

## **RESIDENT SELECTION CRITERIA AND RENTAL POLICIES FOR HAWTHORNE HILLS, CEDAR RAPIDS, IOWA**

The Owner Affordable Housing Network, Inc., have developed and hereby make public the Residential Selection Criteria and Rental Policies for review by residents, applicants, potential applicants, government agencies and all other interested parties. This resident selection criterion helps to ensure that residents are selected for occupancy in accordance with HUD requirements, established management policies and in compliance will all Federal, State and local fair housing and civil rights laws. Affordable Housing Network known as Hawthorne Hills does not discriminate against applicants or residents on the basis of race, color, national origin, religion, sex, disability marital status or familial status. State and local laws include additional protections in housing including sexual orientation, creed, and age. The Iowa Civil Rights Act (Iowa Code 216) also prohibits housing discrimination based on gender identity.

The Resident Selection Criteria and Rental Policies address the following:

- A. Application Procedure
- B. Admission Policies
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  - Owner Preferences
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Current Resident Selection Criteria and Rental Polices plan can be found at [www.affordablehousingnetwork.org](http://www.affordablehousingnetwork.org). Should changes be made to the Resident Selection Criteria and Rental Policies, a revised plan will be posted in the on-site management office, updated on website. Applicants on the waiting list will be notified of the changes.

## A. Application Procedure

Hawthorne Hills will use the *Hawthorne Hills Wait List Registration* this is a pre-registration form when it is anticipated that the applicant will be on the waiting list for more than 6 months due to current length of waiting list for that unit size. For purposes of determining threshold eligibility, the Wait List Registration is a self-certifying statement. Those applying with a PUSH-CR, disability or homeless preference, will require verification of the preference in order to be placed on the waiting list with that preference.

The full application may be used when it is anticipated that that occupancy could occur within the next 6 months. Anyone who wishes to be admitted to Hawthorne Hills must provide a completed written application and relevant consent forms. The application must be completed and signed by the head of household and every adult member 18 years and older. For purposes of determining threshold eligibility, the application may be accepted as a self-certifying statement but must contain enough information to enable Hawthorne Hills to:

Tentatively determine the household's eligibility:

- Family size and composition, (including names of all persons who will be residing in the unit, dates of birth, and relationship to head of household).
  - Household characteristics, such as disabled (only if disability is relevant to eligibility).
  - Anticipated annual income.
  - Assets now owned and assets disposed of for less than fair market value within the past two years.
  - Citizenship declaration and consent forms.
  - Marketing information to learn how applicant heard about the property.
  - Adequate information for screening purposes (current and prior landlords, authorization for credit, criminal and sexual background checks).
- Determine the appropriate applicant's unit size based on Hawthorne Hills occupancy guidelines and HUD criteria. Hawthorne Hills may match certain family characteristics with type of unit available in order to comply with occupancy standards.
  - Determine if all members of the applicant's household are U.S. citizens or nationals, or non-citizens eligible for housing assistance.
  - Screen applicant by checking with all previous landlords from the past three years, and / or obtaining a credit history report, obtaining a criminal background report, and obtaining a sex offender registration report.
  - Assess the effectiveness of the marketing strategy outlined in the Affirmative Fair Housing Marketing Plan (note how the applicant learned about the property).

Upon signing and submitting the full application, the applicant authorizes Hawthorne Hills to contact any and all references listed on the application and to obtain a credit report, criminal and sex offender information and a search of public records. The applicant agrees that the information obtained from these contacts will be considered in determining their eligibility for residency. The information will be kept confidential. Applicant certifies that all the answers to questions on the application are true and that any misrepresentations will lead to cancellation or rejection of the application or immediate termination or their lease. Other penalties for submission of false information include eviction, loss of assistance, fines up to \$10,000 and imprisonment up to five years.

## B. Admission Policies

**Income Targeting:** Effective 4/28/00 HUD adopted policies for income targeting for admission to properties receiving project-based rental assistance. Forty percent (40%) of annual admissions must be made available to applicants with incomes that do not exceed thirty (30%) of the county median income (defined as an "extremely low income family"). Admission is determined by the date and time the application was filled out. If the current vacant unit will make the property fall below the 40% requirement for Income Targeting, preference will be given to next applicant on the waiting list that meets the 30% - extremely low income requirement. Those applicants whose income is over 30% of the county median and were bypassed as a result of Income Targeting requirement will hold their position on the waiting list and will be processed, based on original date and time of application, when the Income Targeting requirement has been met and a unit becomes available.

**Income Limits:** Must have an annual income at or below Section 8 program income limits. Program income limits (based on family size) are as follows:

Income Limit  
Very low-income limit

Median Income for the Area  
30% of median income

**Owner-Adopted preferences:** Applicants with admission preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible.

Hawthorne Hills has adopted the following owner preferences. Current enrollment/participant in Partners United for Supportive Housing Cedar Rapids (PUSH-CR) program: Disabled Family; Homeless Family

**Definition of PUSH-CR participant**

- Partners United for Supportive Housing Cedar Rapids (PUSH- CR), is a 4 year federal grant starting October 2013 administered by Four Oaks and in partnership with Department of Human Services and 25 area social service agencies in Linn County, Iowa that will work to toward safe stable housing, help parents retain custody of their children, ensure child safety and family stability, achieve higher levels of employment and improve family functioning and child well-being.

Verification of the enrollment to PUSH program at time of wait list application and re-verified at time unit is offered. If a family is no longer enrolled in the PUSH-CR program at time of unit availability they can elect to remain on the waiting list based on the date and time of the wait list application without the PUSH-CR preference.

**Definition of Disabled Family:**

- Families of two or more persons the head of which (or his or her spouse) is a person with disabilities;
- The surviving member or members of any family described in paragraph (1) of this definition living in a unit assisted under 24 CFR 891, subpart E (Section 202 loans) with the deceased member of the family at the time of his or her death;
- A single person with disabilities (handicapped person) over the age of 18; or
- Two or more persons with disabilities (handicapped person) live 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.

Verification of Disability can be provided by a recent copy of Social Security Disability or SSI payment benefit letter or Verification of Disability Form completed by Health Care Provider.

**Definition of Homeless Family:**

- An individual who lacks a fixed, regular, and adequate nighttime residence;
- An individual who has 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 a car, park, abandoned building, bus or train station, airport, or camping ground;
- 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 Federal, State or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
- An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

Verification of Homeless preference requires referral from a homeless shelter or homeless consortia or institution that can verify the homeless status at the time their name is placed on the waiting list. *Re-verification of homeless status will be required if verification is more than 6 months old.* If a family is no longer homeless at time of unit availability they can elect to remain on the waiting list based on the date and time of the wait list application without the homeless preference.

**Definition of Family:** A family includes but is not limited to:

- A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family
- The remaining member of a tenant family; and

- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family. [24 CFR 5.403]

The preferences will be ranked as follows. #1- PUSH-CR, #2- Both Disabled and Homeless, #3-Disabled only, #4-Homeless only.

**Use of EIV:** The Existing Tenant Search in the Enterprise Income Verification (EIV) System shall be included as part of the screening criteria for all new tenants, it will be completed between 24 hours to 30 days prior to move in. If more than 30 days has lapsed, the Existing Tenant Search will be re-run to ensure that that still accurate. Such reports will be used to determine if the applicant or any applicant household members are currently being assisted at another location. If an applicant or member of the applicants' household is identified as residing at another assisted location, the applicant will be asked to provide and explain the circumstances. Hawthorne Hills will follow up with respective PHA or O/A to verify and coordinate relocation dates. A record of the search results will be retained with the application as well as the results of any contact with other PHA and/or O/A at another location.

**Social Security Number Disclosure :** The regulation at 24 CFR 5.216 now requires that assistance applicants and tenants, excluding tenants age 62 and older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, and those individuals' who do not contend eligible immigration status, to disclose and provide verification of the complete and accurate SSN assigned to them. The requirement to disclose and provide verification of a SSN is no longer limited to those assistance applicants and tenants six years of age and older. In addition, the process of having an applicant household certify they have a SSN for each household member six years of age and older, and continuing with the recertification process until the time of their move-in certification is no longer applicable.

Hawthorne Hills shall verify and document each disclosed SSN by obtaining the document listed below from each member of the applicant's or residents household.

- Original document issued by federal or state government agency which contains the name, SSN, and other identifying information of the individual
- Drivers license with Social Security Number
- Earning statement on payroll stubs
- Bank Statement
- Form 1099
- SSA Benefit Award Letter
- Retirement benefit letter
- Life Insurance Policy
- Court Records

**Exceptions to the disclosure of SSN :** The SSN requirements do not apply to:

- Individuals who do not contend eligible immigration status.
- Mixed Families: For projects where the restriction on assistance to non-citizens applies and where individuals' are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed. In there instances, the owner will have the tenant's Citizenship Declaration on file whereby the individual did not contend eligible immigration status to support the individual not being subject to the requirements to disclose and provide verification of a SSN.

NOTE: Hawthorne Hills may **not** deny assistance to mixed families due to nondisclosure of SSN by an individual who does not contend eligible immigration status.

NOTE: HUD regulations do not prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, if your state law prohibits this, the family must **not** be admitted into the program.

1. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010. The eligibility determination is based on participation in either a Public and Indian Housing or multifamily HUD assisted program. The eligibility date is based on the initial effective date of the form HUD-50059 or form HUD-50058, whichever is applicable.
  - The exception status for these individuals is retained if the individual moves to a new assisted unit under any HUD assisted program or of there is a break in his or her participation in a HUD assisted program
  - When determining the eligibility of an individual who meets the exception requirements for SSN disclosure and verification, documentation must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010, that verifies the applicant's exemption status. This documentation must be

retained in the tenant file Hawthorne Hills must not accept a certification from the applicant stating they qualify for the exemption.

2. Existing tenants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined their SSN to be valid. Hawthorne Hills may confirm HUD's validation of the tenant's SSN by viewing the household's Summary Report or the Identity Verification Report in the EIV system.

**Timeframe for providing Social Security Numbers**

**1. Applicants**

**(a) Applicants currently on or applying to waiting list**

Applicants do not need to disclose or provide verification of a SSN for all non-exempt household members at the time of application and for placement on the waiting list. However, applicants must disclose and provide verification of a SSN for all non-exempt household members before they can be housed.

**(b) Housing applicants from the waiting list**

If all non-exempt household members have not disclosed and/or provided verification of SSNs at the time a unit becomes available, the next eligible applicant must be offered the available unit.

**(c) Housing Minors under the age 6**

There is a 90 day exemption for applicant family member who is under the age of 6, who does not yet have a Social Security Number (SSN) assigned to him/her, and was added to the household 6 months or less from the move-in date.

The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During the 30 day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.

**2. Existing Residents adding Household Members**

(a) Adding any person over the age of 6, SSN numbers are required at the time of request or at the time of the recertification that includes the new member is processed.

(b) Adding any person under the age of 6, SSN number is required within 90 days from the date child is added, an additional 90 day extension can be requested if necessary.

**Occupancy Standards:** Applicants must meet the established occupancy standards.

As a general policy there should be a minimum of one person per bedroom and no more than two persons per bedroom. Hawthorne Hills shall take into consideration special circumstances in cases where applicants or residents have a verifiable need for a larger unit. Confirmation of pregnancy will be requested if assigning larger unit than they are currently eligible for.

Single Person	0 bedroom
Single Person	1 bedroom
1 Parent and 1 child	2 bedroom
1 Parent and 2 children of opposite sex and one child under the age of 5	2 bedroom
1 Parent and 2 children of opposite sex and both children over the age of 5	3 bedroom
1 Parent and 2 children of same sex	2 bedroom
2 Parents and 1 child	2 bedroom
2 Parents and 2 children of opposite sex	3 bedroom
2 Parents and 3 children	3 bedroom

- Hawthorne Hills will determine the bedroom size on a case by case basis for adult only households with two or more people.
- Any family placed in a unit size different than that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit when one becomes available.
- After move-in if a unit becomes overcrowded or under-utilized because of changes in household composition, the resident may be required to move to an appropriate size unit within the project when one becomes available pursuant to

the lease. If the family refuses to move to an appropriate size unit within Hawthorne Hills project when one becomes available, the family may be permitted to remain in the same unit and pay the HUD approved market rent. However, if the family fails to pay the market rent, they may be evicted for material non-compliance with the rental agreement.

- There is no provision requiring the owner to pay moving costs or provide subsidy funds when units are overcrowded or underutilized. No basis exists to require the owner to assume this obligation when tenants are moved on this basis.
- An applicant must agree to pay the rent required by the Section 8 Rental Assistance Program.
- All information reported by the family is subject to verification.
- All applicants must possess the legal capacity to enter into a lease agreement. Hawthorne Hills will not rent to a head of household or co-head under the age of eighteen.

**Citizenship:** By law, only U.S. citizens and eligible non-citizens may benefit from federal rental assistance. These requirements apply to persons making application, persons on the waiting list and tenants. At the time of application, applicants are notified of the requirement to submit evidence of citizenship or eligible immigration status or to choose not to claim eligible status.

Verification requirements consist of the following:

- All family members, regardless of age, must declare their citizenship or immigration status by completing a Declaration Format form.
  - Non-citizens (under the age of 62) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. The owner will verify the immigration status with DHS (Department of Homeland Security). Non-citizens 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.
1. If an applicant cannot supply the documentation within fourteen (14) days of receipt of the completed application form, Hawthorne Hills may grant a written 30-day extension only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation.
  2. If an apartment becomes available, the family is next in line to be offered an apartment and at least one member of the family has submitted the required citizenship documentation, the family members will be offered the unit and provided prorated assistance for those family members who have provided citizenship documentation.
  3. A mixed family (a family with one or more ineligible family members and one or more eligible family members) may receive only prorated assistance.
  4. Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student.
  5. Upon return of these forms, management will complete an Owner's Summary of Family form. If household members declare they are U.S. citizens, no additional documentation is required. Household members who do not contend to have eligible status or refuse to sign the declaration also have nothing to submit. However, if household members declare they are eligible non-citizens, additional documents must be completed and verified.

**Student Eligibility:**

Student Eligibility will be determined at MI, IC, AR and IR (if it is one of the changes reported by the family).

No assistance shall be provided under section 8 of the 1937 Act to any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is not a person with disabilities, as such term is defined in section 3 (b)(3)(F) of the United States Housing Act of 1937 (42 U.S.C. 1437 a (b) (3) (E)) and was not receiving assistance under section 8 as of 11/30/05;
- Is unmarried;
- Does not have a dependent child, and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act

For a student under the age of 24 who is not a veteran, is unmarried, does not have a dependent child and who is seeking section 8 assistance, section 327(a) of the Act sets up a two-part income eligibility review. Both parts of the review must be affirmatively

met. That is, both the student and the student's parents (the parents individually or jointly) must be income eligible for the student to receive section 8 assistance. If it is determined that the parents are not income eligible the student is ineligible to receive section 8 assistance.

If it is determined that the parents are not income eligible, the student is ineligible to receive Section 8 Assistance.

Non-citizen students with a citizen spouse and children are considered a mixed family. Spouses and children who are citizens may receive assistance.

As noted earlier in this guidance, based on program practices and criteria already in place, a student under the age of 24 who meets the additional criteria of section 327 of the Act may be income eligible for assistance in circumstances where an examination of the income of the student's parents may not be relevant or where the student can demonstrate the absence of, or his or her independence from, parents. Owners/agents will verify a student's independence from his or her parents by doing all of the following:

1. The individual must be of legal contract age under state law.
2. Reviewing and verifying previous address information to determine evidence of a separate household or verifying that student meets the U.S. Department of Education's definition of "independent student";
3. Reviewing the student's prior year income tax returns to verify that the student is independent or verifying the student meets the U.S. Department of Education's definition of "independent student"; and
4. The individual must 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.

When management determines an individual is a "vulnerable youth," such determination is all that is necessary to determine a person is an "independent student". The tax return requirement only applies to providing student's tax return and not of the student's parents, and a written certification is not required by the student's parents.

The new law and HUD's rule do not affect students residing in a section 8 assisted units with his or her parents or who reside with parents who are applying to receive section 8 assistance.

Student status will be verified with Full-Time Student Verification through the institution that the applicant is attending.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and other required fees is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in paragraph 8-6A.

### **Vulnerable Youth**

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who 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; when the student:

1) Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:

- a) 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;
- b) 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;
- c) 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
  - i) A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;

- ii) The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
- iii) 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
- iv) A financial aid administrator; or

2) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and other required fees/charges is included in annual income, except:

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

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

### **C. Screening Procedure**

#### **Applicant screening criteria**

Please note that these are our current rental criteria; nothing contained in these requirements shall constitute a guarantee or representation that all residents and occupants currently residing at this community have met these requirements. There may be residents and occupants that have resided at this community prior to these requirements going into effect; additionally, our ability to verify whether these requirements have been met is limited to the information we receive from various resident credit reporting services used.

Screening is used to ensure that individuals or families admitted to Hawthorne Hills will abide by the terms of the lease, pay rent on time, take care of the property and apartment and allow all residents to peacefully enjoy their homes.

All applicants must pass Hawthorne Hills Resident Selection Criteria and screening. If any members of the household do not pass and are not eligible, the entire household will be denied. Hawthorne Hills reserves the right to reject an application for negative references according to the Resident Selection Criteria.

Upon receipt of a completed application, Hawthorne Hills will secure background information on the applicant(s) considering the following factors:

#### **Prior Hawthorne Hills /Affordable Housing Network, Inc. Resident**

Any applicant that has resided at Hawthorne Hills/Affordable Housing Network, Inc, (AHNI) in the past and left under one or more of the following circumstances may not be eligible to live at Hawthorne Hills /AHNI again:

Was Evicted;

- 1. Was asked to move out by Management in lieu of eviction proceedings;
- 2. Failed to pay rent and/or security deposit and/or pet deposit on a timely basis;
- 3. Moved out owing outstanding balance for rent or damages beyond normal wear or tear;
- 4. Failed to provide full 30-day Notice to Vacate;
- 5. Violated terms of Lease and/or House Rules and/or subsidy program rules;
- 6. Engaged in any illegal behavior while residing at Hawthorne Hills/AHNI;
- 7. Demonstrated lack of respect for the health, safety, and welfare of other tenants, staff, neighbors and/or vendors, including but not limited to:
  - A. Excessive noise complaints
  - B. Frequent police calls for disorderly conduct
  - C. Drug-related activity
  - D. Alcohol-related activity
  - E. Criminal activity
  - F. Physical violence or threats of physical violence



### **Landlord References**

Current and previous landlords (for the past three year period) will be contacted and questioned as to the applicants:

1. Rental history. Must have demonstrated ability to pay rent and utilities on a timely basis. Application will be denied if evicted within past 3 years. If payment problems existed, confirmation must be obtained from previous landlord that acceptable payment arrangements were agreed upon and adhered to by the resident. If the individual or family violated their lease and was issued a remedy default or vacate notice, the remedy must have been accomplished and the lease continued in order to be considered for housing with Hawthorne Hills. If any applicant is in the process of a court eviction or is contesting a court eviction, the application will be denied.
2. Housekeeping habits, up keep, and maintenance of residences must have been satisfactory during residency. Any landlord references to poor housekeeping and maintenance of the previous residence including, but not limited to, excessive damages, excessive accumulation of trash and waste on the premises, excessive offensive odors, health department complaints or investigations, or other health and safety concerns will adversely affect the acceptance of the applicant(s).
3. Condition of the unit at end of tenancy minus normal wear and tear must have been satisfactory. Cleaning and/or damage charges must have been reimbursed to the previous landlord in their entirety or a repayment arrangement in place.
4. Demonstrated ability to abide by the terms of the lease, house rules, and subsidy program rules. This includes not allowing unauthorized live-ins to reside in their unit and/or not having a record of eviction from Federally-assisted or any other housing for drug related criminal activity.
5. Demonstrated respect for the health, safety, and welfare of other residents, including but not limited to: no disruptive behavior by the household including excessive noise complaints, frequent police calls for disorderly conduct of household members or visitors, drug-related and/or criminal activity, physical violence or threats of physical violence against neighbors, owner or neighbors in the vicinity of the premises.
6. Persons who do not have a traditional rental history in the most recent three year period (due to having lived in a shelter, nursing home, community residence, halfway house or other non regular, public or privately owned housing) will be asked to provide references at that housing. Those references will be asked to complete a Non-traditional Housing Reference form. Lack of rental history will not be a negative factor.

### **Credit References**

A credit bureau report will be requested on all adult applicants.

- The purpose of the obtaining a Credit Report is to cross reference names and addresses against what is provided on the application.
- Any unpaid rental housing debt will result in automatic denial of the application until verification of outstanding bill is paid in full.
- Hawthorne Hills reserves the right to verify any non-disclosed information on the Credit Report.

### **Criminal & Sex Offender Checks**

All applicants must pass criminal and sex offender background checks.

#### **Criminal Background- Automatic Denial**

- Murder
- Attempted Murder
- Manslaughter
- Weapons Charges
- Conspiracy to Commit Murder
- Rape, Sexual Abuse, and other sex offenses
- Lifetime Registration Requirement under a State Sex offender Registration
- Conviction of manufacture of or production of methamphetamine on the premises of a federally assisted housing property.
- Federal, State, or Local laws or regulations which prevent the individual from lawfully residing at the property location.
- An applicant or occupant will automatically be denied should the applicant appear on the list of known terrorists and wanted fugitives as provided by the Office of Foreign Asset Control (OFAC), federal agencies to include the FBI or other state and local law enforcement agencies.

#### **Criminal Background – 3 Year Denial**

Applicant will be denied if in the past 3 years has any:

- Drug or Drug-related charges including but not limited to possession, disorderly house and possession of drug paraphernalia.

- Any felony conviction or three or more Serious Misdemeanors.
- Any other criminal activity in the past three years that would threaten the health, safety or right to peaceful enjoyment of the premises by other residents or people who live in the immediate vicinity of the site or the health and safety of the owner, employees, contractors, subcontractors or agents of the owners. These charges can include Disorderly Conduct, Trespassing, fraud, assault, prostitution, harassment/stalking, noise disturbance/disturbing the peace.

Or three or more alcohol related charges within the past 2 years.

*If an applicant is under investigation for any disqualifying charge, they will be denied, No exceptions. If an applicant is denied for open charges, which are later dismissed or for which they are acquitted, the applicant must then be eligible for reconsideration.*

NOTE: Live-in caregivers will be required to meet criminal background and sex offender registration requirements applied to all applicants as listed above.

### **Other Screening Considerations**

Hawthorne Hills will work with Social Service Agencies to provide quality, affordable housing to clients in their programs. If their client does not meet all eligibility criteria and would otherwise be denied, the service provider must provide documentation on how participation in their program will provide ongoing assistance as well as long term improvement in deficient area(s).

Hawthorne Hills will support or assist victims of domestic violence, dating violence or stalking and protect victims, as well as members of their family, from being denied housing or from losing their HUD assisted housing as a consequence of domestic violence, dating violence or stalking. This includes working with Victim Service Providers, taking into consideration that past rental history may be negatively effected or request that prior landlord not contacted as a consequence or a direct result of being a survivor of domestic violence, dating violence or stalking.

*Verification of Enrollment* into the Partners United for Supportive Housing Cedar Rapids (PUSH-CR) provided at time of application will be required for PUSH-CR applicants in the event they do not met all eligibility criteria and would otherwise be denied. It will not be necessary for all social service providers involved with this family to provide individual documentation.

Management reserves the right to require criminal background checks at any time during residency if in receipt and verifiable information.

### **VAWA Protections**

It is a policy of Hawthorne Hills to support or assist victims of domestic violence, dating violence, sexual assault, or stalking, and protect victims, as well as members of their family, from being denied housing or from losing their HUD assisted housing as a consequence of domestic violence, dating violence, sexual assault, or stalking.

The VAWA Notice of Occupancy Rights (*form HUD-5380*), along with the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternative Documentation (*form HUD-5382*), will be provided to existing household, applicants, and new move-ins/initial certifications no later than each of the following times:

1. For Applicants:
  - a. At the time the house is provided assistance or admission (i.e., move in (MI) or initial certification (IC)), and
  - b. At the time the applicant is denied assistance or admission
2. For Existing households:
  - a. Through December 15, 2017, at each household's annual certification (AR), and
  - b. With any notification of eviction or termination of assistance, (but not with subsequent eviction or termination notices sent for the same infraction).

A note or documentation must be made in those tenant files indicating when the forms were provided to the household.

The certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) business days. Hawthorne Hills may extend this time period at their discretion.

Alternately, in lieu of the certification form or in addition to it, Hawthorne Hills may accept:

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

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

Hawthorne Hills will be mindful that the delivery of the certification form to the tenant via mail may place the victim at risk, e.g., the abuser may monitor the mail. Therefore, in order to mitigate risks, Hawthorne Hills will work with the tenant in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form, send to a Victim Service Provider or making other discreet arrangements.

#### Confidentiality of Information.

The identity of the victim and all information provided to Hawthorne Hills relating to the incident(s) of domestic violence, dating violence or stalking must be retained in confidence by Hawthorne Hills and must not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is:

- Requested or consented to by the individual in writing;
- Required for use in an eviction proceeding; or
- Otherwise required by applicable law.

The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.

#### Retention of Information.

Hawthorne Hills will retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.

### **D. Waiting List Procedures**

It is policy of Hawthorne Hills to administer its Waiting List as required by HUD Handbooks and regulations. Applications will not be considered until completely filled out, signed and dated with associated citizenship declarations and accurate information sufficient to allow Hawthorne Hills to screen the applicant family for eligibility. The date and time of receipt of the completed application or wait list registration will be noted for waiting list tracking purposes.

If an applicant family is determined to be eligible and is otherwise acceptable, a unit is available and no previously approved applicants are on the waiting list, the applicant family will be offered the available unit in accordance with the general occupancy standards unless:

- A current resident is awaiting transfer, current residents have priority over incoming residents
- The annual 40% at 30% income-targeting requirement has not been met and marketing efforts have not been underway for the past 30 days in an attempt to meet this requirement
- Another applicant family has been displaced by government action or a presidential declared disaster or otherwise recognized pursuant to federal disaster relief laws

If no suitable-sized unit is available, the applicant will be placed on a waiting list and notified when a suitable becomes available.

When offered a unit, applicants have five (5) days to accept or refuse the offer. If an applicant cannot be contacted within five (5) days, the offer will be cancelled and the unit will be offered to the next applicant on the waiting list. In the event, the first applicant will be sent a letter requesting confirmation of their interest in remaining on the waiting list. If the applicant replies affirmatively,

the application will retain its position on the waiting list. If the reply is negative, or if no reply is received within five (5) days, the application will be withdrawn.

When applications are pulled in batches to fill multiple vacancies: units will be assigned based on when the full application is received, approved and applicant responds to the offer of a unit, how soon the approved applicant can move in, or if there is a specific need to meet a reasonable accommodation. Therefore it is possible that applicants with an earlier waitlist application date may move in after someone with a later waitlist application date.

If it is determined that the applicant was taken off of the waitlist because of an error. Incorrect address was used in sending mail to the applicant, the applicant did not respond to information or updates because of a disability. The applicant will be reinstated at the original place on the waiting list.

If an applicant rejects an offer twice, the applicant is removed from the waiting list.

Applicants must keep management advised in writing of any changes in address or household information. *Change of Information Forms* are available in the office or the information can be provided in writing by email, fax or regular mail.

### **E. Closing and Opening Waiting List**

Hawthorne Hills has the right to close the wait list on one or more unit size of apartments, when the owner determines the wait list is over a year long. Hawthorne Hills agrees to follow HUD guidelines when doing so.

**Closing Wait List;** Hawthorne Hills will publish notice in a publication likely to be read by potential applicants. The notice must state the reasons for owner's refusal to accept additional applications. Notification will also be posted at the property as well as on the Affordable Housing Network website.

**Opening Wait List;** When Hawthorne Hills agrees to accept applications again, a notice will be published in a publication likely to be read by potential applications (if possible the same publication that the closing notice was published in). Notification will also be posted at the property as well as on the Affordable Housing Network website. The notification will include listing of rules for applying and the order in which applications will be processed should be stated.

### **F. Acceptance of Available Unit**

Prior to move in, the applicant will be required to re-interview with Hawthorne Hills at this point to:

- Confirm and update all information on application to confirm eligibility.
- Review financial information on application and specifically confirm types and sources of income and assets
- Request head of household and all household member age 18 or older to sign verification forms authorizing release of all income and asset information to management for purposes of verification of rent calculation
- Require head of household and all household member age 18 or older to verify whether or not they disposed of any assets for less than fair market value during the two years preceding the date of the certification
- Require head of household and all household member age 18 or older to sign Notice and Consent for the Release of Information (HUD 9887) and Applicants / Tenant's Consent to Release of Information (HUD 9887-A)
- Require head of household and all household member age 18 or older to sign verification forms authorizing release of information necessary to verify any admission priorities
- Require head of household and all family members age six or older to disclose and document all social security numbers
- Require household members to disclose and / or sign other information / forms as they subsidy program requirements may dictate
- Require household to certify that the unit will be the family's only residence and that they do not receive rental assistance for any other unit.

At this time, Hawthorne Hills will:

- Explain program requirements, verification procedures, and penalties for false information
- Advise the applicant that HUD will compare the information with Federal, State, or Local agencies
- Advise the applicant that a final determination of their eligibility cannot be made until all verifications are returned completed

### **G. Rejections**

### **Consent and Verification Forms**

Adult members of a family must sign consent forms and, as necessary, verification documents, so that Hawthorne Hills can verify sources of family income and family size. Hawthorne Hills must consider a family ineligible if the adult members refuse to sign applicable consent and verification forms.

#### **If an applicant is not placed on the waiting list or immediately processed for admission, management will:**

- Notify applicant in writing of the reason for the rejection
- Applicant will be advised that they have fourteen days to respond in writing or request a meeting to discuss the rejection, and
- Applicant will be advised of the right to file a complaint if they believe the action was due to discrimination based upon race, color, national origin, religion, sex, disability marital status or familial status. State and local laws include additional protections in housing including sexual orientation, creed, and age. The Iowa Civil Rights Act (Iowa Code 216) also prohibits housing discrimination based on gender identity.
- Management will follow the grievance process in compliance with requirements set forth in HUD Handbook 4350.3

Any meeting or correspondence with the applicant to review the rejection will be conducted / reviewed by a member of the management staff who was not involved in making the initial decision to reject the applicant. Applicant will be advised in writing of the final decision.

### **H. Apartment Inspections**

- A move in inspection will be conducted with management and the resident present before the household moves into the unit.
- A move out inspection will be conducted at move out, after the resident's possessions have been removed from the unit. Residents are encouraged to participate in this move-out inspection. Move out inspections are compared to move in inspections and any damages noted will be charged to the resident, Normal wear and tear excepted.
- A unit inspection of the occupied unit will be conducted at least annually by Hawthorne Hills representatives. Other unit inspections will be made periodically by HUD and / or the Contract Administrator, mortgage company representatives, insurance carries, etc.

### **I. Security Deposits**

A security deposit is equivalent to the total tenant monthly payment and must be paid at the time of the initial lease execution.

### **J. Reasonable Accommodation**

It is the policy of Hawthorne Hills pursuant to Section 504 of the Rehabilitation Act and the Federal Fair Housing Act to provide reasonable accommodations and modifications upon written request to all applicants and residents. A reasonable accommodation is a change in rules, policies or practices that may be necessary to allow persons with disabilities and equal opportunity to use and enjoy the housing. In reaching a reasonable accommodation with, or performing structural modification for otherwise a qualified individual with disabilities, Hawthorne Hills is not required to:

- Make structural alterations that require the removal or altering of a load bearing structure
- Provide support services that are not already part of its housing programs
- Take any action that would result in a fundamental alteration in the nature of the program or service
- Take any action that would result in an undue financial and / or administrative burden on the property

### **K. Annual Recertification / Interim Recertification**

HUD regulations require an annual recertification of income and expenses for rent determination Interim recertification depend upon certain resident changes such as adding another person to the household, change in income, increase or decrease. This policy will be discussed during the initial certification and move in process.

As part of the Annual Recertification process we will conduct criminal background checks. If a tenant has been charged with something that would have originally denied them at time of Move-In (Section C) we withhold the option of lease renewal. If the charge is drug related it will be an automatic termination of lease. If the charge is other than drug related we will wait to see if the tenant is found innocent or guilty. If the tenant is found guilty we will at that time proceed with a 30 day notice of termination of lease.

### **L. Transfer Policy**

It is Hawthorne Hills policy not to transfer residents from one apartment to another. However, if certain conditions have changed since initial occupancy and there is a need for a unit transfer.

1. Tenant will need to fill out transfer form, making the office aware of the need to be transferred.

- VAWA Emergency Relocation Request
- Any change in family household composition.
- Over/under utilization of unit.
- As a reasonable accommodation to a household member's disability.
- Other medical reasons, certified by medical provider that may not necessitate an accessible apartment but may be aided by relocation within the building. These will be evaluated on a case-by-case basis.

2. Existing tenants will be given priority over the waiting list unless there are more than five (5) vacant units or management determines that such a transfer will aggravate extended vacancies or otherwise interfere with management practices.

3. Transfer priority will be set by 1. VAWA Request 2. Medical needs 3. Change in family need 4. Move-in date

4. Hawthorne Hills reserves the right to bypass the waiting list and reassign units to address specific tenant or maintenance circumstances as they may arise.

Transfer requests for other reasons such as a better view, closer to laundry, community room or other such reasons will not be allowed.

### **M. Fair Housing and Equal Housing Opportunity**

#### **Privacy Act Notice**

Information collected during the application and investigation of an applicant's background is used to determine the applicants' eligibility for an apartment. It may be released to appropriate Federal, State and local agencies when relevant to their activities. Unauthorized disclosure of personal information is prohibited, unless ordered by subpoena or a court of law.

#### **Equal Housing Opportunity**

Affordable Housing Network known as Hawthorne Hills does not discriminate against applicants or residents on the basis of race, color, national origin, religion, sex, disability marital status or familial status. State and local laws include additional protections in housing including sexual orientation, creed, and age. The Iowa Civil Rights Act (Iowa Code 216) also prohibits housing discrimination based on gender identity.