Resident Selection Criteria

Chestnut Square Senior

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June 2023

EQUAL HOUSING OPPORTUNITY

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RESIDENT SELECTION CRITERIA

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. 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 they have been discriminated against or treated unfairly in the application process, they 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 Notices

A. HUD 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 toward 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 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 rejection of your eligibility approval.

B. COMMUNITY PRIVACY POLICY

The community endeavors to protect the privacy of the applicants/residents and their information/documents/records that are in the Landlord's/Owner's possession. The Community collects and maintains within its possession information/documents/records pertaining to the applicants/residents, including but not limited to personal, financial, background, criminal, residential history, lease compliance, information. This information/ documents/records may be collected and/or maintained by the community in physical and/ or electronic format. The community may use this information/documents/records in its operations, including but not limited to income verification, housing eligibility, determining rent, landlord/tenant relations and disputes, compliance with regulatory obligations, reporting to regulatory agencies, law enforcement, lenders and investors. The community may share the information/documents/records pertaining to the applicants/resident with third parties including but not limited to Federal, state and local regulatory agencies; law enforcement agencies; lenders, investors when required or requested.

The community shall not use or disclosure the information/documents/records pertaining to the applicants/residents in violation of applicable Federal, state and local laws.

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 their 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 their 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 they are essential for the care of the resident; however, the adult child will be counted as a family member, their income will be included in family income, and the adult child will need to sign a document which acknowledges that they do 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.

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. The Housing Authority will use the Enterprise Verification System's Existing (EIV) 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 programs regulating this property.

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. Tax Credit Program Eligibility

Applicant Households containing 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 their 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 of 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 a married individual;
(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)(ii) 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 their 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

An applicant must provide a landlord (rental)/residence history for the past two (2) years, including contact information (name of landlord, address, and telephone number).

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 property will comply with specific program requirements that mandate landlord verifications (i.e., Section 8) to determine eligibility.

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 variance from these occupancy standards, the applicant should make a request for accommodation 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. As with all accommodation requests, whether the request is reasonable will be evaluated on a case-by-case basis.

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. Management may review and amend this requirement if deemed necessary. Minimum income is not applicable to applicants with a Section 8 voucher from the Housing Authority.

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 their 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 their 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 they 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 they 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 (entitlement to 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 pre-application must be signed and dated by digital signature if submitted electronically, or if a physical copy is submitted, by **all adult members** for the application to be considered. Applications can be submitted electronically, by mail or in person at the community leasing office during normal business hours.

Applications will be preliminarily screened for application completeness, legibility, and to determine that the household meets the basic 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). Being added to the Waiting List does not automatically qualify the applicant 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 sources 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.

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 through 12 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. Household size does not conform to the stated minimum and maximum sizes as described in Exhibit A;

12. Failure to sign designated or required forms and/or documents upon request;
13. 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;
14. This will not be the only residence for the applicant/household;
15. The applicant/household is not willing to pay the rent as calculated under the subsidy program.
16. Failure to present all applicants during the interview with the Community Manager;
17. 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;
18. Misrepresentation of any information related to eligibility, allowance, household composition or rent.
19. 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 they 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 leasing documents in advance of this appointment. Upon request, they will 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 they 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 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. 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 contained 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. Waiting List Policy

A. Admissions

Applicants will be considered in the order of priority as follows: in accordance with the community-specific preferences (Exhibit B of this plan), by lottery number (if such process is implemented), or by chronological order: date and time of application. 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. <u>After the interview, the application will be screened and verified prior to being offered a lease</u>. 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 there temporarily only after signing a lease addendum 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. Waiting List Administration

This community periodically opens the Waiting Lists 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 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 when the Waiting List is closed.

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 their 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, they may refuse the offered apartment once and maintain their place on the Waiting List. The applicant will not be contacted again for a 120-day period. If a second apartment is offered and refused, the applicant will be denied unless a valid verifiable medical reason exists.

Vacant units will be filled on an alternating basis between in-place residents requesting transfer and applicants from the external Waiting List as defined in Exhibit F – Transfer Policy. VAWA Transfer Requests and approved Reasonable Accommodation transfer requests will take priority over other in-house transfer requests or applicants on 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. Unit transfer requests will be done in chronological order, based upon the date the 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.

Vacant units will be filled on an alternating basis between in-place residents requesting transfer and applicants from the external Waiting List as defined in Exhibit F – Transfer Policy. VAWA Transfer Requests and approved Reasonable Accommodation transfer requests will take priority over other in-house transfer requests or applicants on 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. Unit transfer requests will be done in chronological order, based upon the date the Transfer Application was submitted.

XI. Pet Policy

Pets will be admitted in accordance with the Pet Policy (Exhibit G). Service animals are managed under the Reasonable Accommodation Policy (Exhibit E).

XII. Revision of Resident Selection Criteria

We reserve the right to make modifications to this plan, as necessary. 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 notice that a revised plan is being implemented and that they may request a copy from the management office.

Exhibit A – Community Eligibility- Chestnut Senior

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

- City of Livermore
- IRS Section 42 Low Income Housing Tax Credit Program
- City of Livermore Housing Authority Project-based Voucher Program
- Federal Home Loan Bank Affordable Housing Program

To live at Chestnut Senior the applicant must be:

- Senior or Elderly is age 62 or older or other qualifying resident per CCC Section 51.3
- At or below the **30% of AMI**;
- At or below the **40% of AMI**;
- At or below the **50% of AMI**;
- At or below the **60% of AMI**
- Within the Occupancy Standards for our unit sizes using the chart below.

Occupancy Standards

UNIT SIZE	MINIMUM HOUSEHOLD SIZE	MAXIMUM HOUSEHOLD SIZE
Studio	**1 person**	**2 persons**
1 bedroom	**1 persons**	**3 persons**

Exhibit B -- Community Preferences

Preference shall be given on the City of Livermore's restricted non-Project Based Section 8 units(30 units) to applicants that: 1) Live in the City of Livermore; or 2) Work in the City of Livermore that meet the below preference requirements:

- The preference system shall assign an order to Eligible Households as follows: first to Livermore Residents; then to Livermore Employees.
- "Livermore Resident" is defined as a person/applicant household with a primary residence (residential dwelling unit) within incorporated city limits.
- "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.

Preference shall be given on the Housing Authority of the City of Livermore's Project Based Section 8 Units (30 units) to applicants that meet the below preference requirements (including 5 Homeless units) that meet the below preference requirements:

- "Residency Preference" is defined as a resident family who lives, works or who has been hired to work within the PHA's jurisdiction. To meet the "working" portion of this preference, the head, spouse, co-head or sole member is working and has worked an average of 20 hours a week for the past 6 months. As required by HUD, families where the head and spouse, 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.
- "Displaced Family Preference" is defined as a family that has been displaced from their unit due to a nationally declared disaster, or due to a state declared disaster, or involuntarily displaced by Federal, State or local government action related to code enforcement, public improvement, or development.
- "Veteran's Preference" is defined as applicants who served in the active military, naval, or air service of the United States who received other than a dishonorable discharge. This preference applies to veterans and the unmarried surviving spouses of veterans.

The 5 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.

- Homeless applicants will qualify for the residency preference if homeless within the City of Livermore.
- 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.

Exhibit C – Income Limits and Rents

Please see attached income limits and rents.

Exhibit D – Special Waiting List Policy

N/A

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 their 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 usually 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 their 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.

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.

In-place residents awaiting transfer with an approved Violence Against Women's Act emergency transfer will have priority and be transferred prior to all other in-place resident transfers and applicants from the Waiting List. Once emergency transfers have been resolved, in-place residents with approved Reasonable Accommodations will be transferred before all remaining in-place residents awaiting transfer or applicants from the community Waiting List. Transfer requests requested as a result of an approved Reasonable Accommodation have priority over all other in–place resident transfer requests and applicants from the external Waiting List. All transfer requests must be made and submitted in writing to management at the site using the **Transfer Request Form.** Transfer requests will be considered in the order received within each category below.

In-place residents with an approved unit transfer request (including approved RA requests) may refuse the first unit offered for the transfer. If the resident refuses a 2nd unit, they will lose their current position, and will be taken off the Transfer Waiting List. If they still wish to transfer, they must request a new unit transfer (or a new RA request for unit transfer) in order to be placed in the Transfer Waiting List. Extenuating circumstances may be considered to grant an exception to this policy.

Management-initiated transfers for reasons including under-occupancy or over-occupancy of a unit, or a non-disabled household living in a unit designed for a person with disabilities, are NOT eligible to refuse a unit transfer (refer to Waiting List Policy: Admissions).

Transfer Categories
Transfers will be considered for the following reasons:

1. VAWA Emergency Transfer: VAWA Emergency Transfers will be made in accordance with MidPen's VAWA Emergency Transfer Plan (copy of policy available upon request).
2. 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.
3. 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.

4. 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.
5. Other Compelling Reason: When management determines that a move is necessary, the reason will be documented, verified and approved by management (either by the Property Manager or Director of Property Operations) prior to initiating the transfer.

Residents who request to transfer under Category 4 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 to comply with any change in Fair Housing/Civil Rights regulations, or other housing program requirements.

Exhibit G – Pet Policy

A pet is a "small domesticated animal commonly kept in residential settings."

Pursuant to California Health and Safety Code 50466, a resident will be permitted to own or otherwise maintain one or more common household pets within the resident's dwelling unit, subject to applicable state laws and local government ordinances related to public health, animal control, and animal anticruelty.

These Pet Rules do not apply to service animals, which are animals specifically trained to aid persons with disabilities. A separate agreement governs those animals.

1. Inoculation. Every pet shall be inoculated in accordance with state and local law. Inoculation shall be the responsibility of the Tenant. Inoculations shall be current at all times, and evidence of current inoculation shall be provided to management as soon as the inoculation(s) is/are administered. It shall be the responsibility of the Tenant to provide evidence of inoculation on a timely basis. Failure of management to notify Tenant of the need for inoculation shall in no way relieve Tenant of the responsibility to obtain inoculations for their pet and to provide evidence of same to management. **California State Law states that all dogs and cats over the age of four months must receive the rabies vaccine every 3 years.** MidPen Housing requires the following vaccines:
   a. Dogs: Rabies, Canine Distemper, Hepatitis, Parvovirus, and Bordatella for animals living in communities with other dogs.
   b. Cats: Rabies, Feline Distemper, Feline Calicivirus, and Feline Herpes.

2. Registration. Pet owners must register their pets with the management before the pet is permitted to be brought onto the property and must update the registration annually. Registration is the responsibility of the Tenant and failure of the management to remind the Tenant of the annual registration does not relieve the Tenant of the responsibility for registration. Pet owner's failure to register pet may result in a Lease Violation and the animal's immediate removal from the community. Registration includes the following information:

   a. Certificate of inoculation.
   b. Information concerning height, weight, breed and appearance of the pet and confirmation that it is a common household pet – caged bird, fish in a tank not larger than 20 gallons, or cat or dog meeting the adult weight limitation of 30 pounds. Any animals larger than 30 pounds must be permanently removed.
   c. A picture of the animal.
   d. Name, address, and phone number of at least one responsible party who will care for pet if owner is deceased or otherwise unable to care for pet.

3. Pet Size and Type. Pets shall be limited to common household pets, here defined as a domesticated cat, dog, or a caged bird – none of which may exceed 30 lbs. when fully grown. No Pit Bulls, Rottweilers, or Doberman Pinschers. Prohibited breeds of birds include

Macaws, Cockatoos, Parrots, and Conures. One fish tank may be kept so long as the tank does not exceed 20 gallons. No reptiles or rodents shall be permitted.

4. Number of Pets Permitted. Only one pet is permitted per household. Exceptions to the number of pets per household will be made in accordance with CA H & S Code 50466 and other applicable program requirements.

5. Neutering Requirement. Cats and dogs must be neutered before bringing onto the property. Evidence of neutering must be provided to management prior to acceptance/approval of pet.

6. Pet Restraint. All pets shall be on a leash, effectively and appropriately restrained under the control of a responsible household member while in the common areas of the property. Pet restraint includes effective control to insure that pets do not scratch, claw, or bite any person(s) on the property and do not scratch, claw, or bite furniture, walls, doors, plants, and plant materials. Pets shall be on a leash and supervised at all times when outside a Tenant's apartment. Pets shall be restrained in the Tenant's apartment during any inspections.

7. Sanitary Requirements and Standards. The following sanitary standards govern the disposal of pet waste. Failure to comply with these requirements constitutes a violation of the Lease and may result in a requirement to remove pet from premises permanently or termination of the tenant's Lease.

   a. Pet owners shall immediately and appropriately dispose of pet waste deposited anywhere in the property. Appropriate disposal includes wrapping waste in paper or plastic and depositing in appropriate trash containers. Wrapping or bag must not be wet on the outside when deposited into the trash.
   b. Pets may under no circumstances be permitted to deposit waste on the lawns, planting areas, flowerbeds, side of buildings or any other area that is not specifically for the deposit of pet waste. Failure to restrain the pet from this activity is a violation of the Pet Rules and will be grounds for removal of the pet from the property.
   c. Once per day, pet owners shall remove waste from litter boxes and wrap in paper or plastic, immediately depositing same into appropriate trash containers. Wrapping or bag must not be wet on the outside when deposited into the trash.
   d. At least twice per week, pet owners shall clean birdcages and/or change litter boxes. Refuse shall be placed into appropriate container, immediately depositing same into appropriate trash containers. Birdcage or litter box wrapping must not be wet on the outside when deposited into the trash.

8. Pet Care Standards. The following pet care standards shall be observed.
   a. Tenants shall not take pets into recreation/community rooms, kitchens, offices, or public restrooms.
   b. Tenants shall not permit pets to climb or sit on any furniture in common areas.
   c. Tenants shall control and limit noise and odor caused by pets. Complaints by other

Tenants shall result in a Notice of Pet Violation, which must be resolved, or the pet must be removed from the property.

d. All pets shall be licensed in accordance with state and local requirements and shall wear appropriate identification at all times.
e. No pet may be left unattended in a Tenant's unit for extended periods of time.
f. All pets shall be restrained during unit inspections and when work is performed in the unit.
g. No Tenant may keep any pet on a temporary basis. "Pet-sitting" shall not be permitted and no visiting pets are allowed.
h. Pet burials are prohibited within the property.

Exhibit H –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.

This policy applies to all applicants (current MidPen community residents with an approved VAWA transfer request, as well as non-MidPen community residents that are applying for housing at a MidPen community and have provided the necessary paperwork for VAWA protection and have submitted a VAWA emergency transfer request). The applicant will undergo an application process to determine income and programmatic eligibility, and will be placed on a Waiting List, as described below.

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 Waiting 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. Therefore, external transfers generally will require the transferring resident to go on any pending Waiting List in the same position as any other new applicant at the other Owner's property. MidPen, however, will provide information as to any open Waiting Lists.

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 Landlord

Exhibit I –Mitigation Process

Due to additional requirements provided in Exhibit B, special needs applications may be handled separately per local housing authority or the VASH or MSSP Program providers. 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 capacity 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 their 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 Waiting List.