



LA AVENIDA APARTMENTS

TENANT SELECTION PLAN

Broker's License # 00872400



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I. Section 504 Equal Access Statement



For mobility impaired persons -- this document is kept in the office at LA AVENIDA APARTMENTS. This document may be examined from Monday through Friday during regular business hours. You must phone to make arrangements to examine this document. Please call (510) 582-1460 and TTY users may dial 1-800-735-2929.

For vision impaired persons – LA AVENIDA APARTMENTS 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.

For the hearing impaired LA AVENIDA APARTMENTS 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 the Property and the individual with handicaps. Please call the TTY number 1-800-735-2922 for our number and to schedule an appointment.

Assistance to ensure equal access to this document will be provided in a confidential manner and setting. The individual with disabilities is responsible for providing his/her own transportation to and from the location where this document is kept.

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.

II. Fair Housing, Equal Opportunity, and Non- Discrimination Statements

It is the policy of LA AVENIDA APARTMENTS to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (As amended by the Community Development Act of 1974), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any legislation protecting the individual rights of residents, applicants or Staff which may subsequently be enacted.

LA AVENIDA APARTMENTS shall not discriminate because of race, color, religion, sex (including pregnancy, childbirth or medical conditions related to them, as well as gender and perception of gender), sexual orientation, marital status, national origin, ancestry, familial status, source of income , or disability in the leasing, rental, or other disposition of housing or related facilities, (including land), included in any Development or Developments under its jurisdiction or in the use or occupancy thereof.

LA AVENIDA APARTMENTS shall not on account of race, color, sex, religion, age, handicap, disability, familial status, or national origin:

- A. Deny to any applicant the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to rent suitable housing.
- B. Provide housing that is different than those provided others.
- C. Subject a person to segregation or disparate treatment.
- D. Restrict a person's access to any benefit enjoyed by others in connection with the housing program.
- E. Treat a person differently in determining eligibility or other requirements for admission.
- F. Deny a person access to the same level of services, or
- G. Deny a person the opportunity to participate in a planning or advisory group, which is an integral part of the housing program.

LA AVENIDA APARTMENTS shall not automatically deny admission to a particular group or category of otherwise eligible applicant. Each applicant will be treated on an individual basis in the normal processing routine.

LA AVENIDA APARTMENTS will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, LA AVENIDA APARTMENTS will make reasonable accommodation for individuals with handicaps or disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services.

In addition, LA AVENIDA APARTMENTS may perform structural modifications to housing and non-housing facilities on sites 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, LA AVENIDA APARTMENTS are not required to:

- A. Make structural alterations that require the removal or altering of a load-bearing structural member.
- B. Provide an elevator in the housing project solely for the purpose of locating accessible apartments above or below the grade level.
- C. Provide support services that are not already part of its housing programs.
- D. Take any action that would result in a fundamental alteration in the nature of the program or service.
- E. Take any action that would result in an undue financial and administrative burden on LA AVENIDA APARTMENTS including structural impracticality as defined in the Uniform Federal Accessibility Standards.

III. Privacy Policy and Drug Policy

It is the policy of the Property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974, and to ensure the protection of such individuals' records maintained by LA AVENIDA APARTMENTS. Therefore, neither LA AVENIDA APARTMENTS nor its agents shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure. This privacy policy in no way limits the ability of Staff of LA AVENIDA APARTMENTS (hereafter referred to as "Staff") to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

LA AVENIDA APARTMENTS is committed to maintaining a safe and productive environment for all its residents, employees, guests, and visitors. The illegal or irresponsible use of controlled substances, prescription drugs, and the use of illegal drugs or inhalants can impair performance and jeopardize the safety of all. The Staff will strictly enforce policies that prohibits the following by residents, guests, and any other visitor to the project:

- A. The manufacture, sale, distribution, illegal use or possession (without a prescription) of a controlled substance with the intent to manufacture, sell, distribute, or illegally use such substance, at any time in the room, on the property, or near the premises.
- B. The engagement in any act intended to facilitate criminal activity, including drug-related criminal activity in the apartment, on the property, or near the premises.
- C. The permission given for the units, or the property, to be used for or to facilitate criminal activity, including drug-related activity, regardless of whether the individual undertaking the activities is the resident, is strictly forbidden.

IV. Accommodating Applicants with Disabilities

Each applicant will be provided with a Notice of the Right to Request a Reasonable Accommodation at the time of application. 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.

- A. Persons with disabilities who cannot utilize the property's preferred application process will be accommodated by providing alternative methods of application intake (e.g., accepting mailed or online applications). In addition, the property will make reasonable efforts to accommodate those with disabilities with accessible meeting sites as well as auxiliary aids/ services e.g., materials in Braille, audio, and large type, sign language interpreters, and assistive listening devices, etc. upon request.
- B. If some form of assistance is needed to enable an applicant to comply fully with the terms of the Lease, Staff should obtain verifications that such assistance is available to the applicant. Need for and efficacy of a proposed reasonable accommodation shall be verified. No reasonable accommodation shall be offered prior to receipt of verification. Disabilities that are readily apparent need not be verified.
- C. To be considered reasonable, accommodations must not cause undue financial and/or administrative burdens or an alteration in the fundamental nature of LA AVENIDA APARTMENTS assisted housing program.

V. Occupancy Standards

The applicant's household composition must be appropriate for the apartment in accordance with the occupancy guidelines outlined in Attachment A of this plan. The occupancy standards for Project Based Voucher units may deviate from those listed in this plan and will be in accordance with those outlined in the Housing Authority's Administrative Plan.

A full description of the Occupancy standards and procedures are outlined in the organization's Occupancy Standards Policy. Exceptions to the minimum occupancy standards may be applied for disabled individuals or households requiring additional space as a result of an approved reasonable accommodation. Such determinations will be made by the Section 504 Coordinator.

VI. Income/ Rent Limits

Income requirements

Income limits are established annually by HUD (Department of Housing and Urban Development) and are based on the family size and the gross annual income the household receives. Applicants must have income that is not greater than the maximum income limits at the time of admissions. The applicable income limits will be provided in marketing materials and/or available for review. The minimum gross annual household income requirement is 2.5 times the rent amount. Minimum income requirements do not apply to units with a permanent subsidy source, Housing Choice or Project-Based Voucher.

Rent Limits

CTCAC (California Tax Credit Allocation Committee) utilizes the information published by HUD to calculate maximum allowable rents for LIHTC (Low Income Housing Tax Credit) properties. Rents charged shall not be excess of these limits.

VII. Waiting List Management

It is the policy of A LA AVENIDA APARTMENTS to administer its Waiting Lists in accordance with applicable local, state, and federal regulations. The Waiting List will be maintained electronically, with restricted editing access and an electronic record of all changes made for each applicant.

There shall be a Waiting List kept for each apartment size represented at the property and placement on the list will require at least the following information for each applicant derived from a fully completed rental application. Applications lacking complete and legible applications as described below will be rejected and not added to the waiting list.

- Applicant's Name
- Application Date
- Time application was received
- Current and former addresses
- Phone Number(s)
- Apartment size requested
- Declaration of need/ decline of an accessible unit
- Estimated gross household income and all sources
- Name and date of birth of all additional household members

Preferences/ Special Targeting

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances, as required by a regulatory agreement and/or funding source. Applicants with preferences receive priority placement and are selected from the waiting list earlier than those who do not have a preference.

Preferences only affect the order of applicants on the waiting list. Preferences do not make anyone eligible who was not otherwise eligible, and they do not change an owner's right to adopt and enforce resident screening criteria. While all interested individuals and households are welcome to apply, a waitlist preference will be given to those that meet the following:

- **Live/ Work in the City of Mountainview, CA**

LA AVENIDA APARTMENTS has units designated for the following special targeted populations in accordance with the regulatory agreement and or nature of funding. Waiting List for units in these designations will be maintained by the referring entity.

- Permanent Supportive Housing (PSH) Project Based Voucher (PBV) (7 units)
The Project Based Voucher Program is a component of a public housing agency's Housing Choice Voucher (HCV) program where the subsidy is attached to the designated unit. The units are dedicated to households experiencing chronic homelessness.

- Veterans Administration Supportive Housing (VASH) (25 units)
Units reserved for Veterans with at least one household member is homeless or at-risk of chronic homelessness.

Referrals

Vacancies for VASH, PBV and PSH designated units will be filled by third party referrals to Management as codified in the MOU (Memorandum of Understanding) established with each referring entity.

- VASH units will be filled via referrals by Veterans Affairs in Partnership with the Palo Alto Health Care System
- PSH/PBV unit vacancies will be filled via the Santa Clara Chronically Homeless Direct Referral (CHDR) System in the following manner:

PSH referrals will be made pursuant to 24 CFR 578.7(a) (8), HUD CPD Notice 17-01 (Notice Establishing Additional Requirements for a Continuum of Care Centralized or Coordinated Assessment System and HUD CPD Notice 16-11 in partnership with the County's CES.

CHDR is responsible for ensuring the coordinated entry system establishes and documents prioritization of homeless, at risk, and chronically homeless households that meet the eligibility criteria for referral.

Accessible Units

Accessible units and apartments with special design features are reserved for those persons who are disabled and have a related impairment that requires these features. Such households must have at least one person with such impairment. Applicants indicating the need for these units on their application or subsequent request, will be placed on the waitlist with such notations and given priority selection for these units.

Initial Lease up

All standard Tax Credit vacancies at the property's grand opening/ initial lease- up will be filled via lottery or direct referral. Specifically, each applicant is assigned an "unfiltered" ranking between 1 and the total number of affordable units, randomly sorted and assigned a lottery number/ position on the waitlist. Applicants are interviewed in mass, in lottery order.

Stabilized Waiting List placement

Once full occupancy is achieved following lease-up, each remaining applicant from the lottery will be placed on the waiting list in lottery/ranking order. Applicants applying to the waiting list during open periods that did not participate in the lottery will be placed on the waiting list based on the date and time of application.

Opening and Closing procedures

In order to maintain a sufficient, balanced prospect pool, the property may, at its discretion, restrict application intake, suspend application intake, and close waiting lists in whole or in part. Decisions about closing the waiting list will be based on the number and frequency of unit turnover, the number of applications on hand and the ability of the property to house an applicant within a reasonable period of time. Decisions to close the waiting list will be handled as follows:

- A. The Property Supervisor determines when to close the Waiting List following a waitlist audit and review of annual turnover in accordance with the Waiting List Management Policy.
- B. A notice of the closing of any Waiting List will be prominently posted in the office that states the Waiting List (specifying for which type of apartment/size) is closed and which is open.
- C. When a Waiting List is to be reopened, the procedures in the Affirmative Marketing Plan will be followed. Copies of this plan are available for public review upon request.

Public notification, advertising and outreach activities of any closing or opening of the property's waiting list will comply with fair housing requirements, such as adopting suitable means to assure that notices reach eligible individuals with disabilities and those with limited English proficiency.

Selection from the Waiting List

Applicants will be selected from the waiting list in chronological order to fill vacancies unless a preference, special designation or accessible unit need requires otherwise. Notice of selection from the waitlist will be made in writing and sent to the most recent address of record.

Maintenance and Updates

It is the applicant's responsibility to keep their contact and household composition information current with the Management office at all times. Additionally, Management will initiate written contact with all applicants annually at the current address of record, to indicate his/her continued interest in remaining on the waiting list and any updates to their status that may impact waitlist position (preference eligibility, household composition changes).

Applicants will be given at least 30 calendar days to respond to the written request to update their record. The notice will advise how to respond and the deadline. Failure to return the requested update form/ postcard will result in the applicant's name will be removed. Notations on the electronic file will be entered concerning the date of inquiry by Management and the reason for withdrawal.

Removal from the waiting list

Applicant's may be removed from a Waiting List as a result of one of the following:

- An applicant requests that his/her name be removed

- Failure to respond to the annual waiting list update request
- An applicant has been offered two suitable apartments and has refused each.

A written notification will be sent to the applicant advising of their removal from the waiting list. Applicants will be advised of their right to appeal at the time of withdrawal and will have fourteen (14) calendar days from the date of notification of withdrawal to appeal the decision in accordance with the Grievances and Appeal procedure.

Record Retention

Applicant files must be maintained from the time an application is accepted, for the entire time an applicant is on the waiting list and for three (3) years after the applicant is removed from the waiting list.

Transfers

A Transfer list will be maintained to record the relocation requests of existing MULBERRY SENIOR APARTMENTS residents. This list is separate and apart from the Waiting List. Vacancies will be filled by either a waiting list applicant or an existing resident with an approved transfer in accordance with the ratio guidelines established in the organization's Transfers Policy.

VIII. Intake and Processing

Completing Rental Applications

- A. All applications are received online. The application process is to be completed independently however staff may provide instruction/ support with navigation. Additional 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 assisted housing.
- B. Written applications may be offered in response to a request for a reasonable accommodation by a disabled applicant.
- C. Every application must be completed and signed by the head-of-household and/or co-head. All other members of the household must be listed on the application.

Application and Interim Updates

Changes to information reported on the rental application regarding household composition, the disabled status of a household member and/or the accessibility related needs of the member, waitlist preference or contact information should be reported within (14) calendar days in writing.

Applicant intake interviews

Applicants selected from the waiting List will be contacted for an interview. All communications with applicants will be by first class mail. Courtesy or follow up calls may be made via telephone.

Failure to respond to letters or phone messages may result in withdrawal of an application from further processing.

Interviews shall be conducted in a professional manner and in accordance with all applicable state, local and federal laws. No decisions to accept or reject applicants shall be made until all required procedures have been followed and the tenant selection criteria has been applied.

All adult members must be present at the initial interview. Management reserves the right to cancel and reschedule the interview if all adult members are not present.

Limited English Proficiency (LEP)

A Language Access Plan (LAP) has been established for this property that outlines how services will be provided to individuals who are non-English speaking or have limited English proficiency. Services include verbal translation services and/or written materials translated into other languages as required by the LAP. Applicants may prefer and reserve the right to hire and/or bring their own interpreter to their interviews and appointments with Management at their own expense.

IX. Verification Requirements

Management will review the application, TIC (Tenant Income Questionnaire) and supplemental forms to determine the household's declarations. All declarations of eligibility factors will be verified in accordance with regulatory and program guidelines.

Types of Verifications Required

All information relative to the following items must be verified as described in these procedures. This is not an exhaustive list and is contingent upon the circumstances of each household.

Program Eligibility

- Age
- Identity
- Disability
- Income
- Assets and asset income
- Household composition
- Full time student status
- Social Security number
- Citizenship (if applicable)
- Full Time Student Status

Assets

Combined assets under \$50,000 do not require 3rd party verification; a self-certification will be permitted for their assets at new admissions and recertifications thereafter. 3rd party verification of combined assets over \$50,000 will be required.

Program admission is prohibited for applicants who own net family assets that exceed \$100,000 (as adjusted for inflation) and/or real property that is suitable for occupancy at the time of selection from the waitlist. Verification will include:

1. Household ownership interest in real property.
2. Whether the household lacks a legal right to reside in the property
3. Whether the household lacks legal authority to sell the property
4. Whether the property is unsuitable for occupancy

Suitability

- Documented ability and willingness to abide by Lease requirements.
- Previous history of tenancy, bill/ rent paying, caring for a home and household members.
- Criminal activity of any household member.

Period for Verification

Only verified income information that is less than 120 days old may be used for verification purposes. All verifications shall be date stamped upon receipt in the office. The 120-day period begins from the date of the stamp, which is the date the verification was received, and not the date it was filled out by the sender.

Information obtained which is subject to change and for which verifications are more than 120 days old, must be re-verified. Verified information not subject to change (such as a person's date of birth) need not be re-verified.

Forms of Verification

Documentation employed as part of the verification process may include:

- Letters
- Electronic download
- Applicant supplied documents
- Forms and checklists signed by the applicant.
- Verification forms completed and signed by third parties
- Notes of telephone conversations with reliable sources.
- Photocopies of documents, statements, payments etc.

Sources of Information

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

- Tax returns/records
- Real estate/property records
- Present and former employers
- Electronic databases & sources
- Criminal background / credit checks
- The applicant by means of interviews
- Present and former landlords or housing providers
- Case managers, social workers, parole officers, court records, drug treatment centers
- Clinics, physicians, therapists, pharmacies, or other healthcare provider

Attempted Fraud

All applicants will be required to sign an acknowledgement certifying under penalty of perjury, that all information provided is true and correct. Any information omitted or proves to be untrue that is provided by the applicant during the eligibility process may be a ground for the denial of admission based on attempted fraud. Unwitting errors that do not secure an advantage with regard to program eligibility or rent will not be used as a basis to reject applicants.

X. IRS Student Rule

According to the IRS, Low-Income Housing Tax Credit (LIHTC) units comprised of full-time students (no one of whom can file a joint return) do not qualify as low-income units unless one of following exceptions is met:

1. Any member of the household is married and either files or is entitled to file a joint tax return.
2. The household consists of a least one single parent and his or her minor children, and the parent is not a dependent of a third party. Any children may be claimed as a dependent of either parent, regardless of tenancy in unit.
3. At least one member of the household receives assistance under Title IV of the Social Security Act. (AFDC, TANF, Cal WORKS, etc. – Not SSA or SSI)
4. At least one member is enrolled in a job training program receiving assistance under the Work Investment Act (WIA) formerly known as the Job Training Partnership Act, or similar federal, state, or local laws
5. At least one member of the household is under age 24 and has exited the Foster Care system within the previous 6 years.

In addition to those attending a trade school, college, etc., for the purposes of the Tax Credit program, full-time student applies to those between the ages of 5-17. For those receiving Housing Choice Voucher assistance additional criteria may be applied.

XI. CES Eligibility

CES units shall be reserved for those referred and verified by CES as meeting at least one of the following criteria at the time of referral. An adult or older adult with a Serious Mental Disorder or Seriously Emotionally Disturbed Children or Adolescents who meet the criteria below according to 24 Code of Federal Regulations Section 578.3:

Homelessness

A. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- An individual or family with a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground, **or**
- An individual or family living in a supervised publicly or privately operated shelter

designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals), **or**

- An individual who is exiting an institution where he or she resided for 90 days or less, and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

B. An individual or family who will imminently lose their primary nighttime residence provided that:

- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance,
- No subsequent residence has been identified, **and**
- The individual or family lacks the resources or support networks, such as family, friends, faith-based or other social networks, needed to obtain other permanent housing.

C. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless, but who:

- Are defined as homeless under Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), Section 637 of the Head Start Act (42 U.S.C. 9832), Section 41403 of the Violence Against Women Act of 1994 (U.S.C. 14043e-2), Section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), Section 17(b) of the Child Nutrition Act of 1966 (42 USC 1786 (b)), or Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a),
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60-day period immediately preceding the date of application for homeless assistance, iii. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance, **and**
- Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; **or**

D. Any individual or family who:

- Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken

place within the individual 's or family 's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence,

- Has no other residence; **and**
- Lacks the resources or support networks, such as family, friends, and faith based or other social networks, to obtain other permanent housing.

At Risk of Chronic Homelessness

- Persons who have resided in one or more of the following: institutionalized settings, such as jail juvenile detention center or prison, hospitals, institutes of mental disease, nursing facilities, or long-term residential substance use disorder treatment, psychiatric health facility, mental health rehabilitation center, , developmental center, residential treatment program, residential care facility or community crisis center for any length of time may qualify as homeless upon exit from the facility, regardless of the amount of time spent in such facility; **and**
- Homeless Persons who, in the 12 months prior to entry into any of the facilities or types of institutional care listed above, have resided at least once in any kind of publicly or privately operated temporary housing, including congregate shelters, transitional, interim, or bridge housing, or hotels or motels, may qualify as At-Risk of Chronic Homelessness.

Chronically Homeless

A. “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:

- Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; **and**
- Has been Homeless and living as described in the “at risk” paragraphs above continuously for at least 12 months, or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months, and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in the “At risk” paragraph. Stays in institutional care facilities for fewer than 90 days will not constitute a break in homelessness, but rather such stays are included in the 12-month total, if the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility.

B. An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days or

C. A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria above, including a family whose composition has fluctuated while the head of household has been homeless.

XII. Screening

Obtaining Authorization

All adult household members will be required to execute the following authorization forms, at a minimum. Participants in the PBV program will be screened by MHA in accordance with policies outlined in the Administrative Plan in addition to the Eden Housing screening criteria outlined herein.

- At least 2 copies of the Landlord Reference Form: one each for the current and one former landlord, plus others as needed.
- By signing the rental application, the applicant is authorizing Management to obtain these reports.

Screening objectives

The applicant household will be assessed based on past habits and practices related to tenancy and not on any attribute or behavior which may be imputed to a particular group or category of persons of which an applicant may be a member.

Being eligible is not entitlement to housing. In addition to meeting the eligibility criteria, every applicant must be determined as suitable. Suitability will be verified information on past behavior as outlined below to document the applicant's ability, either alone or with assistance, to comply with essential Lease provisions and any other rules governing tenancy.

- A. Past performance in meeting financial obligations, especially rent paying.
- B. A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other residents, or cause damage to the apartment or development.
- C. Involvement in criminal activity on the part of any applicant household member which would adversely affect the health, safety, or welfare of other residents.
- D. A record of eviction from housing or termination from a residential program.
- E. An applicant's ability and willingness to comply with the terms of the Lease.
- F. An applicant's misrepresentation of any information related to eligibility, allowances, household composition or rent.

Housing First Screening

Standard screening practices will be used for all non-CES Units. In accordance with the policies reflected in California WIC Section 8255, the screening and eligibility determinations for CES referred units will be designed to "screen- in" applicants to the project. Tenants will be selected in compliance with Housing First requirements as described in WIC Section 8255. Screening criteria for both the standard and Housing First models are outlined in Attachment B.

XIII. Determination of Admission

Once the eligibility and suitability screening criteria have been applied and successfully achieved, the applicant will be notified of the determination of admission in writing.

Determination of Rent and Security Deposit

- Monthly rent will be based on gross household income and CTCAC's maximum allowable rent schedule for the applicable apartment size.
- The security deposit is equal to \$500.00, or the Total Tenant Payment (TTP) for PBV units.
- Security deposits are due prior to move in in the form of a secure payment (cashier's check or money order.) Management may approve the payment of the security deposit in up to two (2) installments for documented and verified extenuating circumstances that prevent payment in full prior to move in.

Unit Offer

During initial lease up, applicants will be selected via lottery, interviewed in accordance with lottery position and offered a unit based on the order in which the file is complete/ a determination for admission is made. Once full occupancy is reached, vacancies will be offered to the applicants in waitlist position order.

If the applicant cannot be contacted within ten (10) calendar days, the offer will be cancelled, and the apartment will be offered to the next applicant on the waiting list.

Accessible unit offers

If an accessible unit or apartment with special design features is vacant and an applicant requiring the special design features is not available to rent the apartment, a non-disabled applicant may be offered the unit. An Accessible Unit Agreement must be signed prior to possession that states he/she understands the requirement to move to a non-accessible apartment when one is available and move at his/her own expense should a disabled individual require it.

Unit Acceptance

- A. The applicant and Management will inspect the apartment, and both will sign the move-in inspection form.
- B. The applicant will pay the security deposit as stated in Determination of Rent and Security Deposit above.
- C. The applicant will pay the rent for the first month of occupancy, as set forth in the Lease.

- D. All adult members of the household will sign the Lease and related documents. Once a dwelling lease is executed, applicants will have three (3) business days to rescind their security deposit and rent payments and cancel their lease agreement without penalty.
- E. The applicant will be given a copy of the Lease, the move-in inspection form, house rules and other documents, and the receipt for the security deposit and first month's rent.
- F. Keys to the apartment and common areas and access codes will only be issued to the adult household members listed on the lease agreement. An orientation will be held which will include a summary of the Lease requirements, house rules, and any other information needed to assure that the new resident will be welcomed, comfortable and aware of their responsibilities at his/her new residence.

XIV. Determination of denial

Prohibited reasons for denial

The following list of factors will **not** be considered in making a decision to deny an applicant:

- 1. Race/ Color
- 2. Religion
- 3. Sex
- 4. Ancestry
- 5. National Origin
- 6. Age (Unless head-of-household, who must be 18 or an emancipated minor with proof thereof or program requirements require a minimum age for eligibility.)
- 7. Sexual Orientation
- 8. Gender Identity
- 9. Marital Status
- 10. Familial Status
- 11. Receipt of Public Assistance
- 12. Parental Status
- 13. Political Ideology
- 14. VAWA Victim
- 15. Lack of credit or rental history
- 16. Handicap or Disability, including mental or emotional illness

Acceptable reasons for denial

Applicants may be rejected if:

- A. They are ineligible for the housing program or failed the suitability screening.
- B. They do not meet LA AVENIDA APARTMENTS Tenant Selection Criteria.
- C. The household size is not appropriate for the apartment sizes that are available.

- D. Applicant is found to have falsified information or attempted fraud
- E. Threats and/or abuse of management staff or residents occurs.

Notification of denial

Denial determinations must be issued in writing within ten (10) business days of the determination for stabilized properties and thirty (30) days during initial lease up. The notification must:

- A. Be sent to the address of record via US Postal mail.
- B. Provide the specific reason(s) for the denial.
- C. Advise the applicant of the right to appeal the determination within fourteen (14) calendar days in writing.

Appeals

If an applicant appeals a determination of denial, Management will schedule and conduct the appeal review within ten (10) calendar days of the request. The review may consist of a review of documentation, speaking to or meeting with the applicant or performing additional verifications at Management's discretion. A written decision will be provided within five (5) days of the response or meeting.

Mitigating Circumstances

In conducting appeals Management will seek to understand and consider mitigating circumstances as follows:

- A. Mitigating circumstances may be facts (that can be verified) that would overcome or outweigh information already gathered in the resident screening process. The need for a reasonable accommodation may be considered a mitigating circumstance. Example: If an applicant with a previous history of disturbing neighbors was very poor due to a lack of proper medical care and treatment, but recent behavior was much improved because of treatment and case management, this may consider this a mitigating circumstance.
- B. Mitigating circumstances shall be verified. For this verification to qualify the applicant for admission, the verifier must corroborate the reason given by the applicant for past unsuitable behavior and indicate that the prospect for compliance in the future is good, because the reason for their unacceptable behavior or circumstance is either no longer in effect, or otherwise controlled.
- C. Where applicants claim that prior unsuitable behavior resulted from alcoholism or drug addiction and that they are not currently engaging in alcohol abuse or illegal drugs, acceptable verification of mitigating circumstances would have to establish that:

1. There is no verified current abuse of alcohol or illegal drugs. **For illegal drugs, use shall constitute abuse.** Current abuse shall be defined as verified activity within more recent than 180 days prior to the date on the application.
 2. During the period for which the applicant has claimed no current abuse, the applicant's behavior in the previously unsuitable area must have shown improvement. Unimproved behavior shall be taken to construe that - either the applicant's unsuitable behavior was not caused by alcohol or drug abuse, or the applicant is still engaging in alcohol or drug abuse that negatively effects their ability to be lease abiding. In any case, a lack of improvement in a previously unsuitable area shall result in the determination of denial being upheld.
 3. Management shall also have the right to request further information reasonably needed to verify the mitigating circumstance. If the applicant refuses to provide or give access to such further information, there will be no further consideration to the mitigating circumstance.
- D. Applicants will not be denied housing strictly on the basis that an applicant is or has been a survivor of domestic violence, dating violence, sexual assault, or stalking. Disturbance of peaceful enjoyment, destruction of property, evictions, non-payment of rent etc. in connection with a VAWA related incident will be considered a mitigating circumstance.

ATTACHMENT A

TAX CREDIT

Bedroom Size	Minimum # of persons	Maximum # of persons
SRO	1	1
0	1	2
1	1	3
2	2	5
3	3	7
4	4	9
5	5	11

HCD/HOME

Bedroom Size	Minimum # of persons	Maximum # of persons
SRO	1	1
0	1	2
1	1	3
2	2	5
3	4	7
4	6	9
5	8	11

PROJECT BASED VOUCHER

Bedroom Size	Minimum # of persons	Maximum # of persons
0	1	2
1	1	3
2	*3	5
3	*4	7
4	*5	9

ATTACHMENT B

EDEN HOUSING MANAGEMENT, INC. TENANT SELECTION CRITERIA

LA AVENIDA APARTMENTS has a total of 100 apartment units including a two- 2-bedroom Manager’s units. The 98 residential units are made affordable by the Low-income Tax Credit Housing Program, Project Based Vouchers through the Santa Clara County Housing Authority, City of Mountain View, CDLAC and funding through the California Housing and Community Development (HCD).

Unit Type	AMI	SCC	TCAC	MVC	PSH PBV	VASH	CDLAC	Density Bonus Agreement*
Studio	30%	39	25	39	7			
Studio	40%	1	15				9	
Studio	50%	23	23	24		7	54	
Studio	60%							
Studio	80%							63
Studio Total		63	63	63	7	7	63	63
1BR	30%							
1BR	40%	10	10			10		
1BR	50%	8	8	1		8	18	
1BR	60%							
1BR	80%			17				18
1 BDRM Total		18	18	18		18	18	18
2BR	30%							
2BR	40%							
2BR	50%	8	8				8	
2BR	60%	9	9				9	
2BR	80%			17				17
2 BDRM Total		17	17	17			17	17
Staff Units		2	2	2			2	2
Total Units		100	100	100	7	25	100	100

All applicants will be screened according to the criteria set forth in this Tenant Selection Criteria. Management will hire a contractor to run a credit check, criminal background check and register sex offender report on all applicants and it will check court records for evictions or judgment’s against the applicant. The purpose of these checks is to obtain information on the applicant’s past history of meeting financial obligations and future ability to make timely rent payments, and to determine if the applicant has a criminal history which makes him/her unacceptable to live at an Eden Housing Property. The Tenant Selection Criteria is established to comply with the Federal and State Laws and/or Eden Housing Management, Inc. (EHMI) Policy.

Tax Credit Tenant Selection Criteria:

1. Household annual income must not exceed the program income limits for the applicable bedroom size.
2. Gross annual household income must be at least 2.5 times the rent amount unless there is a permanent subsidy source, Housing Choice or Project Based Voucher.
3. Household assets must meet the maximum asset limit or an applicable exception at the time of selection from the waitlist.
4. In accordance with the following guideline, the household composition must be appropriate for the apartment size as outlined in Attachment A.
5. PBV units are subject to the occupancy standards per the Housing Authority's policy.
6. Households may not be comprised of all full-time students unless a qualifying exception applies.
7. Successfully results from criminal, credit, tenancy, and suitability screening as follows:

A. Credit History containing the following will result in denial:

1. Unpaid unlawful detainer judgements received within the past three (3) years. Installment/repayment agreements in good standing are acceptable.

*A lack of credit history will not be an independent basis for denial

B. Standard criminal background check containing the following will result in denial:

1. Felony or misdemeanor convictions for any household member for the illegal distribution, manufacture, or sale of a controlled substance within the past three (3) years.
2. Felony or misdemeanor convictions for any household member for fraud within the past three (3) years.
3. Record of involvement in criminal activity on the part of any household member which would adversely affect the health, safety or welfare of other residents within the past three (3) years.
4. Evictions for crimes that involve violence to persons or property.
5. A household member who is subject to lifetime registration requirement under Sex Offender Registration Program will not be admitted under any circumstances
6. A household member convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing will not be approved.
7. A household member's abuse or pattern of abuse of alcohol and/or drugs that interferes with the health, safety, or peaceful enjoyment of the premises by other residents.

C. Suitability screening indicating the following may result in denial:

1. Failure to demonstrate past performance in meeting financial obligations, especially payment of rent.
2. Negative landlord references from a former landlord (substantial damages, subletting, unpaid balances etc.)
3. Inability to establish a utility account (Electric, Gas, Water/Sewer and Garbage)
4. An applicant's misrepresentation of any information related to eligibility, allowances, household composition or rent. If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise misrepresented any facts about his/her current situation, history, or behavior in a manner that would affect eligibility, applicant selection criteria qualification, allowances or rent, the application shall be rejected. This provision shall not be applied to minor mistakes in fact that produce no benefit to the applicant.

Housing First Tenant Selection Criteria:

In accordance with Housing First principles reflected in California WIC Section 8255, the screening and eligibility determinations for PSH Assisted Units will be designed to “screen- in” applicants with low barriers to admission to the property. Tenants will be selected in compliance with Housing First requirements as described in WIC Section 8255.

Though previous landlord verification, credit checks, criminal checks, and sex offender checks will be performed, results will be interpreted in accordance with WIC Section 8255, which includes provisions that poor credit or financial history and/or a lack of rental history will not be disqualifying.

Criminal history and suitability screening will be limited to criminal behavior and convictions related to tenancy as follows as a basis for denial:

- a. Drug sale or manufacturing on the premises
- b. Violent and or life-threatening crimes and/or convictions within the past three (3) years
- c. Substance abuse that resulted in chronic disturbances to neighbors
- d. Threatening or violent engagement, acts or behavior against Management staff, agents, or residents on the premises
- e. Destruction or vandalism of the dwelling unit or premises

**APPLICANT ACKNOWLEDGEMENT of
TENANT SELECTION CRITERIA**

While other qualifications apply, the above mentioned has been established to reflect a short version of Eden Housing Management Inc. Tenant Selection Plan. Eden Housing Management Inc. may conduct additional verifications to determine the eligibility and/ or suitability of the entire household. Households referred for the Project Based Voucher Program will be vetted through a separate, additional process conducted by the Housing Authority.

Being eligible, however, is not an entitlement to housing. Every applicant must meet the criteria outlined in this Tenant Selection Plan in addition to program eligibility factors. This policy is used to demonstrate the applicant’s suitability as a resident using verified information on past behavior to document the applicant’s ability, either alone or with assistance, to comply with essential Lease provisions and any other rules governing tenancy. This is policy is subject to change; proper advance notification will be provided.

Applicant signature _____ **Date** _____

Co-Applicant signature _____ **Date** _____

Other Adult signature _____ **Date** _____

Other Adult signature _____ **Date** _____

Other Adult signature _____ **Date** _____

Other Adult signature _____ **Date** _____