

## **TENANT SELECTION PLAN**

### **The Oaks at 25th Street**

#### **FAIR HOUSING**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from the Housing and Urban Development (HUD). The Fair Housing Act prohibits discrimination in housing and housing related transaction-based race, color, religion, national origin, sex, disability and familial status. It applies to housing, regardless of the presence of federal financial assistance. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

#### **LIMITED ENGLISH PROFICIENCY POLICY**

The Oaks at 25th Street, or its' authorized Agent will take affirmative steps to communicate with people who need services or information in a language other than English. These will be referred to as Persons with Limited-English Proficiency (LEP). LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Plan, LEP persons are program applicants and participants.

The Oaks at 25th Street, or its' authorized Agent is committed to providing meaningful access to its affordable programs and services to all eligible persons, including those who have LEP because of their national origin.

The Oaks at 25th Street, or its' authorized Agent will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. Steps may not be reasonable where the costs imposed substantially exceed the benefits.

The primary language assistance need in the Texas City, TX area is for persons speaking Spanish. The Oaks at 25th Street, or its' authorized Agent has bilingual staff to assist Spanish-only speaking applicants, and will translate vital documents into Spanish as needed. In determining whether it is feasible to translate documents into other languages, The Oaks at 25th Street, or its' authorized Agent will consider:

- Number of applicants and participants who do not speak English and speak the other language;
- Cost of translation into other language per applicant who speak the language;
- Evaluation of the need for translation by the bilingual staff and by agencies that work with the non-English speaking applicants;
- The availability of bilingual staff to explain un-translated documents to applicants.

The Oaks at 25th Street, or its' authorized Agent will ask applicants, residents and participants, through the use of its language identification form, to identify their primary language at initial application and at recertification for existing residents and participants, and to identify their language preference for receiving written communications. The language identification form will also ask the applicant, resident and participant if translation services are necessary. This information will be included in the paper files and in the electronic record.

Every year, as part of The Oaks at 25th Street, or its' authorized Agent planning process, the LEP policy will be reviewed and updated, if needed. The review will assess whether there have been any significant changes in the composition or language needs of the LEP population in Texas City, TX.

- Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by The Oaks at 25th Street, or its' authorized Agent. The interpreter may be a family member or friend.
- The Oaks at 25th Street, or its' authorized Agent will continue to provide English and Spanish options for Applicants to obtain their waiting list status.

If it is determined The Oaks at 25th Street, or its' authorized Agent serves very few LEP persons, and The Oaks at 25th Street, or its' authorized Agent has very limited resources, The Oaks at 25th Street, or its' authorized Agent will not develop a written LEP policy but will consider alternative ways to articulate in a reasonable manner a policy for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

## **REASONABLE ACCOMMODATION**

The Oaks at 25th Street, or its' authorized Agent (ABC Affordable Housing Services LLC), will make reasonable accommodations in policies, procedures, services, and facilities, if necessary, to afford a person with disabilities equal opportunity to use and enjoy a dwelling unit or the common areas and facilities of the property. We appreciate any information that individuals with disabilities give to us during the application, screening, admission, or residency process regarding accommodations that we can make in policies, procedures, services or facilities to make the property more accessible. All requests must be in writing and will be reviewed by The Oaks at 25th Street, or its' authorized Agent.

It is the policy of The Oaks at 25th Street, or its' authorized Agent, to rent units based on the following Occupancy Standards: two persons per bedroom plus a child who is less than six (6) months old.

<b>Bedroom Size</b>	<b>Minimum # of Persons</b>	<b>Maximum # of Persons</b>
<b>1</b>	<b>1</b>	<b>2</b>
<b>2</b>	<b>2</b>	<b>4</b>
<b>3</b>	<b>3</b>	<b>6</b>

## **PROGRAM ELIGIBILITY**

The Applicant's income must be either at or below the *Extremely-Low/Very-Low/Low Income* limit that is published by HUD for this area on an annual basis. The *Income Limits* are available upon request. The Oaks at 25th Street, or its' authorized Agent, will count all persons living in the unit. The Oaks at 25th Street, or its' authorized Agent, will include the following as members of the household:

- Children temporarily absent due to placement in a foster home
- Children in joint custody arrangements who are present in the household 50% or more of the time
- Children who are away at school but who live with the family during school recesses
- Unborn children of pregnant women
- Children who are in the process of being adopted
- Temporarily absent family members who are still considered family members (for example, a member of the household who is working in another state on assignment)
- Family members in the hospital or rehabilitation facility for periods of limited or fixed duration

A household does not need to have income to be eligible for admission to this property, for Extremely-Low Income Families.

Applicants must disclose social security numbers for all family members at least six (6) years of age and older and provide proof of the numbers reported. If no social security number has been assigned to a particular family member, the Applicant must sign a certification stating that no social security number has been assigned. When an Applicant has a social security number but does not have the required documentation, the Applicant may submit the social security number and certify that the number is accurate, but that acceptable documentation could not be provided. For individuals who have applied for legalization under the Immigration and Reform Control Act of 1986 and have not been granted temporary lawful resident status, acceptable documentation is a letter from the Department of Homeland Security indicating social security numbers have been assigned. An Applicant may not become a participant in the program unless the Applicant submits the required social security number documentation to the owner/agent. The Applicant must provide social security documentation to the owner/agent within 60 days from the date on which the Applicant certified that the documentation was not available. The Applicant, if otherwise eligible, will remain on the Waiting List for the 60-day period during which the

Applicant is trying to obtain documentation. After 60 days, if the Applicant has been unable to supply the required social security documentation, the Applicant will be determined ineligible and removed from the Waiting List.

The Applicant family is eligible for assistance only if the unit will be the family's only residence. Tenants must not receive assistance for two units at the same time.

All adult members of the Applicant household must sign a *Release of Information* form prior to receiving assistance and annually thereafter.

All adult members of an Applicant or Tenant family must sign individual verification forms authorizing the owner to verify family income and other applicable eligibility factors.

An Applicant must agree to pay the rent required by the program under which the Applicant will receive assistance.

All information reported by the family is subject to verification.

## **APPLICATION PROCESS**

Applications are taken on-line. An Applicant is a "person or a family that has applied for housing assistance." Each Applicant must complete a written *Application for Admission* form provided by The Oaks at 25th Street, or its authorized Agent. The application form must be dated and signed by all prospective adult household members. All questions must be answered truthfully, and the answers must apply to all prospective household members. If any question is not answered truthfully and/or if any relevant information is omitted, it is grounds to deny the application. Furthermore, if such conduct is discovered after the Applicant has been admitted, it is grounds for immediate lease termination.

Qualified Applicants are those who meet the program's eligibility requirements, the project's eligibility requirements, and The Oaks at 25th Street, or its authorized Agent, screening criteria. The Oaks at 25th Street, or its authorized Agent, will review the information on the *Application for Admission* and will obtain and verify the information provided by the Applicant. Once the Applicant has returned the completed *Application for Admission* and appears to be eligible for assistance, the Applicant is placed on the Waiting List in the order in which the application is received. Accepting an application and placing an Applicant's name on the Waiting List does not guarantee that the Applicant will be offered housing. The following information is listed on the Waiting List: *Date, Time, Name of Head of Household, Applicable Program, if any (Housing Choice Voucher Section 8) Annual Income Level, Identification of the Need for an Accessible Unit, Preference Status, if any, and Unit Size.*

It is The Oaks at 25th Street's policy to remain in compliance with CDBG/HUD guidelines regarding admission. There are several factors applicable to any and all Applicants that could affect the applicant's position on the Waiting List. If there are any changes in regard

to the Preferences or priorities that have been established in this plan that could negatively affect any active Applicant on the Waiting List, all of the active Applicants will be notified in writing of the change of policy.

The Oaks at 25th Street's screening process will begin when it is estimated that the Applicant, if approved, could be offered housing within one month based on the property's turnover rate. The Applicant will be contacted in writing, and if the Applicant does not respond within time limit noted on the written notice to arrange an interview, the Applicant will be removed from the Waiting List for non-response. The Applicant will be informed in writing and will be given fourteen (14) days from the date of the removal notice to respond. When the Applicant does contact The Oaks at 25th Street, or its authorized Agent, to arrange an interview, the following documentation must be completed as part of the interview if it has not already been completed during the prior application process:

- Submit proof of identification for all household members who are eighteen (18) or older – a valid Driver's License or State ID card (*must include a picture or the family member*)
- Submit a Birth Certificate for all members of the household
- Submit a Social Security card or other valid proof of a social security number for all household members who are age six (6) or older or complete an applicable certification
- Sign verification forms for documentation of Income/Assets/Expenses, as applicable
- If the Head or Co-head of Household is a full-time student, the individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations and must provide a certification of the amount of financial assistance that will be provided by parents, guardians, or others signed by the individual(s) providing the support
- Complete the *Document Package for Applicant's/Tenant's Consent to the Release of Information*
- Sign a consent to release all relevant criminal information for each adult member of the Applicant family
- Complete the *Race and Ethnicity Data Reporting portion of the Preliminary Application form* for each household member (optional for the Applicant to complete, but if the Applicant refuses, the Applicant should note the refusal on the form)

The Oaks at 25th Street, or its authorized Agent, screening process consists of verification of all of the applicable information that is provided by the Applicant. There will be no

Application Fee charged to any Extreme-Low Income Applicant. In addition, the Applicant screening process includes the screening criteria listed below:

The Applicant must be able to:

- *Pass a Nationwide Criminal Background Check related to Violent and/or Drug Related Criminal Activity for the past 5-7 years*
  - *Pass a Sex Offender Registration Check*
  - *Pass Previous Address Tenant History Check*
  - *Pass TeleCheck Verification*
  - *Pass Texas State Eviction Record Check*
  - *Pass a Terrorist Search* (Searches multiple worldwide databases including FBI, Interpol, Palestinian, Legislative Council, Office of Foreign Assets Control (OFAC), and more.)
  - *Pass Federal Search* (Search on nationwide databases for offenders for crimes of violence, cyber, white collar, against children, murder, most wanted lists, and more)
  - *Pay rent and other housing obligations in a timely manner*
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- *Maintain an apartment in a safe, decent and sanitary condition*
  - *Refrain from interfering with the rights and quiet enjoyment of other residents*
  - *Report all changes in income and family composition in a timely and accurate manner annually during the Annual Recertification process*
  - *Comply with the lease terms that no individual may live in the unit without prior written permission of The Oaks at 25th Street, or its' authorized Agent*
  - *Pass a Landlord Reference Check for units lived in for the past 5 years*

The Applicant will be prohibited admission if the Applicant's household includes the following or the following circumstances apply:

- A member who was evicted in the last three (3) years from federally assisted housing for drug-related criminal activity

except under the following circumstances:

- The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
  - The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the Applicant household)
- A member who is currently engaged in illegal use of drugs or for which The Oaks at 25th Street, or its' authorized agent, has reasonable cause to believe that a member's illegal use, pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents

- If there is reasonable cause to believe that a member's behavior, form abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents; the screening standards are based on behavior, not the condition of alcoholism or alcohol
- If, within the past five (5) years, a member has been **arrested** more than two times for a misdemeanor or felony crime which resulted in or might reasonably have resulted in, injury to people or property
- If, within the past five (5) years, a member has been **convicted** more than once for a misdemeanor or felony crime which resulted in or might reasonably have resulted in, injury to people or property
- If, within the past three (3) years, a member has been released from a State or Federal prison
- If a member has been terminated for fraud from another federally assisted housing program
- If Resident does not meet Management Screening Criteria.

A record of minor traffic violations, such as, speeding, parking tickets, etc. or an isolated incident of a bad check will not disqualify an Applicant.

At The Oaks at 25th Street, six (6) units are specifically reserved and set aside for families earning 30% or less of the Area Median Family Income, six (6) units are specifically reserved and set aside for families earning 80% or less of the Area Median Family Income and four (4) units are specifically reserved for Market Rate families, in accordance with the Land Use Restriction Agreement between the Texas General Land Office and Oaks Texas City, LLC for the said project. Applicants who qualify under this criteria are considered extremely low-income households and are more likely to have higher barriers to accessing and maintaining affordable housing. Therefore The Oaks at 25th Street, or its authorized agent, reserves the right to waive any screening criteria listed above for these applicants if said applicants are at risk of homelessness or are victims of domestic abuse.

An Applicant who has been determined to be ineligible or is not qualified for housing assistance will be notified in writing. An Applicant has the right to appeal a decision and to have the appeal heard by someone other than the person who made the initial decision to deny the application.

The appeal will be determined by an independent review of the Applicant's application and other documentation in the application file.

A decision on an Applicant's appeal will be made promptly. A final written decision will be mailed to the Applicant within five (5) business days after the requested meeting or the

receipt of the Applicant's written appeal. The Applicant will be notified in writing of the decision to uphold the original ineligibility decision or to reverse that decision and accept the application. The appeal decision is final.

## **PREFERENCES**

Applicants are selected from the Waiting List in chronological order based on the date and time of their application, in accordance with Income Targeting requirements as required by the Land Use Restriction Agreement. Preference will be given to eligible Applicants pursuant to the following defined Local Preference(s).

### **Definitions of LOCAL PREFERENCES**

**Involuntarily Displacement Preference:** A family is or will be considered involuntarily displaced if the applicant has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:

- Displacement by Natural Disaster
- At Risk of Homelessness
- Fleeing or Attempting to Flee from Domestic Violence

### **Verification For Tenant Selection Preference**

*Written certification from a unit of government concerning displacement due to a disaster*

## **DRUG AND GANG FREE HOUSING POLICY**

The Oaks at 25th Street or its authorized Agent, will not tolerate any drug or gang related activity on its' property. It is our desire to maintain a crime free and drug free community. We have a zero tolerance for any type of criminal activity on the premises, and this includes either the possession or use of illegal drugs by the Residents or their guests. The arrest of any household member for drug related activity or other serious or violent crime, regardless of where the act occurs, may be cause for termination of tenancy for the entire household. The congregation of gang members on the property is prohibited. It is the responsibility of each Resident who witnesses a criminal act to report that act to the appropriate civil authority and The Oaks at 25th Street or its authorized Agent. A community effort can make the difference in maintaining a quality living environment in which to live.

## **RENTAL HARDSHIP EXEMPTION POLICY**

If the family believes it is unable to pay the monthly rent because of financial hardship, the family may apply and the Owner through its authorized Agent, will review and make a determination of whether to grant the hardship exemption from the monthly rent requirement. If the Owner, through its authorized Agent determines that the family qualifies for the hardship, the Owner through its authorized Agent may provide an exemption from payment of rent, for a maximum of one month.

Financial hardship includes situations when the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; the family would be evicted because of inability to pay the monthly rent; the family's income has decreased because of changed circumstances, including loss of employment; a death has occurred in the family; and other extenuating circumstances, including a natural disaster.