting false, incomplete, or misleading information will be grounds for rejection of the application with no chance to reapply. All applications must positively demonstrate the following:

1. An ability to pay rent.
 - A. Must have sufficient resources to obtain normally accepted basic needs such as food, clothing, and medical requirements.
 - B. Must have sufficient resources to obtain & maintain uninterrupted utility service in the name of the Head of Household. For purposes of definition, required utility service includes electricity, water, gas, and garbage removal.
2. A willingness to pay rent in a timely manner and a demonstrated history of stable prior residency. At least one verifiable landlord reference is required. Applicants with questionable or no rental history may be required to provide personal references from community members such as a teacher, pastor, or priest of a local church, physician, or attorney, etc. Relatives and friends are not accepted as landlord references. Court records may be checked to ensure that this applicant has not been evicted from prior residence. Consideration may be given to applicants who were evicted for reasons beyond their control (i.e. owner converted housing to condominiums).
3. An ability and willingness to comply with the lease requirements, house rules and regulations. The ability to comply with the lease means that the applicant has the ability to answer for the behavior of all members of and visitors to the household. Willingness to comply with the lease means that the applicant has a history of complying with comparable lease requirements, has not been previously evicted from another property, has not been previously terminated from assisted housing for fraud, has not refused to cooperate with certification or recertification of household income and composition and does not have a life style that would be detrimental to themselves or the peaceful enjoyment of other residents. Applicant shall not have a history of disturbance of neighbors, destruction of property, living or housekeeping habits that adversely affect the health, safety, or welfare of other residents.
4. Willingness to abide by the laws established by federal, state and local governments. Willingness to abide by the laws established means that the applicant does not have a history of criminal offenses or activities involving physical

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violence to persons or property or other criminal acts which adversely affect the viability of the apartment community. This includes but is not limited to

- A. any household member who is subject to a state sex offender lifetime registration requirement;
- B. any household containing a member who was been evicted within the last five years from federally assisted housing for drug-related criminal activity that would adversely affect the integrity of the Housing Program;
- C. a household in which any member is currently (*"currently" defined as within the past five years*)



engaged in illegal use of drugs or for which Management has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents; and

D. Any household member if there is reasonable cause to believe that member's behavior, from abuse, or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.

An applicant will also be denied if (s) he has a history of habitual criminal activity. Willingness to abide by the laws established means that the applicant is not of questionable reputation with local law enforcement agencies. Consideration may be given to those applicants with a history of criminal offenses based upon the type of offense and length of time since the last occurrence. Management will contact local law enforcement agencies or request a check through the Southeastern Security Consultants, Inc. (SSCI) to perform a criminal background check on all adult household members, including live-in aides.

5. Ability to provide written verification of identification, such as social security numbers, birth certificates, and photo identification of all household members. Any household member that does not have the proper identification must show verification that the necessary steps have been taken to comply with this requirement.
6. Ability and willingness to sign and comply with the Policy on Illegal Drugs Lease Attachment. This includes but is not limited to possession, sale, or use of illegal substances or weapons, and includes responsibility for all actions of members of the household as well as all visitors of the household.
7. Sole residency. If admitted into the apartment community, the unit must be the only residence for the family.
8. Applicants income must not exceed the applicable program income limit as defined by the Department of Housing and Urban Development.
9. In addition to the above regulations, all applicants must meet or exceed the age of legal majority for the state in which the application was made. All applicants must also meet the basic requirements as set forth in the HUD Occupancy Handbook 4350.3 as most recently revised, which is incorporated herein by reference.

In the event of receipt of unfavorable information regarding conduct of the applicant, management shall give consideration to the time, nature and extent of the applicant's conduct. Factors to be considered in such a case will include the following:

1. Evidence of rehabilitation.
2. Evidence of applicant's family participation in or willingness to participate in social service or other appropriate counseling service program and the availability of such program.

XI. VIOLENCE AGAINST WOMEN ACT

The Violence Against Women Act protects housing assistance applicants and residents who have been victimized by domestic violence, dating violence, and stalking. It affords the following legal protections:

1. Applicants cannot be denied assistance solely for criminal activity that was directly related to domestic violence;
2. Residents cannot be evicted solely because they were victims of domestic violence, in that being a victim of domestic violence does not qualify as a "serious or repeated violation of the lease" or "other good cause" for eviction. For example, if a resident/spouse has filed in court for a restraining order and the domestic violence reoccurs, the site may evict the resident/abuser, but not the spouse/victim.
3. Any other provision as described in the most recent revision/change of HUD Handbook 4350.3 will be strictly adhered to by the NEGAHA PROPERTIES, LLC.

However,

1. If a victim of domestic violence commits a criminal act unrelated to the domestic violence, or if the victim is an "actual or immediate threat to other tenants or those employed at or providing services to the site", eviction is warranted;
2. Residents wishing to report an incident of domestic violence must submit specific documentation as requested by management, and all such documentation will remain confidential, unless required by law;
3. If after an incident of domestic violence, a resident allows the abuser to visit the site again as a guest and the violence reoccurs, the site may evict the resident.

XII. UNIT ASSIGNMENT

Available units will be assigned based on the number of persons in the household. Occupancy standards are as follows:

1. No more than two persons will occupy a bedroom.
2. Adults and children will not be required to share a bedroom.
3. Unrelated adults and persons of the opposite sex (such as live-in aides) will not be required to share a bedroom.
4. Children of opposite sex over 5 years of age are not required to share a bedroom.

Upon final verification and availability of an apartment, the applicant has the option of whether or not to accept the unit being offered. After the third time an available unit is turned down, the applicant will be rejected and may have the opportunity to re-apply.

To avoid prolonged vacancy and loss of revenue, Management may permit temporary occupancy of specially designed accessible units by households not needing such specially designed features, under the following conditions:

1. No household needing the specially designed features of an accessible unit is available to occupy the unit and

- Management has made a diligent effort to reach tenants who qualify for the specially designed unit;
- 2 The tenant occupying the specially designed unit agrees to transfer at their expense to an appropriate unit if and when it becomes available at the site once an applicant with disabilities needing the features of the accessible unit is on the waiting list and ready to move in.

XIII. PREFERENCE ASSIGNMENT: *

NEGAHA PROPERTIES, LLC, with properties consisting of one, two, three, and four bedroom units, will select families based on the following guidelines:

At least 40% of the assisted units that become available each fiscal year will be offered to families whose income does not exceed 30% of the area median income (extremely low-income) at the time of admission. If there are no applicants within this target income range on the waiting list and management has marketed at least 40% of the annually available units to extremely low-income families but was unable to fill all of the units with families meeting the requirement, management will rent to other eligible families.

Units Designed for the Handicapped: Preference will be given to handicap families. If there are no handicap families on the list, preference will then be given to families who qualify for the appropriate bedroom size using the following preferences:

1. Displaced person(s): Individuals or families displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief Laws.
2. Working families, where the head, spouse, co-head, or sole member is employed at least 20 hours per week. As required by HUD, families where the head, spouse, co-head, or sole member is a person age 62 or older, or is a person with disabilities will also be given the benefit of the working preference[24 CFR 960.206(b)(2)].

Based on the above preferences, all families in preference 1 will be offered housing before any families in preference 2. The date and time of application will be noted and utilized to determine the sequence within the above prescribed preference. Notwithstanding the above, families who are elderly, disabled, or displaced will be offered housing before other persons.

Accessible Units: Accessible units will be first offered to resident families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating that they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given a 30-day notice.

XIV. TRANSFERS

The objectives of the Transfer Policy include the following:

1. To address emergency situations when conditions pose an immediate threat to the life, health or safety of a resident;
2. To facilitate a relocation when required for modernization or other management purpose;
3. To permit a family needing accessible features to move to a unit with such a feature.

In every instance, Tenants shall be given first priority over applicants to move into accessible units as they are made available.

XV. WAITING LIST

Persons who apply for an apartment are to be recorded on the Waiting List (Record of Application) per the most recent revision/change of HUD 4350.3 regulations. If an applicant qualifies, Management shall send the applicant a letter notifying him/her that they have been placed on the Waiting List. This letter must also inform the applicant that, in accordance with HUD regulations, the applicant must reaffirm their application every six months, either in person or in writing, and state the initial termination date of their waiting list eligibility.

The Waiting List will be maintained in accordance with the following guidelines:

1. The application will be a permanent file;
2. Any contacts between the Management and the applicant will be documented in the applicant's file.

When the Occupancy Coordinator becomes aware of the possible availability of a unit, (i.e., Notice to Vacate, evictions etc.), they should go to the Waiting List and select the most qualified person on the list to be offered the available unit. Screening should be completed on the applicant again at this time to determine that they still meet all Tenant selection criteria.

*Revs'd 3/30/17

Once a decision regarding the application has been reached:

1. If the applicant is accepted, the following procedure will be followed:
 - A. The applicant will be notified by telephone of acceptance with a follow up letter if necessary.
If applicant cannot be reached by telephone and the letter is returned they will be removed from the waiting list.
 - B. The applicant will be notified when an apartment will be available and when rental payment is to begin.
 - C. A move-in date will be established.
 - D. Prior to move-in:
 - i. An apartment inspection form will be completed and signed by the resident and owner's representative; and
 - ii. A lease will be signed.
2. If the applicant is rejected, the following procedure will be followed:
 - A. A written reply will be sent to the applicant informing the applicant of the reason for rejection.
 - B. A written notice will include a 14-day response time of the applicant to Management from the date the notice is mailed.
 - C. If requested, a review of the applicants' response, including a meeting, if desired by the applicant, to be conducted by a management representative who did not make the initial decision to reject the applicant, will be granted.
 - D. If the applicant appeals, the management representative will give a written final decision within 5 days of the Meeting.

Persons with disabilities have the right to request reasonable accommodations to enable them to participate in the interview, rental, or informal hearing process.

Management must keep the following materials on file for at least 3 years: application; initial rejection notice; any applicant reply; Management's final response; and all interview and verified information on which Management based the rejection.

XVI. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer.

Offers will first be made by telephone. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail.

XVII. REFUSALS OF UNIT OFFERS

- A. Good Cause for Unit Refusal
Applicants may refuse to accept a unit offer for "good cause". Good cause includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. Examples of good cause for refusal of a unit offer include, but are not limited to the following:
 1. Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an education institution or job training program, or take a child out of day care or an educational program for children with disabilities.
 2. The family demonstrates to the Property's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.
 3. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse. Documentation of good cause for unit refusal is required.

- B. Unit Refusal without Good Cause;
When an applicant rejects the final unit offer without good cause, the Property will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so.

The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until the waiting list is reopened.