



**MINNESOTA HOUSING FINANCE AGENCY  
SAMPLE  
TENANT SELECTION PLAN\***

**FOR OCCUPANCY  
IN  
SECTION 8 HOUSING DEVELOPMENTS**

*\*Disclaimer: The Minnesota Housing Finance Agency SAMPLE Tenant Selection Plan has been designed for developments financed by or where the Housing Assistance Payments Contract is administered by the Minnesota Housing Finance Agency. The policy set forth in this document is intended to serve as a tool to be used to assist the owner(s) and/or assign(s) in determining applicant eligibility, selection/non-selection for occupancy in Section 8 housing. The information contained within this document should not be relied upon as a source of legal advice or as a final authority with respect to any individual circumstance. Housing providers shall seek competent legal advice in developing specific fair housing policies, procedures and practices. It is further noted that the policies contained within the Tenant Selection Plan cannot insulate housing providers from potential private suits by persons who may feel aggrieved by the policy(ies). The Minnesota Housing Finance Agency shall not be liable for any direct, incidental or consequential damages resulting from the use of the information presented herein.*



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## MINNESOTA HOUSING FINANCE AGENCY SAMPLE TENANT SELECTION PLAN

### **EXHIBITS**

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# Section 504 Equal Access Statement

For mobility impaired persons --

this document is kept at \_\_\_\_\_ which is an accessible facility on an accessible route. This document may be examined from Monday through Friday between the hours of \_\_\_\_\_ and \_\_\_\_\_. You must phone in to make arrangements to examine this document. Please call \_\_\_\_\_ or call our TDD # \_\_\_\_\_.

For hearing impaired persons --

\_\_\_\_\_ Will provide assistance to hearing impaired persons in reviewing this document. Assistance may include provision of a qualified interpreter at a time convenient to both \_\_\_\_\_ and the individual with handicaps. Please call our TDD # \_\_\_\_\_ to schedule an appointment.

For vision impaired persons --

\_\_\_\_\_ Will provide a staff person to assist a vision-impaired person in reviewing this document. Assistance may include: describing the contents of the document, reading the document or sections of the document or providing such other assistance, as may be needed to permit the contents of the document to be communicated to the person with vision impairments.

Assistance to insure equal access to this document will be available in alternate formats and provided in a confidential manner and setting. An individual with disabilities is responsible for providing his/her own transportation to and from the location where this document is kept by advocacy groups, social workers, family members or personal friends. The applicant should inform \_\_\_\_\_ if additional assistance is needed to complete forms or understanding program requirements, procedures, house rules, etc. Advocacy groups, social workers, family members or personal friends may provide assistance. If an individual with disabilities is involved, all hearings or meetings required by this document will be conducted at an accessible location with appropriate assistance provided.



I.

**FAIR HOUSING AND EQUAL OPPORTUNITY REQUIREMENTS  
STATEMENTS OF NON-DISCRIMINATION**

It is the policy of \_\_\_\_\_ to comply fully with Title VI of the Civil Rights Act of 1964, The Federal Fair Housing Act, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act, the Minnesota Human Rights Act, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

Under Federal Law it is illegal to discriminate against any person or group of persons because of race, color, religion, sex, handicap, familial status or national origin.

The Minnesota Human Rights Act prohibits discrimination because of race, color, creed, religion, national origin, sex, age, disability, and marital status, status with regard to public assistance, sexual orientation, or familial status. In addition, owners must comply with local fair housing and civil rights laws.

\_\_\_\_\_ shall not:

- Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to lease housing suitable to its needs;
- Provide housing which is different than that provided others;
- Subject a person to segregation or unequal or different treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level of services; or
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

\_\_\_\_\_ shall not automatically deny admission to a particular group or category of otherwise eligible applicants; i.e., single head of households with children, elderly pet owners, or families whose head or spouse is a student). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

\_\_\_\_\_ will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, \_\_\_\_\_ will make physical or procedural changes to permit individuals with disabilities to have full advantage of the housing program. Such accommodations may include changes in the method of administering policies, procedures, or services.

In addition, \_\_\_\_\_ may perform structural modifications to housing and non-housing facilities where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.

In reaching a reasonable accommodation with, or performing structural modifications for, otherwise qualified individuals with handicaps, \_\_\_\_\_ is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structural member;
- Provide an elevator in any multi-family housing development solely for the purpose of locating accessible units above or below the grade level;
- 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 administrative burden on \_\_\_\_\_ .



## II.

### **PRIVACY POLICY**

It is the policy of \_\_\_\_\_ to protect the privacy of individuals covered by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' verification records maintained by the property.

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 unless the individual gives written authorization to do so.

This privacy policy in no way limits \_\_\_\_\_ ability to collect such information as it may need to determine eligibility, compute rent or determine an applicant's suitability for tenancy.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on handicap or disability will be treated in a confidential manner.



### III.

## GENERAL ELIGIBILITY CRITERIA

To apply for Section 8 housing assistance, applicants must be qualified under the income limits established by the U. S. Department of Housing and Urban Development (HUD), for the type of development, and for the size and type of unit available. Being eligible, however, is not an entitlement to housing. In addition, every applicant must meet the tenant selection criteria. The tenant selection criteria are used to demonstrate the applicant's suitability as a tenant using verified information on past behavior to document the applicant's ability, either alone or with assistance, to comply with the rules governing tenancy. The applicant will be judged on current and past behavior and practices related to tenancy and not on any attribute or behavior that may be imputed to a particular group or category of persons of which an applicant may be a member. Applicants must also qualify in accordance with one or more of the following eligibility criteria:

### Eligible Applicants

#### Family

A family consists of:

- one or more persons whose income and resources are available to meet the family's needs;
- a remaining member(s). A remaining family member(s) is any person(s), except a live-in aide or foster child, who remains in the unit and was considered a member of the household on the most recent lease or recertification form. To qualify as a remaining family member the person(s) must:
  - a. be a member of the original tenant household or have become a member of the tenant household subsequent to move-in with written approval of \_\_\_\_\_ and remained in continuous occupancy up to and including the time the original tenant of record vacates or dies;
  - b. be listed on the current lease or HUD Form 50059 or approved facsimile; and
  - c. have his/her income (if any) included in the household's annual income for determining rent.

## Elderly Family

An elderly household consists of either a single person or family where the head or spouse is at least 62 years old, handicapped or disabled. The household may be two or more elderly, handicapped or disabled persons who are living together, or one or more such persons living with someone essential to their care or well-being; i.e., "a live-in aide/attendant".

## Handicapped

A handicapped household includes:

1. a person who is handicapped by having a physical, developmental or mental impairment which:
    - is expected to be of a long, continued and indefinite duration;
    - substantially impedes his or her ability to live independently; and,
    - is of such a nature that such ability could be improved by more suitable housing conditions.
- and,**
2. a person with a developmental disability as defined below.

## Disabled

A disabled household includes a person who is under a disability as defined in Section 223 of the Social Security Act, or in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(7)].

Section 223 of the Social Security Act (42 U.S.C.423) defines disability as:

- inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
- in the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness as defined in Section 416(l)(l) of the Social Security Act), and is unable by reason of such blindness to engage in substantial gainful activity in which s/he has previously engaged with some regularity and over a substantial period of time.

Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(7)], defines disability as severe, chronic disability of a person which:

- is attributable to a mental or physical impairment or combination of mental and physical impairment;
- is manifested before the person attains age twenty-two;
- is likely to continue indefinitely;

- results in substantial functional limitations in **three or more** of the following areas of major life activity:
  - self-care,
  - receptive and expressive language,
  - learning,
  - mobility,
  - self direction,
  - capacity for independent living,
  - economic self efficiency;

**and,**
- reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

### **Ineligible Applicants**

An applicant is considered **ineligible** if:

- The household members, regardless of age, fail to submit evidence of citizenship or eligible immigration status.
- The household's annual gross income is greater than the applicable income limit established by HUD; i.e., Exhibit A -- HUD Income Guidelines.
- The amount the household would be required to pay using the applicable HUD rent formula equals or exceeds the gross rent for the unit.
- Management determines that the applicant and/or household member(s) do not meet the tenant selection criteria or the criteria under which the property was developed.

Any ineligible applicants admitted under the following limitations **must pay contract rent**:

- If the HAP Agreement was signed on or after October 1, 1981; i.e., Post '81 Universe, applicants must be of **very low-income status**. Owners may not, without written approval, admit income ineligible applicants.
- If the HAP Agreement was signed before October 1, 1981; i.e., Pre '81 Universe, applicants must be of **low or very low-income status**. Owners may not, without written approval, admit income ineligible applicants.

Actions owners must take before admitting ineligible applicants:

- Admit all available eligible applicants, unless there is good cause for denying them assistance.
- Take all reasonable steps to attract eligible applicants, including using marketing efforts likely to attract eligible applicants.
- Obtain **prior** written approval from the Minnesota Housing Finance Agency to allow housing of the ineligible applicant(s).
- Place in the files of any ineligible tenants who are admitted a written certification that the steps required above have been completed.



**IV.**

**GENERAL OCCUPANCY STANDARDS**

1 bedroom units	1 - 2 persons	up to _____ square feet
2 bedroom units	2 - 4 persons	up to _____ square feet
3 bedroom units	3 - 6 persons	up to _____ square feet
4 bedroom units	4 - 8 persons	up to _____ square feet

Units with Special Features

1 bedroom units	1 - 2 persons	up to _____ square feet
2 bedroom units	1 - 4 persons	up to _____ square feet

The owner is required to establish reasonable occupancy standards that will:

- assist as many people as possible, without overcrowding, and;
- minimize vacancies.

Owners must comply with all reasonable state and local health and safety restrictions regarding the maximum number of persons permitted to occupy a unit. In the absence of such restrictions, overcrowding is deemed to occur when the total number of persons in the unit exceeds two persons per habitable sleeping room. Additional persons may be allowed when a habitable sleeping room provides at least 50 square feet per person. A habitable sleeping room is any room except the following:

- kitchen,
- bathroom,
- hallway; or
- dining room.

More than two persons may occupy a bedroom provided there is sufficient square footage in the bedroom to meet local standards. If local standards permit, the living room may be considered a habitable sleeping room, therefore, increasing the overall occupancy level.

Owners should take into consideration the makeup of the household when determining the appropriately sized unit. Persons of different generations, opposite gender and unrelated adults should not be required to share a bedroom. However, the final decision as to the number of persons residing in a unit shall be left to the applicant, provided the unit is not overcrowded or under occupied.

A. Owners may approve a unit that is smaller than the occupancy standards listed above if:

1. doing so will not cause serious overcrowding; and
2. the family requests a smaller unit because the family would otherwise be rejected if no units of the appropriate size were available or exists within the development.

NOTE: If applicable, the family should immediately be placed on the waiting list for the appropriate sized unit.
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B. Owners may assign a larger unit if:

1. the family provides medical verification that a larger unit is required; or
2. no eligible family requiring the larger unit will be available to occupy the unit within 60 days; the development contains the correct unit size for the family; and the family agrees to move to the correct size unit, at its own expense, when an appropriate unit becomes available.

Units accessible to the mobility, visual and/or hearing impaired shall be used by families that need the special features of the unit. Owners may lease these units to families who do not need the special features when no current resident or no one on the waiting list need such a unit. The housing provider must, however, have a lease provision that requires the family to transfer to another suitable unit when someone can document the need for the special features of the unit.

C. Physically Handicapped/Disabled Applicants

For units accessible to or adaptable for persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have first priority, (as applicable for a particular unit's features).

NOTE: Current residents in good standing requiring accessible/adaptable units shall be given priority over applicants requiring the same type of unit. Where no such applicants or current residents are at hand, management reserves the right to hold such units available while outreach efforts are in process to obtain applicants with need for such units. Where non-handicapped persons are moved into units designed to meet special needs, they must agree to move to the first available appropriately sized unit with no such design features available should an applicant or current resident require an accessible unit of the type currently occupied by the non-handicapped person.
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#### D. In-House Transfer

Tenants may be required to transfer to another unit within the development to correct inappropriate unit size. If so, the family must transfer within 30 days after receiving notice from the owner of the availability or remain in the same unit and pay the HUD approved contract rent. The owner may require a new security deposit on the unit into which the tenant is being transferred. If the tenant has any unpaid rent/utility expenses or charges assessed for tenant damages the owner may require payment prior to the transfer but not more than 30 days from the date of transfer into the new unit.

The owner shall coordinate in-house transfers with housing applicants from the waiting list to assure a reasonable balance of tenant selection is maintained.

The tenant will be considered for a unit transfer when the following has occurred:

- increase in family composition,
- decrease in family composition, and/or,
- family circumstances necessitate a larger unit; i.e., medical reasons.

If no appropriately sized unit is available the tenant will be placed on an in-house transfer waiting list in accordance with the date the family met the eligibility criteria.



**V.**

**DEVELOPMENT ELIGIBILITY CRITERIA  
AND OCCUPANCY STANDARDS**

**This section of the Tenant Selection Plan is RESERVED.**

**Each development will identify the type of housing that is available; i.e., family, elderly, family/elderly combined, or handicapped.**

**The number of units, by bedroom size and type, accessibility features and occupancy standards will be addressed in this section.**



## VI.

### QUALIFYING FOR ADMISSION

It is \_\_\_\_\_ policy to accept and process applications in accordance with applicable HUD regulations and MHFA recommended procedures.

Every application must be completed in its entirety, with or without assistance, and signed and dated by the head of the household and co-head(s), and all household members 18 years and older, if applicable. All members of the household shall be listed on the application form. Staff will assist any applicant who might have trouble completing the application form. This assistance might take the form of answering questions about the application, helping applicants who might have literacy, vision or language problems and, in general, making it possible for interested parties to apply for housing. The application will be completed to the extent that all factors of eligibility are included and a determination can be made by \_\_\_\_\_ on the apparent eligibility status of an applicant. Applications that are incomplete and/or have not been signed and dated as required will not be processed.

Whenever possible, communications with applicants will be by first class mail. Failure to respond to letters may result in withdrawal of an application from further processing. Management may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control; i.e., medical emergencies or extreme weather conditions. If failure to respond is due to disability, management will make reasonable accommodation.

No decisions to accept or reject applicants shall be made until all verifications prompted by the application form have been received. The following items will be verified by \_\_\_\_\_ to determine eligibility and suitability for admission to the development:

- Eligibility Information
- Annual Income
- Assets and Asset Income
- Housing Preferences; if applicable
- Allowance Information
- Social Security Number for all persons in the household age 6 years and older
- Information used in Tenant Screening
- Citizenship/legal non-citizenship status

\_\_\_\_\_ will be the final judge of what constitutes adequate and credible documentation. If there is any doubt about the truthfulness or reliability of information received, alternative methods will be pursued until \_\_\_\_\_ is satisfied that the documentation obtained is the best available.



## VII.

### PREFERENCE CATEGORIES FOR ADMISSION

It is \_\_\_\_\_ policy that a preference does not guarantee admission. Every tenant must still meet the Tenant Selection Standards for being accepted as a resident. \_\_\_\_\_ will apply the following rules in the order shown for selecting eligible applicants.

1. Preference required by individual programs pursuant to statute:

Preference of opportunity to rent will be given to elderly families, including handicapped and disabled persons and displaced persons, over single persons.

2. Preference based upon HUD regulation. (HUD 4350.3, Chapter 2)
3. Preferences as required by State/local law. (HUD 4350.3, Chapter 2)
4. Additional preferences. The owner may establish additional preferences as long as they are:
  - subordinate to any program-specific statutory preferences;
  - subordinate to preferences based upon HUD regulation;
  - subordinate to preferences required by state/local law; and,
  - do not discriminate because of race, color, creed, religion, National origin, sex, sexual orientation, handicap/disability, familial status, marital status, or status with regard to public assistance.

NOTE: In developments originally designed for elderly families\* owners may, at any time, elect to give preference to elderly families subject to the requirements in Section 883.704a of the Federal Register.

\*Elderly families, for this notation, refers to families whose heads of household, their spouses or sole members are 62 years or older.



## VIII.

### ADMINISTRATION OF THE WAITING LIST

It is the policy of \_\_\_\_\_ to administer its Waiting List as required by HUD handbooks and regulations. Accepting an applicant from a lower waiting list position before one in a higher position violates policy and may be regarded as being discriminatory.

If no suitable unit is available the owner will place an apparently eligible applicant on an Agency prescribed or approved waiting list. The waiting list shall be maintained by unit size and housing preference claim. Each apparently eligible applicant will be assigned his/her appropriate place on the waiting list based on the date and time the application is received for a suitable type and/or size of unit and in conjunction with factors affecting preference of priority as established in the development's Tenant Selection Plan.

#### A. Opening and Closing Waiting Lists

In order to maintain a balanced application pool, \_\_\_\_\_ may, at its discretion, restrict application taking, suspend application taking, and close waiting lists in whole or in part. \_\_\_\_\_ will also update the waiting list by removing the names of those who are no longer interested in or no longer qualify for housing.

Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a Federal preference, and the ability of \_\_\_\_\_ to house an applicant in an appropriate unit within a reasonable period of time.

Generally, if the length of the waiting list is such that an applicant would not likely to be admitted for the next 12 months \_\_\_\_\_ may advise the applicant that no additional applications are being accepted for that reason.

Closing the waiting lists, restricting intake or opening the waiting lists will be publicly announced in the same or similar manner in which \_\_\_\_\_ advertises for rental. During the period when the waiting list is closed \_\_\_\_\_ **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

## B. Removal of Applicants From the Waiting List

\_\_\_\_\_ will not remove an applicant's name from the waiting list unless:

- the applicant requests that the name be removed;
- the applicant was clearly advised of the requirement to tell \_\_\_\_\_ of his/her continued interest in housing by a particular time and failed to do so; or
- \_\_\_\_\_ made a reasonable effort to contact the applicant to determine if there is continued interest in housing but has been unsuccessful;
- \_\_\_\_\_ has notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for assisted housing.

Preventing delays in re-renting units maximizes the housing assistance available and reduces occurrences of vandalism to the unit. Staff should be aware of the average turnover rate at the development. Suitable vacancies shall be offered to applicants first in sequence on the waiting list. Applicants should be notified as far in advance as possible that they could expect to receive an offer of a unit.

As soon as a notice to vacate is received, staff will immediately contact the first applicant on the waiting list. The initial contact will be by telephone a minimum of three times within a 48-hour period. The applicant will also be contacted by mail stating the availability of the unit. If the applicant cannot be contacted within four days, the offer will be canceled and the unit will be offered to the next applicant on the waiting list.

Should the applicant reject the offer, the applicant shall be given a second offer of a suitable vacancy as soon as one becomes available. Should the applicant reject the second offer, the applicant shall be moved to the bottom of the eligible applicant waiting list unless the applicant can verify that a hardship exists or that there are mitigating circumstances.

<p>Note: Applicants who can show a good reason for failing to contact _____ within a reasonable time beyond the time originally given will be allowed to retain their position on the waiting list; i.e., applicant in the hospital, being on vacation, etc. Applicants who fail to respond in a timely manner for reasons that are related to a disability, and not the fault of the applicant, should also be reinstated; i.e., applicant requests the housing provider contact an advocate, being contacted by telephone rather than mail, etc.</p>
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An applicant shall be offered no more than two suitable vacancies before being placed at the bottom of the eligible waiting list. The reasonableness of the rejection will be determined by the owner and will so be documented with the applicant's application for housing. For handicapped/disabled applicants, reasonable accommodation needs shall be reviewed and made available to the fullest extent allowed. In addition, those applicants who have been placed at the bottom of the waiting list will have the effective date of their application changed to the date of the second rejection.

Note: Applicants who can show that the unit was rejected for reasons that were related to a disability, and not the fault of the applicant, shall remain on the waiting list and their application will retain its original date.
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### C. Handicapped Accessible Units

Applicants requiring the features of an accessible unit; i.e., a disabled family, shall be offered an accessible unit, of appropriate bedroom size, before applicants not requiring the accessible features **regardless** of the disabled family's position on the waiting list. If the disabled family is the next applicant on the waiting list and the available unit, of appropriate bedroom size, is not an accessible unit, management will make the available unit accessible (for the disabled family to rent) to the greatest extent possible pursuant to Section 504 of the Rehabilitation Act of 1973, as amended.

### D. Updating the Waiting List

The owner shall update the waiting list at least annually to determine if applicants are still interested and eligible to remain on the waiting list. The owner shall, at the time of each annual update, obtain current applicant information on at least the following:

- household characteristics; i.e., number of family members and composition;
- income and assets; and,
- housing preferences, if applicable

The updated information shall be obtained from the applicant in writing and certified by the tenant's dated signature that the information provided is true and correct. The owner will notify each applicant by mail requesting the above information and confirmation of its interest in remaining on the waiting list. The owner must specify a reasonable time frame in which the applicant is to respond; i.e., 15 days. If the applicant replies affirmatively, its application will retain its position on the waiting list. If the reply is negative, the applicant's name will be removed from the waiting list. If no reply is received within the specified time frame, a final letter will be sent to the last known address stating that the applicant's name is being removed from the waiting list on a specific date; i.e., 5 days from the date of the letter.



## IX.

### SCREENING CRITERIA

\_\_\_\_\_ will not employ criteria that are unrelated to an applicant's ability to meet essential lease requirements. It is unlawful to make an inquiry to determine whether an applicant, a person intending to reside in the unit after it is rented or made available, or any persons associated with that person, has a handicap, or to make inquiry as to the nature or severity of a handicap of such a person.

1. Upon receipt of a completed application the applicant shall be screened considering factors that include, but are not limited to, the following:

- Demonstrated ability to pay rent and utilities on time;
- Comments from current and former landlords; Endorsement from at least two is preferred. Inquiry will be made pertaining to current/past rental history including nonpayment of rent, failure to cooperate with applicable recertification procedures; violations of house rules; violations of lease; history of disruptive behavior; housekeeping habits; termination of assistance for fraud; previous evictions, and/or abusive use or pattern of abuse of alcohol that may interfere with the right to health, safety or peaceful enjoyment of the property by other tenants.

Note: For individuals with no landlord reference, management must establish criteria as to: 1) who is acceptable to act in the place of a landlord; and, 2) the type of inquiry (ies) that will be made to provide information and/or substantiate that an acceptable current/former tenant/landlord-like relationship(s) exists(ed);

- Credit references. Credit checks may be useful when no rent payment history is available. However, lack of a credit history, as opposed to a poor credit history, is not sufficient justification to reject an applicant;
- Drug related or criminal activity. Inquiries may be made of each applicant 18 years of age and older to determine if there has been an arrest/convictions involving the illegal manufacture or distribution of a controlled substance and/or other arrest/convictions involving the illegal use of a controlled substance by consulting a third party;
- Criminal history record. Inquires may be made of each applicant 18 years of age and older to determine if they are subject to a State sex offender lifetime registration requirement;
- Applicant's ability to comply with the terms of the lease.
- Housekeeping habits. Housekeeping criteria are not intended to

exclude households whose housekeeping is only superficially unclean or disorderly if such conditions would not appear to affect their or others health, safety and/or welfare;

- Units for persons with handicaps. For applicants who require a handicapped accessible unit inquiries may be made to determine whether an applicant is qualified for a unit that is available only to persons with handicaps or to persons with a particular type of handicap. Inquiries may be made to determine whether an applicant for a a unit is qualified for a priority that is made available to persons with handicaps or to persons with a particular type of handicap;
- Consideration of Extenuating/Mitigating Circumstances in the Screening Process. Owners may consider extenuating/mitigating circumstances in evaluating information obtained during the screening process to assist in determining the acceptability of an applicant;

2. The following factors will **not** be used when screening an applicant:

- Physical examinations: Owners may not require physical examinations or medical testing as a condition of admission. Owners may uniformly require all applicants to furnish evidence of ability to meet the obligations of tenancy but may not impose greater burdens on individuals with handicaps;
- Meals and Other Services: Owners must not require tenants to participate in a meals program or establish other mandatory charges for services without the prior consent of MHFA;
- Donations or contributions: Owners must not require a donation, contribution, or membership fee as a condition of admission. Owners may not require any payments not provided in the lease; or
- Pets for Elderly/Handicapped Units/Developments: Applicants shall not be rejected solely because the applicant has a pet.

3. The owner must either:

- accept the applicant,  

**and,**

  - a. provide housing;
  - b. place the applicant on the waiting list if a unit of suitable size is not available;
- reject the applicant  

**or,**

If the owner determines the family is eligible and is otherwise acceptable, and a unit is available, the owner will assign the family a unit of appropriate size in accordance with the General Occupancy Standards.



## X.

### VERIFICATION REQUIREMENTS

\_\_\_\_\_ shall obtain verifications in compliance with requirements set forth in Appendix 4 - Acceptable Forms of Verification of the HUD Handbook. 4350.3. No decision to accept or reject an application shall be made until all verifications prompted by the application form have been collected and any necessary Follow-Up Interview has been performed.

#### A. Types of Verification Required

All information relative to the following items must be verified as described in these procedures:

Eligibility for admission, such as:

- Income, assets and asset income;
- Family composition;
- Social Security numbers; and
- Declaration of citizenship/legal non-citizenship.

Housing Preferences, if applicable

- See Section VII - Preference Categories for Admission

Allowances, such as:

- Age, disability, or handicap, of family member
- Full time student status;
- Childcare costs;
- Handicap expenses; and/or
- Medical costs.

Compliance with Tenant Selection Criteria, such as:

- Documented ability and willingness to abide by lease requirements, and, if applicable, housing program requirements;
- Previous history of tenancy; and/or
- Absence of current or history of criminal activity of any household member.

All the above information must be documented and appropriate verification forms or letters placed in the applicant or resident file.

## B. Preferred Types of Verification

Verifications shall be attempted in the following order:

1. Third-party written.
2. Third-party oral with a record kept in the file.
3. Review of documents provided by the family.
4. In the absence of any of the above: affidavits from the family.

Each file will be documented to show that \_\_\_\_\_ attempted to obtain third-party written documentation before relying on some less acceptable form of information.

## C. Sources of Information

Sources of information to be checked may include, but are not limited to:

- The applicant by means of interviews;
- Present and former landlords, or housing providers;
- Present and former employers;
- Agencies providing credit, criminal and landlord history;
- Family social workers, parole officers, court records, drug treatment centers, clinics, physicians, clergy; and/or
- Police departments.

## D. Forms of Verification

Documentation employed as part of the verification process may include, but are not limited to:

- Applications and/or forms completed as part of the interview process and signed by the applicant;
- Verification forms completed and signed by third parties;
- Reports of interviews;
- Letters; and/or
- Notes of telephone conversations with reliable sources.

Management staff will be the final judge of the credibility of any verification submitted by an applicant. If staff considers documentation to be doubtful, it will be reviewed by the Property Manager who will make a ruling about its credibility. Staff will continue to pursue credible documentation until it is obtained or the applicant is rejected for failing to provide required documentation.

#### E. Verification Time Frame

Only verified information that is less than 90 days old may be used for certification or recertification. Verifications may be extended for 30 days with a telephone update. (A record of the update must be placed in the applicant's file.) Verified information not subject to change (such as a person's date of birth) need not be re-verified.

Information obtained which is subject to change, and for which verifications are more than 120 days old, must be re-verified.



## XI.

### REJECTING APPLICANTS

Applicants may be rejected if:

- The applicant is ineligible;
- The applicant's household characteristics are not appropriate for the size or type of units that are available;
- The applicant does not meet the owner's resident selection criteria;
- The applicant fails to disclose and document all Social Security Numbers or execute a certification when numbers have not been assigned;
- The applicant fails to provide declaration of citizenship or legal non-citizenship;
- The applicant was/is unable to fulfill obligations and comply with all terms of the previous/current Lease/Rental Agreement;
- The applicant has a record of chronic late, underpayment or nonpayment of rightful obligations, including rent and utilities;
- The applicant has a record of disruptive behavior;
- The applicant has a record of destruction of property;
- The applicant has a record of poor living or housekeeping habits;
- The applicant has a history of criminal activity involving crimes of physical violence to persons or property, or a record of other criminal acts which may endanger the health, safety or welfare of other residents;
- The applicant has been evicted for material non-compliance, or 'other good cause', from current or previous housing;
- The applicant has a history of activities that would be injurious to the reputation of the property and/or be likely to cause an increase in the rate of hazard insurance on the property;
- The applicant purposefully falsified, misrepresented or withheld information or submitted inaccurate and/or incomplete information on any application or during the interview related to eligibility, award of preference for admission, allowance, family composition or rent;

- The applicant has current or recent problems involving chemical or drug dependency resulting in any of the other reasons for non-selection; and/or
- The applicant was evicted or lost housing assistance because s/he purposefully falsified, misrepresented or withheld information or submitted inaccurate and/or incomplete information on any application or during the interview related to eligibility, award of preference for admission, allowance, family composition or rent
- The applicant refuses to comply with housing program requirements, policies and/or procedures; i.e. failure to sign and submit relevant forms, consents, releases, etc.

Applicants **must** be rejected if:

- The applicant was evicted in the last three years from federally assisted housing for drug-related criminal activity unless successful completion of an approved, supervised drug rehabilitation program can be substantiated;
- The applicant is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that such use or pattern of use may interfere with the health, safety and right to peaceful enjoyment of the property by other tenants;

Note: The term 'applicant' is inclusive of the applicant and all other household members.  
Unwitting errors that do not secure an advantage with regard to program eligibility preferences, or rent will not be used as a basis to reject applicants.

\_\_\_\_\_ has established the following additional standards drug-related criminal activity, violent crime activity and other criminal activity: (Agent to identify)

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\_\_\_\_\_ has established the following provisions in relation to the added standards noted above. (Agent to identify)

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Applicants may be denied particular units and placed on a waiting list if the household's characteristics are not appropriate for the size or type of units that are available at that time.

If \_\_\_\_\_ does not place an applicant on the waiting list or immediately process the applicant for admission, \_\_\_\_\_ must promptly notify the applicant in writing of the rejection, and explain in the notice the reasons for the rejection,

**and,**

- that the applicant has 14 days to respond in writing or to request a meeting to discuss the rejection.
- If the applicant is an individual with handicaps, the applicant may inform \_\_\_\_\_ this fact and may to make reasonable accommodations in the policies or practices to enable the applicant equal opportunity.

A member of \_\_\_\_\_ staff, who did not make the initial decision to reject the applicant, must conduct any meeting with the applicant or review of the applicant's written response.

If the applicant appeals the rejection, \_\_\_\_\_ must give the applicant a written final decision within 5 days of the response or meeting.

\_\_\_\_\_ must keep the following materials on file for at least three years: application, initial rejection notice, any applicant reply, owner's final response, and all interview and verified information on which the owner based the rejection.

### **Mitigating Circumstances**

\_\_\_\_\_ will hold a second interview with any applicant known to have a disability or handicap who cannot meet one or more of the tenant screening criteria. The purpose of this interview is to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying reasonable accommodation.

Mitigating circumstances would be facts (that can be verified) that would overcome or outweigh information gathered in the tenant screening process.

Acceptable evidence of mitigating circumstances may include the following:

- Verification that unacceptable past behavior is either no long in effect or otherwise controlled.
- Applicants who claim unacceptable behavior resulting from alcoholism or drug addiction must verify that they are not currently engaging in alcohol abuse or the use of illegal drugs. Current abuse is defined as use more that 120 days prior to the date of application

During the period that the applicant is claiming no current use, the applicant's behavior in the previously unacceptable area must have shown improvement. Unimproved behavior shall be taken to construe that either the applicant's unacceptable behavior was not caused by alcohol or drug abuse, or the applicant is still engaging in alcohol or drug abuse. Lack of improvement in a previously unacceptable area shall result in a rejected application.

\_\_\_\_\_ shall also have the right to request further information reasonably needed to verify a mitigating circumstance, even if such information is of a medically confidential nature. If the applicant refuses to provide or give access to such further information, \_\_\_\_\_ will give no further consideration to the mitigating circumstance.



## XII.

### APPLICANT INTERVIEW

At the time an appropriate unit becomes available, or sooner, the owner must interview the applicant and obtain current information about the family's circumstances. Any question that is asked of one applicant must be asked of all applicants. A final decision on eligibility cannot be made until all verifications are complete.

Owners should refer to the HUD Handbook 4350.3 for income, asset and allowance information as well as the documents owners must:

- Confirm and update all information provided on the rental application. (If the applicant is determined ineligible the owner must comply with proper procedures for rejection);
- Explain program requirements, verification procedures and penalties for false information. The penalties include eviction, loss of assistance, fines up to \$10,000 and imprisonment up to five years;
- Obtain family income and composition information needed to certify eligibility and compute the tenant's share of the rent. Any changes in family income and composition since the date of application should also be obtained;
- Review the financial information on the rental application and specifically ask the applicant whether any member of the household receives the types of income or assets as listed on the application. If it seems likely that an applicant is receiving a form of income not reported on the application, ask the applicant about that source of income and document the applicant's response in the file;
- Ask the head of household, spouse, co-head(s) and household members age 18 years and over to sign the release of information consent portion of any verification request, or other applicable forms, used for determining eligibility;
- Require the head of household, spouse, co-head(s) and household members age 18 years and over to give a written verification as to whether any family member did/did not dispose of any assets for less than fair market value during the two years preceding the effective date of the verification;
- Require the head of household, spouse, co-head(s) and household members age 6 years and over to disclose and document all Social Security Numbers or execute a certification when a Social Security Number has not been assigned;
- Require that all household members to make declaration of citizenship or legal non-citizenship. Parents make the declaration for minor household members. Legal non-citizenship requires documentation. In cases where citizenship is 'questionable' management may require documentation;
- Advise the family that, for a sample of cases, HUD will compare the information with Federal, State or local agencies;

- Tell the family that a final decision on eligibility cannot be made until all verifications are complete;
- Inform the family that Federal laws prohibit discrimination against individuals with handicaps.
- Inform applicants of housing for the elderly or handicapped about the rules on owning pets; and;
- Provide the household with Federal and State Data Privacy information.