Resident Selection Criteria

Chestnut Square Family

Leasing Office:
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I. Introduction

This community is funded through the Department of Housing and Urban Development (HUD) Office of Multifamily Housing and the Internal Revenue Service's Section 42 Low Income Housing Tax Credit Program (LIHTC). There may be other programs that restrict eligibility requirements for this community. Please see Exhibit A for additional criteria. The policies and procedures established in this document are used in the selection of residents for this community. All procedures will be implemented in conjunction with HUD Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs, as amended, the IRS Section 42 regulations, as amended, and other applicable federal statutes and regulations, including but not limited to the following:

- Federal Register Notices/Final Rules
- Code of Federal Regulations (CFR)
- The Fair Housing Act (Title VIII of the Civil Rights Act of 1968)
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- State of California Fair Housing Laws
- HUD Handbook 4350.1 REV-1
- The Federal Fair Credit Reporting Act and state/local credit reporting laws

II. Mission

It is the mission of all MidPen Housing communities to provide safe, affordable housing of high quality to those in need; to establish stability and opportunity in the lives of residents; and to foster diverse communities that allow people from all ethnic, social and economic backgrounds to live in dignity, harmony and mutual respect.

We are committed to providing the best apartment management services to our residents. Each community has an on-site staff whose main goal is to serve our residents. We take pride in our ability and desire to provide our residents with well-maintained, professionally managed apartment communities.

III. Non-Discrimination

A. Equal Opportunity Housing

This community fully adheres to applicable federal, state, and local fair housing and civil rights laws, which provide that it is illegal to discriminate against any person due to race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, physical or mental disability, genetic information, age or any other arbitrary personal characteristic in all housing related activities.
If an applicant believes that he/she has been discriminated against or treated unfairly in the application process, he/she may contact us in writing at MidPen Housing Management Corporation, 303 Vintage Park Drive, Suite #250, Foster City, California 94404.

B. Additional Protection for Individuals with Disabilities

This housing community follows the requirements of Section 504 of the Rehabilitation Act of 1973 and does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in our federally assisted programs and activities.

The community will seek to effectively communicate with applicants, residents, and members of the public who are individuals with handicaps or disabilities. The use of auxiliary aides, such as readers, interpreters, large print documents, or recordings, will be implemented when necessary. The community asks for three (3) business days’ notice if an applicant requires us to provide any auxiliary aids to ensure effective communication in any meeting, interview or appointment.

This community also allows Reasonable Accommodations and Modifications when requested by applicants or residents with disabilities to enable equal opportunity to use and enjoy the unit and/or the common areas, to participate in our program or have access to activities sponsored by this community in accordance with the Reasonable Accommodation Policy (Exhibit E).

C. Additional Protection for Individuals with Limited English Proficiency

Executive Order 13166 requires all recipients of federal funds to take reasonable steps to ensure that persons with limited English proficiency (LEP persons) have meaningful access to federal programs and activities. In response to this executive order, this community has created a Language Access Plan which details the steps taken to ensure meaningful access including but not limited to providing for oral translation services for applicants who need language assistance. Copies of the Language Access Plan are available for review in our leasing office.

IV. Privacy Act Notice

The Department of Housing and Urban Development (HUD) is authorized to collect this information by the U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.), by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and by the Fair Housing Act (42 U.S.C. 3601-19) The Housing and Community Development Act of 1987 (42 U.S.C. 3543) requires applicants and participants to submit the social security number of each household member.

Purpose: Your income and other information are being collected by HUD to determine your eligibility, the appropriate bedroom size, and the amount your family will pay towards rent and utilities.
Other Uses: HUD uses your family income and other information to assist in managing and monitoring HUD-assisted housing programs, to protect the government's financial interest, and to verify the accuracy of the information you provide. This information may be released to appropriate federal, state, and local agencies, when relevant, and to civil, criminal, or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law.

Penalty: You must provide all of the information requested by the owner, including all social security numbers that you, and all other household members, have and use. Giving the social security numbers of all household members is mandatory, and not providing the social security numbers will affect your eligibility. Failure to provide any of the requested information may result in a delay or denial of your eligibility approval.

V. Definitions

A. ACCESSIBLE UNIT
A unit that is located on an accessible route and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with a physical impairment.

B. ELDERLY FAMILY
Elderly families are:
(1) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
(2) The surviving member or members of a family described in paragraph (1) living in a unit assisted under 24 CFR part 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death;
(3) A single person who is 62 years of age or older; or
(4) Two or more elderly persons living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well being. (24 CFR 891.505)

C. FAMILY
A family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
(1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person (at least 50 years old but below the age of 62), or any other single person; or

(2) A group of persons residing together, and such group includes, but is not limited to:

(i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

(ii) An elderly family;

(iii) A near-elderly family (head, co-head, spouse, or sole member is at least 50 years old but below the age of 62);

(iv) A disabled family;

(v) A displaced family; and

(vi) The remaining member of a resident family.

D. **LIVE-IN AIDE**

A Live-In Aide is a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

1. Is determined essential to the care and well-being of the persons;
2. Is not obligated for the support of the persons; and
3. Would not be living in the unit except to provide the necessary supportive services.

A relative may be a Live-In Aide but must meet all of the above requirements, and sign a statement to that effect. Adult children are not eligible to move into a Section 202/8 community after initial occupancy as a live-in aide. An adult child may only move into an existing Section 202/8 household if he/she is essential for the care of the resident; however, the adult child will be counted as a family member, his/her income will be included in family income, and the adult child will need to sign a document which acknowledges that he/she does not have the right to remain in the unit should the resident leave.

The need for the live-in aide will be verified before move-in. Prior to acceptance as a Live-In Aide, all candidates must be screened for drug abuse, criminal activity and status as a state lifetime sex offender following the same requirements used for applicants. A Live-In Aide qualifies for occupancy only as long as the individual needs support services and cannot qualify for continued occupancy as a remaining household member. It is the resident’s responsibility to ensure that the Live-In Aide follows the Community House Rules.
E. **VIOLENCE AGAINST WOMEN ACT (VAWA)**

The VAWA protections apply to households applying for or receiving rental assistance payments under any HUD or LIHTC housing assistance program. The law protects victims of domestic violence, dating violence, sexual assault, or stalking, as well as their immediate household members, from eviction or denial of housing assistance if an incident of violence is reported and confirmed.

The Landlord will request in writing that the victim, or a household member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, Form HUD-5382, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under VAWA. If the applicant needs alternative arrangements regarding the delivery of these documents, management will work with the applicant on other acceptable ways for providing the information. All information regarding the victim’s status will be kept confidential and in a separate file in a secure location in accordance with MidPen’s Housing Policies and Procedures pertaining to Victims of Domestic Violence, Dating Violence, Stalking, Human Trafficking, Sexual Assault, or Abuse of Elder or Dependent Adult.

A resident who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations at 24 CFR part 5, subpart L, may be eligible for an emergency transfer as outlined in MidPen’s Emergency Transfer Plan in Exhibit G.

VI. **Eligibility**

A. **Program Requirements**

a) **Income Limits**

The household's annual income must not exceed the applicable income limit for the community as established by HUD and/or the IRS. Current Income Limits are attached as Exhibit C.

b) **Social Security Number**

All household members must disclose and provide verification of the complete and accurate Social Security Number (photocopy may be kept on file) assigned to them unless the household member meets one of the following exceptions:

- Household members who do not contend eligible immigration status
- Household members who were age 62 or older on January 31, 2010 and whose initial determination of eligibility was begun before January 31, 2010

Applicants are not required to disclose or provide verification of a social security number at the time of being placed on the waiting list however, they must disclose and provide verification of a social security number for all non-exempt household members before they can be housed. If all non-exempt household members have not disclosed and/or provided verification of their social security number at the time a unit becomes available, the next eligible applicant will be offered the available unit. Applicants will have 90 days from the date they are offered the available unit to disclose and/or verify the social security number. During this 90-day period, the applicant may retain their place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the social security numbers of all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list.

If a child under the age of 6 is added to the household within the 6-month period prior to the household’s date of admission and the child's social security number and verification are not available, the household will have 90 days after the date of admission to provide the number and documentation. An extension of one 90-day period would be allowed under certain circumstances.

c) **Consent and Verification Forms**
   The head of household, the spouse and/or co-head and all other adults (18 and older) in each applicant household must sign an Authorization for Release of Information and as necessary, verification documents, prior to being approved and every year thereafter.

d) **Residency/Assistance Requirements**
   Applicants must agree that their rental unit will be their only place of residence. Applicants are allowed to own real estate, whether they are retaining it for investment purposes as with other assets, or have the property listed for sale; however, they may never use this real estate as their residence while they live in an affordable housing unit.

   Applicants must disclose if they are currently receiving HUD housing assistance in another location. Nothing prohibits a HUD housing assistance recipient from applying to this community; however, the applicant must move out of the current property and may need to forfeit any Housing Choice Voucher before HUD assistance at this community can begin. This community will use the
Enterprise Verification System's (EIV) Existing Tenant Search to determine if the applicant or any member of the applicant's household is currently receiving HUD assistance.

Special consideration applies to:
1) Minor children where both parents share 50/50 custody
2) Recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit

This information will be reviewed on an ongoing basis. If any household member receives assistance in another HUD assisted unit while receiving assistance at this community, the household member will be required to reimburse HUD for the assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

e) Rent Formulas
   The applicant family must agree to pay the rent required by the assistance program.

f) Drug Abuse and Criminal Activity Requirements
   HUD regulations require that we deny admission to applicant households if:
   a) Any household member was evicted in the last three years from federally assisted housing for drug-related criminal activity;
   b) Any household 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;
   c) Any household member is subject to a State sex offender lifetime registration requirement; or
   d) Any household member if there is reasonable cause to believe that the 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.

g) Citizen/Non-Citizen Requirements
   By law, only U.S. citizens and noncitizens with eligible immigration status as determined by HUD may receive assistance under the HUD Section 8, Section
236, Rent Supplement, Rental Assistance Payment (RAP) and Section 202/8 programs. All family members who wish to be considered for one of these programs, regardless of age, must declare their citizenship or immigration status. U.S. Citizens must sign a declaration of citizenship. Eligible noncitizens, under the age of 62, must sign a declaration of eligible immigration status, provide documentation of their status, and sign a verification consent form to verify eligible status with the Department of Homeland Security. Eligible noncitizens age 62 or older must sign a declaration of eligible immigration status and provide proof of age. Ineligible noncitizens must sign a declaration stating that they do not claim eligible immigration status. Mixed households with one or more ineligible family member(s) are eligible for prorated assistance.

h) **Student Eligibility**

I. **LIHTC Eligibility**

Applicant Households that consist of full-time students must meet the IRS Section 42 regulations regarding full-time student households at all times, or they are not eligible to move in or remain as a tax credit eligible family.

The IRS defines a full-time student as one who attends an educational institution with regular facilities, other than a correspondence or night school, during at least five months of the calendar year for which application for housing has been made. The educational institution determines whether a student is full or part-time.

If a household is comprised entirely of full-time students, they must meet one of the following criteria in order to be eligible for a Tax Credit unit:

a. All members of the household are married and either file or are entitled to file a joint tax return;

b. The household consists of a single parent and his or her minor children, and both the parent and children are not a dependent of a third party other than the parent of such children;

c. At least one member of the household receives assistance under Title IV of the Social Security Act. (AFDC, TANF, CalWORKS, etc. Please note: SSA or SSI do not qualify.)

d. At least one member is enrolled in a job training program receiving assistance under the Work Investment Act (WIA) formerly known as the Job Training Partnership Act, or similar federal, state, or local laws as defined by HUD 4350.3 REV-1;
e. The household consists of a tenant under the age of 24, who has exited the Foster Care system within the last 6 years.

II. HUD Eligibility
A student must meet all of the following criteria in order to be eligible for HUD assistance programs:

a. Be of legal contract age under state law;

b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or

c. Meet the U.S. Department of Education's definition of an independent student as follows:

   (i) The individual is 24 years of age or older by December 31 of the award year;
   (ii) 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;
   (iii) 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;
   (iv) The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes; (v) The individual is a graduate or professional student;
   (vi) The individual is married;
   (vii) The individual has legal dependents other than a spouse;
   (viii) 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) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by— (a) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(iii) of the McKinney-Vento Homeless Assistance Act; (b) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; (c) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or (d) a financial aid administrator; or
   (ix) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.
d. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and

e. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided. This certification is not required for vulnerable youth populations, including individuals who are orphans, in foster care, wards of the court, emancipated minors, unaccompanied homeless youth, and youth at risk of becoming homeless.

III. Section 8 Eligibility

In addition, an individual cannot reside in a Section 8 unit if that individual:

a) Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and

b) Is under the age of 24; and

c) Is not married; or

d) Is not a veteran of the United States Military; or

e) Does not have a dependent child; or

f) Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving Section 8 assistance as of November 30, 2005; or

g) Is not living with his or her parents who are receiving Section 8 assistance; or

h) Is not individually eligible to receive Section 8 assistance or has parents (individually or jointly) who are not income eligible to receive Section 8 assistance.

If a student becomes ineligible after move-in, their assistance may be terminated in accordance with program guidance. The household's rent may be increased to the market rate rent for the unit. In a Tax Credit unit without HUD assistance, tenancy can be terminated if the household does not meet the student requirements.
B. **Community Requirements**

a) **Identification**

Positive identification with a picture will be required for all adult applicants (photocopy may be kept on file). Applications must include the date of birth of all applicants to be considered complete.

b) **Landlord History**

Applicants must have an acceptable landlord history that demonstrates a history of cooperation with management regarding house rules and regulations; abiding by lease terms; and care of property. Landlord history must show that the applicants' conduct in present or prior housing has been such that the admission to the property would not negatively affect the health, safety, or welfare of other residents, or the physical environment, or financial stability of the property.

Landlord history must include a minimum of two (2) years rental history from a minimum of two landlord references. One (1) reference from the applicant's current landlord will be accepted from applicants who have resided in one location for two (2) or more years.

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 applicants' misrepresentation of information.

The absence of previous rental history by itself will not be reason to deny an applicant household.

c) **Interference/Fraud**

Any applicant whose conduct interferes with, hinders, delays, obstructs or otherwise prevents the application process from being completed may be denied. Any information provided by the applicant that is later proven to be untrue by verification may be used to disqualify the applicant for admission on the basis of attempted fraud. Fraud is defined by HUD as an applicant or resident knowingly providing inaccurate or incomplete information.

d) **Occupancy Standards**

The occupancy standard is the minimum and maximum number of household members that may reside in a specific size unit. When counting household members, every member listed on the application, HUD-50059, TIC, or lease is counted including all full-time members, persons temporarily absent from the unit, children anticipated to live with the
family, children away at school, live-in aides, foster children and foster adults.

In the event an applicant household member, or someone associated with that household, has a physical or mental disability which requires a deviation or exception from these occupancy standards, the applicant should make a request for reasonable accommodations, which may be granted if it does not create an undue financial and administrative burden or create a fundamental change to the nature of the property. All requests for reasonable accommodations will be evaluated on a case-by-case basis by MidPen’s 504 Coordinator.

The Occupancy Standards for this community are found in Exhibit A-Community Eligibility.

e) **Income Requirements**

For units not subsidized under the Section 8 or PRAC programs, applicants must meet the minimum income requirements for the unit. The minimum monthly income is set at two (2) times the rent for the unit.

f) **Credit Requirements**

This property evaluates each person applying to live at its community with a credit-risk scoring system that is provided by an independent consumer-reporting agency and consistently applied to all of the applicants. This scoring system uses a statistical model to estimate the credit risk that an applicant may not satisfactorily fulfill his/her lease obligations. The statistical model was developed from data regarding actual residents and their payment performance of their lease obligation. Prior to final acceptance of each applicant, this property will use this system to provide a numerical score that represents a relative measure of the credit risk associated with that applicant. The acceptance policies include having no more than 35% of past due negative accounts and no more than $2,500 maximum balance of unpaid collections (including past due accounts). Bankruptcies are permitted if they have been cleared. Each applicant’s credit-risk score will be compared to the acceptance policies to determine whether or not the applicant may be accepted. If the application is denied based on the credit-risk score, the applicant will be advised what factors most adversely affected the score and the applicant will be given the name, address, and telephone number of the consumer reporting agency that provided the credit-risk score to this property. An applicant who is denied based on his/her credit-risk score may obtain a copy of the consumer report(s) on which the credit-risk score was based, and may initiate an investigation to have any erroneous information contained in such reports corrected. The consumer-reporting agency will advise the applicant of the actions that he/she may take in order to do so. Available units will not be held
open during any such investigation by the applicant. The absence of credit history by itself will not be reason to deny an applicant household.

**g) Background Screening Requirements**

Prior to final acceptance of any application, this community will conduct a criminal background search on each household member age eighteen (18) years or older, including emancipated minors, using an independent consumer-reporting agency. Due to the HUD regulations noted on page 9, the criminal background search will include state and national sex offender registries. If the criminal background report indicates that one or more such felony records were found, those records will be compared to the established acceptance policies to determine whether or not the applicant may be accepted.

In addition to HUD's mandatory denial criteria listed on page 9, this community also will deny admission for:

- Felony convictions for the illegal manufacture or distribution of a controlled substance within the last 7 years
- Felony convictions for bodily harm, intentional damage, or destruction of property within the last 7 years
- Felony convictions for sexual related offenses within the last 7 years

If the application is denied based on this criminal background search, the applicant will be given the name, address, and telephone number of the consumer-reporting agency that provided the criminal background report. An applicant who is denied based on a criminal background search may obtain a copy of the report and may initiate an investigation to have any erroneous information contained in the report corrected. The consumer-reporting agency will advise the applicant of the actions that he/she may take in order to do so. Available units will not be held open during any such investigation by the applicant.

**VII. Application Procedures**

**A. Complete an Application for Housing**

To apply to live at this community, an applicant family must complete an application and certify that the supplied information is complete and accurate. Based on the household size, the applicant must designate the number of bedrooms requested. The applicant may request more than one unit type at the time of the initial application provided the household meets the occupancy standards or an accommodation has been requested (eligibility for the accommodation and the reasonableness of the accommodation requested will be determined when a unit is available), and the specific bedroom size waiting list is open.
In addition to the application, applicants are offered the opportunity to complete the HUD Form 92006, Supplement to Application for Federally Assisted Housing. This form gives the applicant the opportunity to identify an individual or organization that may be contacted to assist in resolving any issues that may arise during the application or tenancy process. If the applicant requires assistance in completing the application, please contact the Community Manager/Leasing Office.

B. Submit Application

The application must be signed and dated by all adult members for the application to be considered. Applications can be submitted by mail or in person at the community leasing office during normal business hours.

Applications will be preliminarily screened for completeness, legibility, and to determine that the household meets the basic eligibility requirements to qualify for this housing program. If it appears that the applicant household meets the basic requirements, the applicant will be added to the waiting list for the requested unit size(s). This is not an assurance that an applicant qualifies for a unit.

C. Interview

As an applicant's name approaches the top of the Waiting List, an interview will be scheduled. All members of the applicant household must attend the interview. Two failures to schedule and/or attend an agreed-upon time for an interview will be grounds for denial. For applicants with limited English proficiency, language assistance can be requested. Please make a request at least three business days prior to the interview.

During the interview, the applicant household will be asked to update the information on their original application. All forms of income and assets must be disclosed. During the interview, all items on the application will be discussed and confirmed, and third-party verification of each factor will be attempted, per HUD and IRS regulations and procedures. Until all items are verified, eligibility cannot be determined, nor any housing offered. Third party verification includes original or authentic documents generated by a third party source that are dated within 120 days from the date of receipt by the owner, verification forms sent by the owner directly to the source and returned to the owner through mail, email, or fax, and oral verification. After move-in, verification will also be accomplished, in part, through the use of HUD’s Enterprise Income Verification (EIV) system, which pulls data directly from the Department of Health and Human Services (HHS), the Department of Housing and Urban Development (HUD), and the Social Security Administration (SSA). This report will be run approximately 90 days after the initial move-in date and at every recertification.

If a discrepancy is found between information reported in the EIV database and what the household reported during the initial and/or annual recertification, our office will contact the resident for clarification of the information provided. The resident may be asked to provide additional documentation of his/her income. This is a HUD
requirement, to assure that each resident is receiving the accurate amount of assistance for which he/she is eligible. If it is discovered that subsidy was received by a member or all members of a household as a direct result of a fraudulent act(s) (unreported income, purchased or stolen social security numbers, etc.), we are required to take the necessary steps to recapture all subsidies paid on behalf of the household, report individuals to HUD, and pursue eviction of the household and judgment for monies owed as a consequence of the rental subsidy received fraudulently.

Note: EIV is only used as a source of verification for the HUD Project Based Section 8 program.

*Eligibility for housing can only be confirmed after all sources of income, assets, household composition, etc., which may have any bearing on the rent that is paid or subsidy received, are verified.*

**D. Ineligibility**

Households may be ineligible for occupancy for various reasons including, but not limited to, the following:

1. The applicant/household does not meet the program/community eligibility requirements listed in Exhibit A of this plan;
2. The household gross income (using the HUD definition of income) is over the applicable income limit published by HUD (Exhibit C);
3. The applicant/household's monthly income does not meet the minimum income standard established for this community and the household will not receive Section 8 or PRAC assistance (if available);
4. The applicant/household has an unacceptable credit history as reported by a consumer-reporting agency;
5. The applicant/household contain a student enrolled in an Institute of Higher Education who does not meet the criteria specified on pages 10 and 11 of this plan;
6. There is submission of false or untrue information on the application;
7. Failure to cooperate in the verification process including failure to provide requested information;
8. Failure to schedule and/or attend two interviews;
9. The applicant/household has refused two offered apartments and does not have a valid medical reason, or the household has refused three offered apartments with a valid medical reason;
10. The applicant/household has an unacceptable criminal background as reported by a consumer-reporting agency;
11. The applicant/household has an unacceptable reference from a current or
previous landlord;
12. Household size does not conform to the stated minimum and maximum sizes as described in Exhibit A;
13. Failure to sign designated or required forms and/or documents upon request;
14. Failure to disclose and document Social Security numbers on all non-exempt household members within 90 days of the date the household was first offered an apartment;
15. This will not be the only residence for the applicant/household;
16. The applicant/household is not willing to pay the rent as calculated under the subsidy program.
17. Failure to present all applicants during the interview with the Community Manager;
18. Blatant disrespect or disruptive behavior, or demonstrable history of such behavior, towards management, the property, or other residents exhibited by an applicant or household member or friend any time prior to move-in;
19. Misrepresentation of any information related to eligibility, allowance, household composition or rent.
20. Other cause, including, but not limited to, failure to meet any of the selection criteria in this document.

**E. Application Decision**

If the application is approved and the applicant accepts an offered available apartment, the applicant will be asked to schedule a time to come and sign the lease. All household members must attend this session. During this meeting, the applicant will be required to sign a lease agreement in which he/she will agree to abide by all the rules and regulations. We will also conduct a unit inspection with the applicant. The applicant is encouraged to read all lease documents in advance of this appointment. Upon request, these documents can be mailed to the applicant.

If the application is denied, the applicant will be notified of this decision in writing. This written statement will include the reason(s) for the denial, and state that the applicant has the right to request an appeal of this denial decision and present any extenuating circumstances the applicant would like to have considered.

**F. Appeal Procedure**

Applicants have fourteen [14] days after the date of denial letter to notify management in writing or request a meeting if he/she would like to appeal the denial decision. If a denial letter is sent to an applicant, and no response or new evidence is received within fourteen [14] days, the file will be closed permanently.

If the applicant submits a written notice of appeal or requests an appeal meeting within fourteen [14] days after the date of the denial letter, a management
representative who was not a party to the original decision to deny will handle the appeal. This representative will review the application and any new facts or information that the applicant feels would have an effect on their application. Management will notify the applicant of their final decision within five (5) business days of receiving the applicant’s written appeal or the date of the appeal meeting. Persons with disabilities have the right to request reasonable accommodations to participate in the appeal process.

Available units will not be held open during the appeal procedure. If a unit is not available at the completion of the appeal procedure and the appeal is granted, the applicant will be put back on the Waiting List in its original position.

A complete Grievance Procedure and Policy is available for anyone who wishes to file a grievance and/or requires detailed information about this subject. A copy of this policy is included with the denial letter.

The applicant has the right to dispute the accuracy of any information provided to property by the Consumer Reporting Agency or Screening Company. If the application is denied due to unfavorable information received during the screening process the applicant may contact the Consumer Reporting Agency that provided the information to the Property. The contact information will be included in the denial letter. The applicant also has the right to obtain a free copy of the consumer report from the consumer reporting agency that provided the information if the applicant requests it within 60 days of application denial.

**VIII. Wait List Policy**

**A. Admissions**

Applicants will be considered according to their chronological order on the Waiting List unless preferences are described in Exhibit B of this plan. Priority for units will be given to applicants who meet any applicable community preferences. Applicants at the top of a Waiting List will be notified of upcoming vacancies of apartments that meet their selected unit preference and will be given the opportunity to set up an appointment for an interview to determine current eligibility. After the interview, the application will be screened and verified prior to being offered a unit. Participating in an interview does not guarantee that the applicant will be eligible or that an apartment will be offered to the applicant.

Apartments designed specifically for a person with disabilities, whenever possible, will be rented to a household or individual needing that specific apartment type. These apartments will be offered first to current residents, and then to applicants, who have noted the need for such an apartment on their application, based on their chronological order on the waiting list. In all instances, an apartment designed specifically for a person with disabilities should be rented to a household with a
member needing that type of unit. Outreach will be done with community agencies and organizations to accomplish this.

In the unlikely event that no resident or applicant requires that apartment type, the next applicant on the waiting list can be housed temporarily only after signing a lease addendum stating that they will move at their own expense within 30 days of written notification by management that there is a need for their particular apartment and an appropriate sized apartment is available.

**B. Wait List Administration**

This community periodically opens the Waiting List by bedroom size, based on community needs. The community announces the opening of the Waiting List and provides information where and when to apply. The community’s Affirmative Fair Housing Marketing Plan, which is available in the rental office, provides further details on the marketing and outreach efforts employed. When the number of Waiting List applicants exceed the number of vacancies for a specific unit size for the average unit turnover for one year, the Waiting List will be closed. Potential applicants will be notified of the closure, a sign will be prominently posted in the rental office, and no applications will be accepted during that time.

The applicant is responsible for keeping the community updated with any changes in their contact information. The applicant may designate a third party contact person or agency to contact us on his/her behalf to provide us with current contact information. Failure of the applicant to provide current contact information will remove the applicant from the Waiting List. Management will typically update the Waiting List every 6 months or at least once a year by contacting the applicant at the last known address, requesting an update status. If the applicant does not respond to this update request, management will remove the applicant from the Waiting List. During the status update, management will also request information that helps determine likely eligibility for the housing program; however, eligibility will not be confirmed until the applicant’s file has been processed, verified and certified at the time of expected occupancy.

If an applicant on the Waiting List is offered an apartment, he/she may refuse the offered apartment once and maintain their place on the Waiting List. The applicant will not be contacted again for a 30-day period. If a second apartment is offered and refused, the applicant will be denied unless a valid verifiable medical reason exists.

When an apartment becomes available, in-place residents requiring a different apartment will be housed appropriately before an applicant will be selected from the outside Waiting List. In this manner, management will be able to avoid displacing, through eviction or other actions, current residents whose housing needs have changed since admission. This will be done in chronological order, based upon the date the Unit Transfer Application was submitted.
IX. **Reasonable Accommodation Policy**

This community is committed to making the apartment community readily accessible and usable by individuals with disabilities. Property will consider any request by or on behalf of a disabled resident or applicant for:

a) A reasonable accommodation requesting a change in its rules and/or policies; or

b) A reasonable modification relating to alteration of the common areas or an individual unit.

Any such request should be made in writing in conjunction with the Reasonable Accommodation Policy (Exhibit E). Requests should be forwarded to the Section 504 Coordinator located at MidPen Housing, 303 Vintage Park; Suite #250, Foster City, CA 94404. If it is not possible to make the request in writing, the Property Community Manager will assist the person making the request and provide the necessary information.

X. **Unit Transfer Policy**

All unit transfers will be processed in accordance with the Transfer Policy (Exhibit F). No preference will be given to residents wishing to be relocated to other communities owned or managed by MidPen Housing.

XI. **Revision of Resident Selection Criteria**

We reserve the right to make modification to this plan as necessary, to comply with changes in policy or regulatory requirements. When the plan is revised, the effective date of the new plan will be noted on the cover page. In addition, any time a new plan is implemented, all applicants on the Waiting List and current residents will be provided with a notice stating that a revised plan is being implemented and that they may request a copy from the management office.
Exhibit A – Community Eligibility - Chestnut Square Family

This community is funded under the following programs and adheres to all regulatory requirements, income and rent restrictions:

- City of Livermore
- California Tax Credit Allocation Committee (CTCAC)
- City of Livermore Housing Authority
- Affordable Housing Program
- Alameda County A1 Bond and Innovation Funds
- IIG Sponsor Loan – Housing and Community Development (HCD)
- Housing and Urban Development (HUD) – Section 811 Program

To live at Chestnut Square Family, the applicant must be:

- 18 years of age or older (Head of Household) or legally emancipated;
- For the HUD Project Based Section 8 and Project Based Section 8 Voucher programs, at least one member of the applicant household must be a citizen or national of the United States, or an eligible non-citizen as defined by HUD (24 CFR part 5, subpart E);
- At or below 20% of AMI;
- At or below 30% of AMI;
- At or below 40% of AMI;
- At or below 50% of AMI;
- At or below 60% of AMI; and
- Within the Occupancy Standards for our unit sizes using the charts below.

Eligibility for project-based Section 811 units

The property has eight (8) Project Rental Assistance (PRA) units for households who are eligible for the Section 811 program (Supportive Housing for Persons with Disabilities) and are very low- and extremely low-income adults with disabilities (see Exhibit A “Community Eligibility”). As a part of the program, California Housing Finance Agency (CalHFA) will be the Section 811 PRA units’ Contract Administrator.

Defining Persons with Disabilities for Section 811 Units

Any adult having a physical, mental, or emotional impairment that:

- Is expected to be of long-continued and indefinite duration;
- Substantially impedes the person’s ability to conduct the activities of daily living;
- Is such that the person’s inability to conduct the activities of daily living could be improved by more suitable housing conditions.

A person having a developmental disability, as defined in Section 102(7) of the Developmental
Disabilities Assistance and Bill of Rights Act, that is a person with a severe chronic disability which:

- Is attributable to a mental and/or physical impairment or combination of mental and physical impairments
- Was manifested before age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and responsive language; learning; mobility; self-direction; capacity for independent living; and economic self-sufficiency;
- Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- A person with a chronic mental illness that is a person who has a severe and persistent mental or emotional impairment that seriously limits his/her ability to live independently, and whose impairment could be improved by more suitable housing conditions.
- Persons infected with the human acquired immunodeficiency virus (HIV) and persons who suffer from alcoholism or drug addiction, provided they meet the definition of "person with disabilities" in Section 811 (42 U.S.C. 8013(k) (2)).

It is the policy of this property to assure that qualified individuals with handicaps or disabilities are not discriminated against on the basis of their handicap or disability. The property also assures that these individuals will have equal opportunity to receive and enjoy the benefits of living at the property.

Eligibility for Section 811 Units

- Project eligibility establishes whether applicants are eligible to reside on the property to which they are applying. PRA funds will be used to serve extremely low-income, non-elderly persons with disabilities who are between eighteen and sixty-two years of age. Eligible tenants are:
  - Individuals residing in an inpatient facility for at least 90 consecutive days, for which MediCal has paid for at least one of those days, who are enrolled in the California Community Transitions (CCT) Program. For the purpose of this program, inpatient facility includes facilities directly billed to MediCal, including but not limited to, a Skilled Nursing Facility, a Developmental Center, or an Intermediate Care Facility. Priority for PRA unit occupancy will be given to this population. For this population, it must have been determined by the prospective tenant’s physician that without the provision of MediCal, State Plan, or long-term care Home and Community-based Waiver Services these individuals would continue to require a level of care provided by an inpatient facility; or
  - Individuals currently receiving MediCal State Plan or long-term care Home and Community-based Waiver Services who are “at risk” of placement in an inpatient facility due to loss of housing. For these individuals, CCT or Regional Center Case Managers will identify eligible individuals and the State DHCS will verify this eligibility
  - The PRA program will make a preliminary eligibility determination through EBI and the
DHCS to ensure that there are no obvious factors that would make an applicant ineligible.

- **Screening for Section 811 PRA Units – Past Performance**
  A PRA applicants will not be denied occupancy based on a poor credit history or a history of nonpayment of rent if the applicant, at the time of commencement of occupancy, will have access to rental assistance sufficient to pay his/her share of the PRA unit rent and there are procedures in place to ensure such rental assistance will be paid on a monthly basis in accordance with the HUD PRA Model Lease and other PRA program requirements.

*(See next Page for Occupancy Standards)*
**Occupancy Standards:**

<table>
<thead>
<tr>
<th>UNIT SIZE</th>
<th>MINIMUM HOUSEHOLD SIZE</th>
<th>MAXIMUM HOUSEHOLD SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>1 person</td>
<td>3 persons</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>2 persons</td>
<td>5 persons</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>4 persons</td>
<td>7 persons</td>
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**Occupancy Standards for Project Based Section 8 Units:**

<table>
<thead>
<tr>
<th>UNIT SIZE</th>
<th>MINIMUM HOUSEHOLD SIZE</th>
<th>MAXIMUM HOUSEHOLD SIZE</th>
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</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
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<tr>
<td>2 bedroom</td>
<td>3 persons</td>
<td>4 persons</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>5 persons</td>
<td>6 persons</td>
</tr>
</tbody>
</table>
Exhibit B -- Community Preferences

Preference shall be given on all 41 units to applicants who: 1) Live in the City of Livermore; or 2) Work in the City of Livermore that meet the below preference requirements:

1. Live or work in the City of Livermore—“Livermore Resident” is defined as a person/applicant household with a primary residence (residential dwelling unit) within incorporated city limits. Work in the City of Livermore - “Livermore Employee” is defined as a person/Eligible Household who works as an employee of a business with operations established within the corporate limits of the city on an at least part-time (minimum 20 hours per week) basis.

2. Live or work in the Tri Valley Area (Dublin, Pleasanton, Livermore)
3. Live or work in Alameda County

Preference shall be given on the Housing Authority of the City of Livermore’s Project Based Section 8 Units (10 units) to applicants that are currently homeless and are being referred by an agency approved by the City of Livermore.

The 10 Homeless Units shall be marketed to and occupied by clients referred through an agency or agencies participating in homeless programs supported and approved by the City and will be referred outside of the lottery process.

- For purposes of this preference, the term “homeless” generally means—(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence; (2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including but not limited to a car, park, abandoned building, bus or train station, airport, or camping ground; or (3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by the Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing).

- To the extent a Homeless Unit remains unoccupied for a period of 30 days due to the fact a qualified tenant has not been identified, the Homeless Unit may be rented to an otherwise qualifying tenant, provided the next available unit shall be made available as a Homeless Unit.

Preference shall be given under HUD 811 PRA program on 8 units to extremely low-income (30% AMI) disabled individuals for permanent supportive housing. Referrals of applicants for these units
will come through East Bay Innovations and will occur outside of the lottery process. Please refer to exhibit A for eligibility restrictions.
### Exhibit C – Income Limits and Rents

#### Project Based Section 8 – HUD Income Limit Table 2020

<table>
<thead>
<tr>
<th>HH #</th>
<th>1</th>
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<th>7</th>
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#### Project Based Section 8 Contract Rents 2020

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<td>$1,829</td>
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#### MTSP Alameda County Income Limit Table 1 2020

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<tr>
<td>50%</td>
<td>$45,700</td>
<td>$52,200</td>
<td>$58,750</td>
<td>$65,250</td>
<td>$70,500</td>
<td>$75,700</td>
<td>$80,950</td>
</tr>
<tr>
<td>60%</td>
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<td>$70,500</td>
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<td>$97,140</td>
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#### MTSP Alameda County Rent Limit Table 1 2020

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<tr>
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<tr>
<td>60%</td>
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*Both income limits and rents are subject to change.*
Exhibit D – 811 PRA Preference, Wait List and Appeal Policies

Preference & Waitlist Policies:
Pursuant to the requirements of the Section 811 PRA Program and any associated agreements, the Project Owner or their designee, must inform their PRA tenant referral organizations of a vacancy and hold available units open for a reasonable period of time, no more than 30 days. If no Eligible Tenants are identified within 30 days, the available units may be leased to families which are not eligible for the PRA Program; however, these households are not entitled to the benefit of the PRA rental assistance.

Where suitable units are available and two or more PRA-eligible tenants are ready to move in at the same time, preference shall be given to individuals who are transitioning from an in-patient facility as set forth in the current PRA Notice of Funding Availability. See Exhibit B of this plan for more information on the applicant-referral process.

Notwithstanding the other provisions of this section, in instances where there are two or more applicants who are PRA-Eligible and are ready to move, first priority shall be given to an individual who is transitioning from an in-patient facility as defined in Exhibit A of the Tenant Selection Plan.

If two or more persons from in-patient facilities qualify at the same time, these referrals from the TROs will be given priority as first come, first served.

Appeal Process for 811 Units:
All denied applicants have 14 days to respond in writing or to request a meeting to discuss their rejection. Appeal letters should be provided to the PRA tenant-referral organization or the property owner in-person or at the address provided by these entities. A member of the property owner’s staff who was not involved in the initial decision to deny admission will conduct any meeting with the applicant. A written response will be sent to the applicant within 5 days following the review meeting with the final decision.
Exhibit E – Reasonable Accommodation Policy

Management recognizes its obligations to reasonably accommodate individuals with disabilities in all phases of its operations. This includes employees, applicants for housing and residents currently in housing operated by MidPen Housing.

The Reasonable Accommodations requirements are expressed in the Fair Housing Act Amendment of 1988 as promulgated by the Department of Housing and Urban Development (24 CFR Parts 14 et seq.) with respect to applicants for occupancy in our housing and current residents of our properties.

In accordance with these regulations, and in recognition of our obligations, MidPen Housing hereby puts forth this Reasonable Accommodations Policy as follows:

1. Management will make reasonable accommodations, which are changes, exceptions, or adjustments to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to participate fully in a program, take advantage of a service, live in a dwelling, or perform a job.

2. Management will make accommodations that are both reasonable and necessary to afford an individual with disabilities equal opportunity. In order to show that a request is necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

3. Management will determine whether a request for accommodation is reasonable and may propose an alternative that is equally as effective in affording equal opportunity.

4. In order to be eligible for a reasonable accommodation, an individual must be considered disabled as defined by Federal Law. A person with disabilities is defined as someone who has a physical or mental impairment that substantially limits one or more major life activities; is regarded as having such an impairment; or has a record of such an impairment.

   Major life activities include but are not limited to: seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking and working.

5. Normally a reasonable accommodations request should be submitted in writing, but whenever a resident, applicant, or employee makes it clear that a request is being made for an exception, change, or adjustment to a rule, policy, practice, service, or physical structure because of his or her disability, management will consider the request. Reasonable Accommodation requests can be made by the person with the disability, a family member, or someone else acting on the individual's behalf.

   It is helpful for both the individual with the disability and management if the request is made in writing. If the individual with a disability requires assistance in providing a written reasonable accommodation request, management will assist the individual with disabilities with this request.

6. Upon receiving the request, management will attempt to verify that the applicant/resident/employee meets the definition of a person with disabilities listed above,
and needs the accommodation in order to benefit from the programs, or services offered at this community unless the disability is obvious or otherwise known to the provider and the need for the accommodation is readily apparent or known, in which case no verification is required.

7. Management will respond in writing, and in a manner deemed most understandable to the applicant/resident/employee.

8. Management does not, by law, have to honor a reasonable accommodation request that would result in:
   a. A fundamental alteration in the nature of the program. This means that management does not have to provide services that are not presently being provided. In such case, the individual may obtain the service(s) on his/her own.
   b. An undue financial burden. This determination will be made on a case-by-case basis, involving various factors, such as the cost of the reasonable accommodation, the financial resources of the property, the benefits the accommodation would provide the requester, and the availability of alternative accommodations that would adequately meet the requester’s disability-related need.
   c. An undue administrative burden. This means the accommodation would not easily be accomplished with existing staff and would require the hiring of additional staff or would result in a reduction in services to other residents.

9. If an accommodation request falls into one of the three categories in (8) above, management will endeavor to identify an equally effective means of meeting the individual’s needs. Reasonable accommodations are based on need, not a preference. Management may also, where a request is denied for reasons permitted by law, allow the individual to make modifications at their own expense.

10. Management will allow assistance and companion animals. Management will verify the need for the assistance or companion animal (unless the need is readily apparent or already known), and the resident is responsible for the conduct of the animal at all times in a manner consistent with the lease.

11. This reasonable accommodation policy also applies to employees with disabilities who meet the definition of disabled contained in this policy. Employees with disabilities shall, subject to the limitation described in (8) above, be eligible for reasonable accommodations that will permit them to perform the essential functions of the job.

12. Consideration of all accommodation requests shall be made on a case-by-case basis.

13. Individuals who believe they have been discriminated against in connection with this policy should contact the Section 504 Coordinator at MidPen Housing, 303 Vintage Park; Suite #250, Foster City, CA 94404.
Reasonable Modifications (811 PRA Units)

The property will permit residents with handicaps or disabilities to make reasonable modifications to their individual units or common areas at the expense of the California Department of Health Care Services' (DHCS) California Community Transition’s Program or at the applicant’s own expense with prior approval from DHCS. When the resident vacates the unit, s/he must agree to restore the premises to the condition that existed before the modification, if requested by the property. The property will not require this restoration if the modification benefits the property or is needed by another resident.


Exhibit F – Transfer Policy

It is MidPen’s policy to manage our buildings with particular attention and sensitivity to the needs of our residents. Management’s intention is to provide and service quality housing, offer flexibility with regard to changing personal and family needs, and administer our housing programs fairly to everyone. Transfers are made without regard to race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, physical or mental disability, genetic information, age or any other arbitrary personal characteristic.

Vacant units are filled with residents awaiting transfer before applicants from the community wait list. All transfer requests must be made and submitted in writing to management at the site using the Transfer Request Form. A separate wait list of persons wishing to transfer will be maintained in the office. Transfer requests will be considered in the order received within each category below.

Transfer Categories
Transfers will be considered for the following reasons:

1. Reasonable Accommodation Requests: Individuals with disabilities may require transfer to a unit designed specifically for persons with disabilities, to a unit that allows them equal opportunity to use and enjoy access to their housing, or to a unit that can accommodate a live-in attendant; this must be approved through the Reasonable Accommodation process.

2. Change in Household Composition: Changes such as an increase or decrease in family size may cause a household to be out of compliance with the specific community or program occupancy standards. Households under or over occupying a unit will be required to transfer to the appropriate sized unit within 30 days of notification of availability.

3. HUD/Tax Credit Compliance: When necessary to remain in compliance with regulatory requirements, residents will be required to transfer to a unit with a specific income set-aside that coincides with household’s income.

4. Household Conflict: When management determines that a conflict between two households cannot be resolved and that a move is necessary, the household with the least seniority on the site will be selected to move to the new unit. Multiple requests by the same household for transfers due to conflict will not be honored.

5. Other compelling reasons that MUST be documented and verified.

6. A transfer request as mandated by MidPen’s VAWA Emergency Transfer Plan (i.e., victims of domestic violence, dating violence, sexual assault, or stalking).

Residents, who request to transfer under Category 5, must be in good standing and have no serious lease violations.
Good standing is defined as current on all rent and other charges and having no housekeeping deficiencies as verified on the most recent unit inspection.

Serious lease violations include, but are not limited to damage of property, failure to pay rent on a timely basis, and violating the peaceful enjoyment of neighbors.

This policy is subject to revision pending any change to HUD or Civil Rights regulations.
Exhibit G – VAWA Emergency Transfer Plan

Emergency Transfers

MidPen Housing (“Landlord”) as the managing agent for the owner of the property (“Owner”) is concerned about the safety of its residents, and such concern extends to residents who are victims of domestic violence, dating violence, sexual assault, or stalking.

In accordance with the Violence Against Women Act (VAWA), Landlord allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the resident’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 Landlord to honor such request for residents currently receiving assistance, however, may depend upon a preliminary determination that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether Landlord has another dwelling unit that is available and is safe to offer the resident for temporary or more permanent occupancy.

This plan identifies the individuals who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to residents on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees Landlord’s subsidy programs to ensure they are in compliance with VAWA.

Eligibility for Emergency Transfers

A resident who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if:

1. The resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same unit; or

2. If the resident is a victim of sexual assault, the resident may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A resident requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Residents who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.
Emergency Transfer Request Documentation

To request an emergency transfer, the resident shall notify Landlord and submit a written request for a transfer to the Management Office or Landlord’s 504 Coordinator as well as documentation of the occurrence of domestic violence, dating violence, sexual assault or stalking if Resident has not previously provided such documentation of the occurrence.

Landlord will provide reasonable accommodations to this policy for individuals with disabilities.

The resident’s written request for an emergency transfer should include either:

a. A statement expressing that the resident reasonably believes that there is a threat of imminent harm from further violence if the resident were to remain in the same dwelling unit assisted under Landlord’s program; or

b. A statement that the resident was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the resident’s request for an emergency transfer.

For the convenience of residents, Landlord has developed a form residents may use to request a transfer.

Acceptable documentation of the occurrence of domestic violence, dating violence, sexual assault or stalking must be provided if resident has not previously provided such documentation. Acceptable documentation includes any one of the following forms of verification:

1. A complete HUD-approved certification Form HUD-5382;

2. A document:

   a. Signed by the resident and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;

   b. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 C.F.R. § 5.2003;

3. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
4. At the discretion of Landlord, a statement or other evidence provided by the resident.

If Landlord receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), Landlord has the right to request that you provide third-party documentation within thirty (30) calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, Landlord does not have to provide you with the protections contained in this notice. Should this occur, you will be notified if you will not be provided VAWA protections contained in this notice at the end of the 30 day period.

**Confidentiality**

Landlord will keep confidential any information that the resident submits in requesting an emergency transfer, and information about the emergency transfer, unless the resident gives Landlord written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the resident, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the resident. See the Notice of Occupancy Rights under the Violence Against Women Act For All Residents for more information about Landlord’s responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

**Internal Emergency Transfer Timing and Availability**

Internal emergency transfers refer to an emergency relocation of a resident to another unit where the resident would not be categorized as a new applicant. The resident may reside in the new unit without having to undergo an application process. Internal emergency transfers generally are only available within the community in which the Resident is residing.

Landlord cannot guarantee that a transfer request will be approved or how long it will take to process an internal transfer request. Landlord will, however, act as quickly as possible to move a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit within the same community, subject to availability and safety of a unit. Transfers for these reasons will take priority over all other transfer requests including those made to accommodate a disability and to address over- or under-utilization of a unit.

If a resident reasonably believes a proposed transfer would not be safe, the resident may request a transfer to a different unit. If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit to which the resident has been transferred.
Landlord may be unable to transfer a resident to a particular unit if the resident has not or cannot establish eligibility for that unit.

When acceptable documentation described above has been received, Landlord will determine if a unit is immediately available. If an internal safe unit is not immediately available, Landlord will review its inventory of units and determine when the next vacant unit may be available and provide a listing of nearby HUD subsidized rental properties, with or without preference for persons of domestic violence, dating violence, sexual assault, or stalking, and contact information for the local HUD field office.

**External Emergency Transfers**

External emergency transfers refer to an emergency relocation of a resident to another unit where the resident would be categorized as a new applicant. The resident must undergo an application process in order to reside in the new unit. Residents may seek both an internal transfer and an external transfer concurrently.

While MidPen may manage other communities within the area, each are (1) owned by different entities which are the actual housing providers at those communities for whom MidPen is acting as agent, (2) has its own wait lists and (3) is subject to its own regulatory agreements. As such, except in rare circumstances where the Owner of the resident’s community also owns another community, Landlord must process transfers to other communities, even those managed by Landlord, as external transfers. In most circumstances, Landlord is unable to give any priority for such external transfers even if Landlord manages the property for the other Owner. As such, external transfers generally will require the transferring resident to go on any pending waitlist in the same position as any other new applicant at the other Owner’s property. MidPen, however, will provide information as to any open waitlists.

**Additional Assistance**

If Landlord has no safe and available units for which a resident who needs an emergency transfer is eligible, Landlord will assist the resident in identifying other housing providers who may have safe and available units to which the resident could possibly move and contact information for the local HUD field office.

At residents’ request, Landlord will also assist residents in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

**Safety and Security of Residents**
Pending processing of the transfer and the actual transfer, if it is approved and occurs, the resident is urged to take all reasonable precautions to be safe.

Residents who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1–800–799–7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1–800–787–3224 (TTY).

Residents who have been victims of sexual assault may call the Rape, Abuse & Incest National Network’s National Sexual Assault Hotline at 800–656–HOPE, or visit the online hotline at https://ohl.rainn.org/online/. Residents who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.

Local resources are also identified on the Local Resource Information form available from the Landlord.
**Exhibit H – Mitigating Circumstances Policy**

Due to additional requirements provided in Exhibit B, special needs applications may be handled separately per the local housing authority. Documentation of the existence of special needs may be included with the application. Applicants with problematic tenant or credit histories may request consideration based on disability status and/or issues relating to mitigating circumstances, therefore the above Resident Selection Criteria will be considered in conjunction with the following Mitigating Circumstances Policy.

**Mitigating Circumstances Policy**

In the event an applicant fails to meet one or more of the Resident Selection Criteria and the application is rejected, management may consider admitting the applicant and approving the application through consideration of mitigating circumstances or by applying reasonable accommodations if requested by applicant. Upon request, an applicant will meet with a consideration committee made up of property management and resident services representatives. Applicant’s primary case manager/FSP may also attend the meeting with the consideration committee. During the consideration meeting an applicant will then have the opportunity to explain why their history or credit problem occurred and what has changed so that similar incidents will not recur. Decisions will be based on the committee’s assessment of the applicant’s ability to comply with the lease.

Mitigating circumstances are verifiable facts that would overcome or outweigh information gathered in the resident selection process. The verifier must corroborate the reason(s) given by the applicant for the disqualifying circumstances, and indicate that the prospect for lease compliance in the future is good because the reason for his/her disqualifying circumstances is either no longer in effect or otherwise controlled.

Available units will not be held open during the consideration process. If a unit is not available at the completion of the consideration process and the consideration is granted, the applicant will be placed on the Wait List.