



Affordable Housing Advocates Tenant Selection Plan

Dutch Kitchen

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Current changes predicated upon business name and address changes



Tenant Selection Plan

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Tenant Selection Plan and Criteria

Dutch Kitchen

These tenant selection criteria shall be used for the Dutch Kitchen. The policy of the Management Agent is one of equal opportunity and non-discrimination in compliance with all Civil Rights legislation (1964, 1968, 1988), Section 504 of the Rehabilitation Act of 1973 and Affirmative Fair Housing Marketing requirements as set forth individually for each property. No applicant would be denied on the basis of race, color, religion, sex, national origin, disability and familial status. Applicants must meet all applicable Federal Low-Income Housing Tax Credit (LIHTC) Program guidelines, U.S. Department of Housing and Urban Development (HUD), as well as Owner/Agent tenant selection requirements to gain admission to a property rented or managed by the Management Agent.

Tenant selection criteria for the Federal LIHTC Program and/or HUD is used for the units in the site that receive rental assistance subsidies.

A. The Equal Access Rule

The Owner/Agent ensures equal access to housing regardless of sexual orientation or gender identity to ensure that housing is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status in accordance with the Equal Access Rule.

B. Application

This site is marketed at least once per year, if not more frequently, as required by the Federal LIHTC Program - using all advertising and community contacts as set forth on the Affirmative Fair Housing Marketing Plan. All persons interested in any property rented or managed by the Management Agent may request an application either in person (or through a designated individual) at the site office or at the Management Agent's main office, 3 Rathton Road, York, Pennsylvania, during posted office hours. Applications may be requested to be mailed by calling the telephone number at either the site or main office. FAX requests for applications may be sent. Applications will also be available through the Management Agent's website - www.ahadvocates.org. TDD telecommunication is available by calling the TTY number (7-1-1). Applications are available even if a sizeable waiting list exists.

Site Information:

- Dutch Kitchen, 381 West Market Street, York, PA 17401 – telephone: 717-846-5281, fax: 717-854-0343

An application must be completed in full by the applicant and submitted either in person, by mail, or by fax to the site or main office. The application must be used; it contains requests for all information necessary for determining initial eligibility. Applicants may request assistance in completing the application if necessary. The Management Agent's policy is to assist applicants whenever possible, especially to accommodate requests by persons with disabilities. All applicants whose applications are not complete will be contacted within 10 days of receipt in writing with a written list of items necessary to complete the application. While the site office will track all applications and requests for additional information, no application will be placed on the waiting list until it is complete. When a completed application is received or the requested information received subsequently to make it complete, the application will then be logged by date and time received and placed on the waiting list. When a vacancy at the property exists, or is expected within the next 90 days, the verification-selection process will begin immediately for

the next applicant on the waiting list in regard to the income, assets, and eligible program allowances for certification and the Management Agent references for selection or rejection.

Notices will be mailed to the first three to five applicants on the list advising them that if they are still interested in a unit, they should contact the manager within 14 days from the date of the letter. For those contacted who respond on time, the Property Manager shall arrange a meeting for the interested applicant highest on the waiting list to begin the selection and verification process. If applicants do not respond to telephone calls and/or letters in that 14-day period, their name shall be removed from the waiting list.

The application contains a release form which must be signed to authorize the Owner/Agent to verify all items inclusive of credit history and other references. Placement of an application on the waiting list does not denote final tenant selection; that can and will occur only after the process has been completed. Preliminary eligibility shall be determined by using the information on the application.

All applicants who submit a completed application (or when an application becomes complete) will be notified in writing of waiting list status or subsequent tenant selection or rejection. Any applicant who exceeds income limits for eligibility based upon application information, or if ineligible during later processing, shall be notified in writing that he/she is ineligible. Similarly, any applicant who is not eligible due to other eligibility requirements shall also receive a notice of ineligibility. However, should the property have permission or will be seeking such permission from the Federal LIHTC Program to rent to ineligibles, the income-ineligible applicant should be maintained on the waiting list.

C. Waiting List

1. All completed applications are listed on the waiting list by date and time received. The date/time is based on when the completed application or subsequent information is received to make the application complete. The waiting list contains all program requested data (Federal LIHTC) inclusive of date and time, name and telephone number of applicant, income, need for an accessible unit and final tracking status (i.e. selection, rejection, cancellation, etc.). Sub-lists to the master list are kept by accessible units with each sub-list kept by income levels (extremely low, very low, and low). An applicant on the waiting list will appear on as many sub-lists, cross referenced, as appropriate. Ineligibles will be kept on the waiting list and sub-lists if waivers to rent to ineligibles have been requested or received by the Federal LIHTC Program. Any applicant may request information on current status by writing (mail or email) or calling the site office.
2. An applicant placed on the waiting list shall have his/her name removed from the waiting list for any of the following reasons:
 - a. The applicant no longer meets the eligibility requirements for the property or the program;
 - b. The applicant fails to respond to a written notice for an eligibility interview as detailed in Section B.
 - c. The applicant does not submit a complete full application and/or requested documents.

- d. If an applicant on the waiting list is offered a unit and refuses the offered unit, he/she may remain on the waiting list if the refusal is for a verifiable reasonable accommodation. Any other refusal reasons are considered valid reasons for refusal at management's discretion. In any event, a second refusal, for any reason other than one due to a reasonable accommodation, will cause the application to be rejected and the applicant's name removed from the waiting list. This applicant may reapply in the future.
 - e. Mail sent to the applicant's address is returned as undeliverable, and other direct attempts that are sometimes used to contact Program participants are unsuccessful;
 - f. It is discovered that the applicant provided false information;
 - g. The applicant requests voluntarily that his/her name be removed.
3. If an applicant is removed from the waiting list, and subsequently it is determined that an error was made in removing the applicant, the applicant shall be reinstated at his/her original place on the waiting list.
 4. Since there are a limited number of potentially eligible applicants, the waiting list tends to be relatively small. It is the policy of the Owner/Agent not to close the waiting list for the Dutch Kitchen. However, at least once a year the persons on the waiting list shall be contacted, whenever practical, to determine their respective intentions to remain on the list or not.

D. Resident Eligibility Factors

1. Applicants shall be selected from the waiting list chronologically based on date and time of application, by income level, and by preference, if applicable.
2. The applicant shall meet eligibility criteria for the specific project and unit as defined by the Federal LIHTC Program and/or Owner/Agent policies.
3. Applicants for residency in the Dutch Kitchen Single Room Occupancy Apartment House must qualify under at least one of two program categories: (1) the HUD Existing Section 8 Housing Program administered by the Housing Authority of the City of York, or (2) the Federal LIHTC Program as regulated by the U.S. Department of the Treasury and the Pennsylvania Housing Finance Agency. The household must be a single person who is eligible and who intends to live alone. Only single persons, who are 18 years of age or older, are eligible.
4. Social Security Number Requirements – Effective 1/31/10, all households receiving Federal rental assistance or applying to receive Federal rental assistance will be required to provide a Social Security Number and adequate documentation necessary to verify that number. Adequate documentation means a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:
 - Original Social Security card
 - Driver's license with SSN
 - Identification card issued by a Federal, State, or local agency, a medical insurance provider, or an employer or trade union
 - Earnings statement on payroll stubs
 - Bank Statement
 - Form 1099
 - Retirement benefit letter

- Life Insurance policy
- Court records

For eligibility purposes, applicants do not need to disclose or provide verification of a Social Security Number to be placed on the waiting list. However, applicants must disclose a Social Security Number and provide adequate documentation to verify the Social Security Number for before they (1) can be screened, (2) can participate in the eligibility interview or (3) can be housed.

Exceptions to Disclosure of Social Security Number

There are exceptions to the disclosure of social security number requirements. The Social Security Number requirements do not apply to:

- Individuals age 62 or older as of 1/31/10, whose initial determination of eligibility was begun before 1/31/10.
- Individuals who do not contend eligible immigration status.

If any non-exempt applicant has not disclosed and/or provided verification of his/her Social Security Number at the time a unit becomes available, the next eligible applicant must be offered the available unit.

The applicant has 90 days from the date he/she is first notified that a unit is available to provide documentation necessary to verify the Social Security Number. During this 90-day period, the applicant may retain his/her place on the waiting list, however, will not be considered again until the requirement documentation is provided.

If after 90 days, the applicant is unable to disclose/verify his/her Social Security Number, the applicant will be determined ineligible and removed from the waiting list.

The applicant may apply again after obtaining the appropriate documentation. The applicant will be put on the waiting list based on the date and time the new application is received.

5. Income Requirements:

Fifty units have rental assistance. As such, the applicant household's annual income may not exceed the applicable income limits as established by the Federal LIHTC Program for the area in which the project is located. Dutch Kitchen applicants must have an income equal to or below 50% of the area-wide median income for York, adjusted for household size.

Prospective tenants shall be requested to provide information regarding estimated annual income and assets. Tenants and applicants will sign an authorization form consenting to provide the Owner/Agent with information about their income and assets as derived from any source. The Owner/Agent will verify all income and assets.

6. Tenants shall not be selected in order different from that of the waiting list for the purpose of selecting higher-income households for residence. However, higher-income applicants may be skipped over in order to achieve the 40% extremely low-income requirement.

- a. At least 40% of the assisted units that become available in each year of the project's fiscal year shall be made available for leasing to applicants whose incomes do not exceed the higher of the Federal poverty level or 30% of the area median income ("extremely low-income") at the time of admission.
 - b. If an applicant is skipped over in favor of housing for an extremely low-income household, he/she will not lose his/her place on the waiting list and shall be considered for the next available unit.
7. The resident shall agree to pay the rent calculated using rules established by the Federal LIHTC Program and/or HUD.
 8. Residence Criteria:
The unit must be the individual's only residence. Assistance may not be provided to individuals who will maintain another residence in addition to the assisted unit.
 9. At the time of admission, the applicant may not be receiving assistance on any unit. (This does not prevent a person from applying for assistance in another project).
 10. The applicant must meet the economic criteria established for the program in question.
 11. The applicant must meet any preference requirements, where applicable, and any tenant selection criteria.
 12. The applicant must have the legal capacity to enter into a lease agreement and must sign an Authorization for Release of Information form prior to entering into the lease agreement.
 13. The Dutch Kitchen will have a mixture of residents. Fifty of the 59 rooms will be subsidized through the Section 8 Program of the Housing Authority of the City of York. Prior to initial occupancy, all applicants will be sent to the Housing Authority to be certified.

The Housing Authority will have each applicant fill out its required forms for the Section 8 Program. The Authority will maintain a separate waiting list for SRO units on a first-come, first-serve basis. Each applicant's situation will be reviewed and verified by the Housing Authority to determine a person's eligibility.

Nine of the units at the Dutch Kitchen will not have Section 8 subsidy available. The Owner/Agent will market these units independent of the Housing Authority and will determine each applicant's eligibility for occupancy.

14. The Dutch Kitchen may not accept full-time students.

E. Priorities and Preferences

The Housing Authority gives preferences to applicants for Section 8 in accordance with its tenant selection policies approved by HUD. However, because the Dutch Kitchen is classified as Single Room Occupancy (SRO), the Housing Authority will establish a separate waiting list for this project and will give preference to the homeless over the other Federal preferences.

One of the preferences established by the Housing Authority is for those applicants presently living in substandard housing. Homeless persons are defined in the HUD regulation as living in substandard housing. Certification of homelessness will be required from a public or private shelter, local police or social service agency.

After all homeless preference applicants have been verified as being eligible, all other applicants will be processed to determine eligibility and those eligible will be added to the waiting list and referred to the Owner/Agent by the Housing Authority. The waiting list will be developed in compliance with the Fair Housing laws of the United States, State and local government. The Housing Authority will process applications from other persons using the following preferences:

1. Persons displaced by natural disaster whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
2. Persons displaced by urban renewal or other government action.
3. In units designed for disabled tenants, preference will be given to those persons requiring such units.
4. Those presently living in substandard housing. A substandard housing unit is substandard if it
 - is dilapidated;
 - does not have operable indoor plumbing;
 - does not have a usable flush toilet or bathtub or shower inside the unit for the exclusive use of a family;
 - does not have electricity or has inadequate or unsafe electrical service;
 - should have, but does not have, a kitchen; and/or
 - has been declared unfit for habitation by an agency of the government.

Substandard Housing Certification is a form prescribed by HUD from a government agency or applicant's landlord that the unit is substandard.

5. Those currently paying more than 50% of gross monthly income for rent and utilities.
 - a. Gross monthly income is 1/12 of annual income as defined for the Section 8 and Public Housing Programs.
 - b. Rent is the actual amount due on a monthly basis under a lease or occupancy agreement with the applicant's current landlord. Utilities are utilities purchased directly by residents (excluding telephone) from utility suppliers.
 - c. An applicant whose housing assistance was terminated in accordance with program requirements does not qualify for a Federal preference of paying more than 50% of income for rent.

Income is verified in accordance with existing procedure used in Section 8 and Public Housing Programs. Rent is verified by rent receipts, cancelled checks or money orders or contacting the landlord. Utilities are verified by copies of bills and/or receipts or contacting utility suppliers. The Section 8 Existing Housing utility allowances may be used to determine utility costs.

6. Those who have been involuntarily displaced – an applicant has or will have to vacate his or her unit due to:
 - a. A disaster such as fire or flood that makes the unit uninhabitable.
 - b. Activity by a government agency such as code enforcement or public improvement.
 - c. Actions by the housing owner that are beyond the applicant's ability to control or prevent, such as conversion to non-rental use. The action occurs despite the applicant having met all previous conditions of occupancy and the action is other than a rent increase.
 - d. Actual or threatened physical violence against the applicant or applicant's family by a spouse or other household member.
 - e. If the applicant is re-housed in standard replacement housing, he/she does not qualify for the preference. Applicants evicted for cause do not qualify.

Involuntarily Displaced Certification is a form prescribed by HUD from a government agency or applicant's landlord that the applicant has or will be involuntarily displaced. In the case of domestic violence, certification is needed from local police, social service agency, court, clergy, physician or shelter counseling agency.

The Housing Authority informs all applicants, including those on the waiting list, of the availability of the Federal preferences. At the time of application, the applicant certifies his or her eligibility for a Federal preference. Verification of preference eligibility is done prior to providing housing assistance to the applicant.

The system for applying the preference provides that an applicant who qualifies for any of the Federal preferences receives assistance before any applicant who does not qualify for a Federal preference, regardless of place on the waiting list at time of application. In applying the preferences, the Housing Authority will treat homelessness greater than all other preferences.

If the Housing Authority determines an applicant does not qualify for a Federal preference, the applicant must be notified in writing and given the opportunity to meet with the Housing Authority.

For applicants needing barrier-free units, preference will be given to those persons requiring such units. Any applicant who requests modifications or accommodations to non-adapted units will have consideration of those requests when selected, but with no priority for selection.

As described in Section D, higher-income residents (above 30% of media income) may be skipped in order to achieve the 40% extremely low-income requirement.

F. Processing Steps

The project is to be rented up and occupancy maintained on a first-come, first-served basis with the initial applications date-stamped when received and a single, chronological list of all applicants to be maintained at the rental office by the Owner/Agent.

The waiting list for 50 rental-assisted units at the Dutch Kitchen will be maintained by the Housing Authority. As Section 8 units at the Dutch Kitchen become available, the Owner/Agent will contact the Housing Authority advising the Housing Authority that applicants are needed to fill the vacant units.

Applicants must meet application, interview and reference criteria in addition to program (Federal LIHTC and/or HUD) and occupancy policy requirements. In completing the application, all applicants must sign the release form allowing the Owner/Agent to verify all income, assets and allowances along with credit, personal, criminal (including sexual offender registration status) and landlord references. In addition, the Owner/Agent may check with other agencies necessary to verify eligibility and with police departments and wage matching as well. All eligible applicants shall have a personal interview. After processing and the interview have been completed, an eligible applicant shall receive a notice of tenant selection. Applicants who wish to be a tenant must possess the legal capacity to sign all documents (unless an accommodation determination for the disabled to allow guardian signature if otherwise eligible is made), and shall have to agree to complete the tenant certification process, enter into a one-year lease agreement, pay a security deposit and participate in a unit inspection prior to occupancy of the unit.

For units that have Section 8 rental assistance, the security deposit equals the greater of one month's Total Tenant Payment or \$50, whichever is greater. Where hardship exists, applicants may request a payment plan which would require a down-payment of the security deposit of at least thirty percent (30%). The remaining balance must be paid in equal installments monthly, with the full amount paid within three months.

Dutch Kitchen does not allow pets. Assistance animals with proof of need are permitted and no pet deposit is required.

All marketing and intake must be in compliance with the Affirmative Fair Housing Marketing Plan. This plan is intended to promote equal housing choices for all prospective tenants in the market regardless of race, color, religion, sex, national origin, disability or familial status. This plan outlines the marketing outreach strategies including special efforts to the least likely to apply. It does specify racial, ethnic and economic mix targets and marketing strategies to attract that mix but it does not specify mandatory racial or ethnic quotas. **APPLICANTS ARE SELECTED BASED ON THE TENANT SELECTION PLAN.** Marketing efforts are monitored and strategies adjusted if desired mixes of applicants do not respond. The plan can be altered or amended with approval from the Federal LIHTC Program and/or HUD. The Affirmative Fair Housing Marketing Plan is reviewed on an annual basis, with updates every five years.

Applicants must be admitted, placed on the waiting list or rejected. The Property Manager is responsible for accepting and rejecting applicants.

The processing sheet/waiting list will be reviewed to identify the applicants who meet the criteria for priority needs listed in the priority section. Upon identification, those applicants will be processed first and, if eligible, must meet all eligibility criteria and will have first priority for occupancy. The processing sheet/waiting list will then be maintained on a first-come, first-served basis.

G. Screening Criteria

The resident selection procedure applies to all applicants. The resident selection procedure shall be in compliance with Fair Housing and Equal Opportunity requirements. The Owner/Agent shall secure information related to the screening criteria. The screening criteria to be used shall include demonstrated ability to pay rent and make timely payments; history as a good resident; credit history; use of illegal drugs; alcohol abuse; sexual offender status; other criminal behavior; and housekeeping habits.

Police officers and other security or management personnel that reside in subsidized units are subject to the same screening criteria as other applicants. Criminal screening, including screening for sexual offender registration status, will be conducted annually at recertification and prior to any eligible unit transfer.

1. Credit Report

Credit reports shall be ordered. Information shall be requested on the form provided by the area credit bureau. The absence of a credit file shall not adversely affect the applicant. Each applicant's report shall be reviewed to determine the history of his/her payment practices including utilities, outstanding loans, judgment, repossessions, foreclosures, etc. The uniform review and objective determination of credit history are not always possible; however, the following specifications will be used as a benchmark in reviewing credit reports – addresses will be checked with application; place of employment will be checked with application; and credit history will be reviewed.

Since many of the Dutch Kitchen applicants will have been homeless, the absence of a credit file shall not adversely affect the applicant.

Procedure for Evaluation of Credit Report

For a credit history, the number and amount of outstanding balances shall be checked. After checking balances and to whom the applicant owes money, the Owner/Agent shall examine the manner of payment and historical status. The credit bureau classifies accounts from 0-9, 0 representing a newly approved account too new to rate, and 9 representing a bad debt in collection status. For purposes of evaluating payment histories of prospective residents, acceptable payment ratings of 0, 1, 2 and 3 will generally be considered acceptable. Ratings of 4 through 9 will not be acceptable. A rating of 3 represents that the person pays in more than 60 days but no more than 90 days or two payments past due. A rating of 4 represents payments overdue 90 days but not longer than 120 days.

In areas where the credit bureau does not use the standardized 0-9 rating, a payment record of 60-90 days will be the maximum acceptable.

Three accounts in excess of the 60-90 days period or two charge-off accounts or any combination of these two will constitute a basis for rejection. However, given the problematic nature of many homeless, single-person households, it is anticipated that the Owner/Agent will have to be somewhat flexible when evaluating credit reports of Dutch Kitchen applicants.

Particular attention will be given to the applicant's credit history involving utilities, previous rental situations and regular but not particularly unusual loans and credit lines. Where there are credit problems associated with unpaid or late medical and pharmaceutical bills, the Owner/Agent shall not necessarily apply the same criteria of evaluation, since non-payment or problems paying these types of bills are not considered to be representative and reliable basis for evaluating an applicant's bill-paying habits.

The person evaluating the report shall review the report with some subjectivity, taking into consideration the overall payment record as an indication of the probable expectation regarding rent payments. For prospective tenants that will be receiving Section 8 or other rental assistance, the evaluation of the applicant's tenant history shall also take that assistance into consideration.

2. Criminal Activity

During the admissions screening process, the Owner/Agent shall perform the necessary history background checks in all states in which the applicant household members have resided by using a database that checks against all state registries (e.g. the Dru Sjodin National Sex Offender Database). For all residents at time of annual recertification, interim recertification and/or eligible unit transfers, criminal records and sexual offender status will be verified. Where stated, currently engaged means the act shall be indicated and investigated if there is a record of arrest or conviction within the last five years. An arrest without conviction does not automatically result in a rejection.

- a. **Drug-Related Criminal Activity:** Inquiries shall be made of each applicant to determine whether the applicant or member of the household is currently an illegal drug user of a controlled substance, has been convicted of the illegal manufacturing or distributing of a controlled substance, convicted of the illegal use of a controlled substance, engaged in other drug-related criminal activity, or had been evicted from Federally-assisted housing for drug-related criminal activity.

A criminal background information report shall be conducted by the Owner/Agent. In addition to currently engaging in illegal drug use, if it is determined that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, an applicant shall be rejected.

Any household member that has been evicted from housing, whether Federally-assisted or non-Federally-assisted, for drug-related criminal activity within three years from the date of the admission decision shall be rejected. If the household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program and circumstances leading to the eviction no longer exists, the applicant may be considered for admission.

Any drug-related criminal activity that occurred within the five years immediate to the date of the admission decision shall constitute grounds for rejection. If the household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program and circumstances leading to the criminal activity no longer exist, the applicant may be considered for admission. However, if there is a long-term pattern of drug-related criminal activity that exceeds five years and is strongly indicative of continuing threats to the health, safety and peaceful enjoyment of the premises, an applicant shall be rejected.

- b. **Sexual Offender:** Any member of a household applying for a unit who is subject to a lifetime registration requirement under a State sex offender registration program shall be rejected. If the Owner/Agent determines that a sex offender is part of the household, the Owner/Agent will allow the household to remove the sex offender from the application. Removal must be documented using a signed, notarized copy of the Owner's form. The household will have 10 business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing.

Failure to provide such documentation will result in rejection of the application for all household members. In this case, the Owner/Agent reserves the right to monitor household composition after move-in. If the Owner/Agent discovers that a sex offender has moved into the unit, assistance will be terminated and the household will be evicted in accordance with HUD requirements. Any assistance paid-in-error must be returned to HUD.

- c. **Alcohol Abuse:** If it is determined in the resident selection process that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, the applicant shall be rejected.
- d. **Violent and Other Criminal Activity:** Any applicant or household member who is currently engaging or has engaged in any violent criminal or other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or that would threaten the health or safety of the Owner, its Agent or any employee, contractor or subcontractor involved in the housing operation, shall be rejected. Ordinarily, any criminal activity that occurred within five years immediate to the date of admission decision shall be considered. However, if there is a long-term pattern of criminal behaviors that exceeds five years and is strongly indicative of continuing threats, an applicant shall be rejected.

3. Landlord Report

Reference from present and previous landlords for a minimum of three years prior to application will be considered. An applicant may be rejected if this report documents failure to make rental payments; responsibility for disturbing the safety, security and right to peaceful enjoyment of other tenants; instances of gambling, prostitution, drug deal, drug manufacturing or illegal drug activity; damage to the property beyond normal wear; threats of violence to the landlord or neighbors; allowing persons not on the lease to reside on the premises; or a serious lease violation.

4. Home Visits

Home visit reports on housekeeping will be completed on all applicants residing within a 50-mile radius of the site's location. Any five affirmative answers on the report are grounds for rejection, unless undesirable conditions or damages exist due to circumstances beyond the applicant's control. In such instances, the burden of proof will rest with the applicant.

It is important that the Owner/Agent consider the circumstances of the applicant. For any applicant that is considered homeless or has temporary housing (i.e. living with friends/relatives and/or a shelter), a home visit will not be conducted. The inability of the Owner/Agent to perform a home visit because of homelessness or extreme distance situations will not necessarily result in rejection of an applicant.

H. Occupancy Standards

The Dutch Kitchen is single room occupancy – only single persons who are 18 years of age or older are eligible. One adult member per room is allowable.

I. Standards for Rejection

Failure of any one category is sufficient reason for rejection of the applicant. The following standards shall be used to evaluate whether or not an applicant shall be accepted for occupancy:

- History of evictions.
- Substantial risk that the applicant shall be unable or unwilling to pay rent, including a chronic history of late payment or non-payment of rent or non-payment of other financial obligations.
- Substantial risk that the applicant or those under the applicant's control shall interfere with the health, safety, security and the right to peaceful enjoyment of the resident community, including violation of the terms of current or previous lease agreements, failure to maintain a unit in sanitary condition, current use of illegal drugs, conviction for drug manufacture, sale, distribution or other drug-related criminal activity, violent criminal activity and other criminal activity.
- Substantial risk of intentional damage or destruction to the unit and surrounding premises by the applicant or those under the applicant's control.
- Any misrepresentation of any information on the application or at the interview. If misrepresentations are found after a lease agreement has been executed, the Owner/Agent reserves the right to use all administrative remedies at its disposal.
- Eviction from Federally-assisted housing for drug-related criminal activity.
- A life-time registration requirement under a State sex offender registration program.
- Substantial risk that there is reasonable cause to believe that there is abuse or a pattern of abuse of alcohol that would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Applicant's household does not comply with the occupancy standards for the project.

- Applicants who do not possess legal capacity to sign documents cannot become tenants.
- Any application which is incomplete will not be processed.
- Refusal to sign and submit consent forms as required by the Federal LIHTC Program, HUD, and/or the Owner/Agent, shall be grounds for rejection.
- Applicants who do not meet Federal LIHTC Program income limits for a property shall be rejected unless permission to rent to income ineligibles is in process or has been received from the Federal LIHTC Program.
- Applicants with negative credit, personal, landlord or criminal references shall be rejected.

In making determination relative to rejecting an application, the following considerations will be made:

1. The possible biases, attitudes and motives of all references and sources of information will be considered.
2. All information used in consideration of an applicant will be current. The possibility of mitigating factors and the possibility of changes in the applicant's behavior will be considered in every case.
3. Consideration will be given to the applicant's present shelter cost-income ratio and whether the rent level for the unit for which the applicant is applying would help eliminate present financial hardship when judging an applicant's payment record or credit report.
4. If the rejection is based on a report from a credit reporting agency, the applicant may request the name of the agency providing the credit information. The Owner/Agent will provide the name of the agency but not the actual report itself.
5. In all cases where potential applicants are rejected for selection, the Property Manager shall issue a written notice of decision which specifies the reason for rejection.

If the rejection is based upon false information submitted by the applicant, the Property Manager will (1) provide the subject of the record and the applicant with a copy of the information the action is based upon, and (2) provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law-enforcement agency.

6. All eligibility factors shall be verified in writing and documented in the file.
 - a. If the Owner/Agent determines that an applicant is ineligible due to of family composition, his or her income exceeds the appropriate income limits, the applicant's family composition is not suitable for the size of units available, or because the applicant does not meet the Owner/Agent's resident selection criteria (e.g. poor rent-paying history, negative evaluations from prior landlords, poor credit, etc.) the Owner/Agent shall promptly notify the applicant in writing of that determination. The notice shall explain why the applicant is not being admitted to the project and advise the applicant that he or

she may (within 14 days receipt of the notice) respond in writing to request to meet to discuss the notice. The notice shall also inform the applicant that responding to the Owner/Agent's notice does not preclude the applicant from exercising other avenues available if he or she believes that he or she is being discriminated against on the basis of race, color, religion, sex, national origin, disability and/or familial status. The meeting or the review of the applicant's written response will be conducted by the Executive Director of the Owner/Agent.

- b. If the applicant responds in writing, and after a meeting is held, the Owner/Agent shall advise the applicant in writing whether or not the Owner/Agent's position has changed. The Owner/Agent shall do so within five business days of the date the meeting was held.
 - c. The Owner/Agent is required to maintain the application, the Owner/Agent's notice of non-acceptance, any applicant's reply and the Owner/Agent's final response for a period of not less than three years. The file shall also contain all interview and verified information on which the determination of eligibility/non-acceptance was based. The file shall be maintained in a manner which respects the applicant's right to privacy.
7. Any applicant who is selected but does not accept tenancy for reasons other than reasonable accommodation, emergency, or need for subsidy that is currently not available shall be removed from the waiting list. The waiting list is updated, at the minimum, on a yearly basis to establish continued eligibility, to remove those determined ineligible, and/or to reclassify those with changed status.
8. The Owner/Agent will not lease to anyone who cannot pay in advance the required rents, fees and deposits for the required monthly period. Vouchers from agencies with approved prior arrangements with the Owner/Agent will be accepted in lieu of payment from the applicant and/or tenant.

Current or potential income sources need not be steady. A prospective tenant who has a known history of supporting him or herself through casual labor, for example, will be considered.

Primary responsibility for screening applications shall rest with the Property Manager. The Property Manager will accept applications and obtain income documentation, credit reports, previous landlord verifications and criminal reports, etc.

The Property Manager may also confer with agencies or organizations that have referred applicants for consideration. These contacts would be initiated in cases where preliminary credit reports, landlord verifications or other indicators used for screening applicants may include negative information. In many cases, potential residents may have experienced problems or crises in their life which led them to avoid their credit obligations or responsibilities as tenants, i.e. substance abuse, mental illness, incarceration. However, referring agencies may be able to document that these applicants have successfully participated in treatment programs or have established recent credit/tenant histories which might qualify them for residency.

J. Minimum Rent

(This section does not apply to applicants/tenants who will not be receiving rental assistance.)

All tenant households shall be charged a minimum monthly rent of no less than \$50.

1. The Owner/Agent shall waive the minimum monthly rent requirement to any tenant unable to pay due to financial hardships. The financial hardship exemption constitutes the only statutory exemption and includes these hardship situations:
 - a. The tenant has lost Federal, State or local government assistance or is waiting for eligibility determination (including legal immigrants);
 - b. The tenant would be evicted if the minimum rent requirement was imposed;
 - c. The tenant's income had decreased due to a change in circumstances, including, but not limited to, loss of employment;
 - d. A death in the immediate family; or
 - e. Other situations as may be determined by the Owner/Agent or HUD.
2. Upon a tenant's request for hardship exception, the Owner/Agent should waive the minimum rent charge beginning the month that immediately follows the date that the tenant made the request. The Owner/Agent may request reasonable documentation of hardship in order to determine whether there is a hardship and whether it is of a temporary or long-term nature. This determination shall be done in a prompt and timely manner. It is expected that this determination should be done in one week.
 - a. If the Owner/Agent determines that there is *no hardship* covered by statute, the Owner/Agent shall immediately reinstate the minimum rent requirements.

The tenant is responsible for any minimum rent that was not paid from the date the minimum rent was suspended. The Owner/Agent shall not evict the tenant for non-payment of rent during the time in which it takes the Owner/Agent to make the hardship determination. A reasonable payment agreement shall be offered for any minimum rent back-payment by the tenant.

- b. If it is determined that *the hardship is of a temporary nature*, the minimum rent shall not be imposed for a 90-day period from the date of the suspension. At the end of the ninety 90-day period, the tenant shall be responsible for the minimum rent which shall be imposed retroactively to the initial date of suspension. The tenant cannot be evicted for non-payment of rent during the time in which it takes to make the hardship determination or during the 90-day grace period. A reasonable repayment agreement must be offered for any back-payment by the tenant.
- c. If the nature of *the hardship is determined to be long-term*, the Owner/Agent shall exempt the tenant from the minimum rent required from the date the suspension was granted until such a time that the hardship no longer exists.
- d. The Owner/Agent shall maintain documentation of all determinations regarding requests for hardship exceptions.

3. Implementation of a long-term suspension of minimum rent requirement shall be treated as an interim recertification. The tenant must complete the appropriate recertification documents.

K. Additions to the Household

Existing tenants cannot move additional members into their household.

L. Unit Transfers

Ordinarily, tenants are not permitted to transfer from one unit to another, except to accommodate tenants who may need a transfer for a reasonable accommodation, medical need certified by a doctor, or need for an accessible unit. Existing tenants will have preference for an accessible unit over applicants. If a tenant is being moved to a different unit as a reasonable accommodation, then the Owner/Agent must pay for the move unless doing so would constitute an undue financial and administrative burden; otherwise any costs associated with the transfer shall be the responsibility of the tenant.

If a tenant requests and provides appropriate and adequate documentation for an accessible unit, the Owner/Agent will allow the tenant to transfer into an accessible unit in lieu of making the tenant's existing unit accessible and usable. The tenant would go on the waiting list for an accessible unit as of the date and time of the request (prior to applicants). However, if a tenant needs only minor modifications to his or her unit for accessibility purposes, and does not need a fully accessible unit, the Owner/Agent will make the modifications to the existing unit and leave the fully-accessible units available for tenants who need such units.

Refer to Section Q for emergency transfers for victims of domestic violence, dating violence, sexual assault, or stalking.

If a tenant is transferred, their security deposit will also be transferred.

M. Drug-Free Housing

The following points shall be reviewed with each applicant:

1. Applicant, tenant, or a guest or other person under the tenant's control, shall not engage in criminal activity, including drug-related criminal activity, on or near housing premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with the intent to manufacture, sell, distribute, or use of a controlled substance (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]).
2. Applicant, tenant, or a guest or other person under the tenant's control, shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near housing premises.
3. Applicant/tenant will not permit the dwelling unit to be used for, or to facilitate, criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household or a guest.
4. Applicant/tenant will not engage in the manufacture, sale or distribution of illegal drugs at any location, whether on or near housing premises or otherwise.

5. Applicant, tenant, or a guest or other person under the tenant's control, shall not engage in acts of violence or threats of violence, including, but not limited to, the unlawful discharge of firearms, on or near housing premises.
6. Criminal activity, including the manufacture, sale or use of illegal drugs by applicant is grounds for rejection of the application. Such criminal activity may violate the lease provision and demonstrate adequate cause for termination of the process.
7. An apartment in any housing project managed by the Owner/Agent shall be used as a private dwelling for anyone listed on the program certification form. Use of said unit by the tenant for drug use/sale violates the lease provision against use of the unit for purposes other than as a private dwelling.

N. Deployment of Military Personnel to Active Duty

The Owner/Agent supports affected households in situations where persons are called to active duty in the Armed Forces.

1. The Owner/Agent will allow a guardian to move into the assisted unit on a temporary basis to provide care for any dependents the military person leaves in the unit. Income of the guardian temporarily living in the unit for this purpose is not counted as income.
2. The tenant living in the assisted unit will be allowed to provide care for any dependents of persons called to active duty in the Armed Forces on a temporary basis, as long as the head and/or co-head of the household continues to serve in active duty. Income of the child (e.g., SSI benefits, military benefits) is not counted as income of the person providing the care.
3. Special pay received by a household member serving in the Armed Services who is exposed to hostile fire will be excluded from annual income.
4. Consideration for any case involving delayed payment of tenant rent will be given consideration.
5. The assistance payment and the lease will remain in effect for a reasonable period of time (depending on the length of deployment) beyond that required by the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. §§ 501-591, even though the adult members of the military family are temporarily absent from the assisted unit.

O. Section 504 and Fair Housing Compliance

Section 504 prohibits discrimination based upon disability in all programs or activities operated by recipients of Federal financial assistance.

A Reasonable Accommodation as defined by the Fair Housing Act is any accommodation by management in rules, policies (including acceptance of assistance animals as an exception to a "no pets" rule) and practices of services to give a person with a disability an equal opportunity to use and enjoy a dwelling unit or common space. It is the applicant's/tenant's responsibility to inform management of any situation where a Reasonable Accommodation is needed.

Reasonable Accommodations should be submitted in writing. If unable to provide the request in writing, please notify management. Reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities may be approved and funded by the project, unless the modifications would change the fundamental nature of the project or result in undue financial and administrative burdens.

P. Improving Access to Services for Persons with Limited English Proficiency (LEP)

Executive Order (E.O.) 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English.

The Owner/Agent will take reasonable steps to ensure meaningful access to the information and services we provide for persons with LEP. This may include interpreter services and/or written materials translated into other languages.

LEP Guidance, "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" was published in the Federal Register on January 22, 2007."

Q. Violence Against Women Act (VAWA)

The Dutch Kitchen adheres to the provisions of the Violence Against Women Reauthorization Act (VAWA).

VAWA Protections

- Being a victim of domestic violence, dating violence, sexual assault, or stalking, as these terms are defined in the law, is not a basis for denial of assistance or admission to assisted housing if the applicant otherwise qualifies for assistance or admission;
- Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated violations of the lease or as "good cause" for termination of the assistance, tenancy, or occupancy rights of the victim; and
- Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of a resident's household or any guest or other person under the resident's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the resident or an affiliated individual of the resident is the victim of the domestic violence, dating violence, sexual assault, or stalking.

Dutch Kitchen Rights and Responsibilities

- The Dutch Kitchen may bifurcate a lease for housing in order to evict, remove, or terminate assistance to any individual who is a resident or lawful occupant who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual without evicting, removing, terminating the assistance to, or otherwise penalizing a victim of such violence, who is a resident or lawful occupant.
- If such bifurcation occurs, and the removed resident or lawful occupant was the sole resident eligible to receive housing assistance, the Dutch Kitchen shall provide any remaining resident the opportunity to establish eligibility for this project.

- If the remaining resident cannot establish eligibility, the Dutch Kitchen is required to provide the resident a reasonable time to find new housing or to establish eligibility under another housing program.
- VAWA may not be construed to limit the Dutch Kitchen from honoring various court orders issued to either protect the victim or address the distribution of property in case a household breaks up.
- VAWA does not limit the authority of the Dutch Kitchen from terminating assistance or evicting a resident due to any lease violation unrelated to domestic violence, dating violence, sexual assault, or stalking, provided that the Dutch Kitchen does not subject a resident to a more demanding standard than other residents in determining whether to evict or terminate assistance.
- VAWA may not be construed to limit the authority of the Dutch Kitchen to terminate the assistance of, or evict, any occupant who can be demonstrated to pose an actual and imminent threat to other residents or the property's employees.
- VAWA shall not be construed to supersede any provisions of Federal, State, or local laws that provide greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

Documentation

The applicant or resident must provide documentation regarding domestic violence, dating violence, sexual assault, or stalking within 14 business days after the applicant or resident receives a request in writing for such documentation from Dutch Kitchen. The 14-day deadline may be extended at the discretion of the Dutch Kitchen.

Acceptable forms of documentation include the following:

- Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, form HUD-5382, which can be completed by or on behalf of the victim.
- A document that is signed by the applicant or resident and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the Applicant or Resident has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, in which the professional states, under penalty of perjury, that he or she believes that the abuse meets the requirements found in VAWA
- A Federal, State, tribal, territorial, or local police report or court record
- A statement or other evidence provided by an applicant or resident, at the discretion of Delphia House Apartments.

Confidentiality Requirements

Any information submitted to the Dutch Kitchen regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that the individual is a victim of such abuse, will be kept confidential and will not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is requested or consented to by the individual in writing, required for use in an eviction proceeding, or otherwise required by applicable law.

If the Dutch Kitchen receives documentation that contains conflicting information, the Dutch Kitchen may require an applicant or resident to submit third-party documentation.

Emergency Transfers

Residents who are victims of domestic violence, dating violence, sexual assault, or stalking must be allowed to transfer to another available and safe dwelling under a covered housing program. The Dutch Kitchen must incorporate reasonable confidentiality measures to ensure that disclosure is not made of the location of the new dwelling unit of a resident to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the resident.

The resident can be granted a transfer only if the resident requests a transfer, and either the resident reasonably believes he or she is threatened with imminent harm from further violence if he or she remains in the unit or if the resident is a sexual assault victim, the sexual assault occurred on the premises during the 90-day period preceding the transfer request. Any transfer is subject to the availability of assisted housing and subject to all other HUD requirements being met.

R. Smoke-Free Housing

As of September 15, 2016, smoking is prohibited in any area of the property both private and common, whether enclosed or outdoors with the exception of a designated smoking area as indicated by Management.

- Smoking is permitted a minimum of 10 feet from all entrances and open windows.

“Smoking” shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, personal vaporizer, cigar, pipe, other tobacco product, marijuana including medical marijuana, herbal smoking products, “legal weed” or products known as “bath salts” or other legal or illegal substance.

This policy applies to the Owner, Management staff, vendors, applicants, residents, guests, and service providers.

The Tenant Selection Plan will be reviewed at least annually to ensure that current operating practices, program priorities and program requirements (as stipulated by the Federal LIHTC Program and/or HUD) are included. Any changes to the Tenant Selection Plan will be summarized and provided in written form to all tenants. The Owner/Agent will provide copies to applicants. All applicants will be notified during the screening process, and tenants annually at recertification, that the Tenant Selection Plan exists and is available to them. The Tenant Selection Plan, when requested, is also available to the public.

Affordable Housing Advocates
3 Rathton Road
York, PA 17403
717-846-5139
TTY 7-1-1



This institution is an equal opportunity provider and employer.

Attachment A

Tenant Selection Plan Properties Managed by Affordable Housing Advocates

Listed below are properties managed by Delphia Management Corporation. Please refer to the Tenant Selection Plan for each site for additional information.

| Site | Location | Mailing Address | Telephone Number |
|----------------------------|---|---|-------------------------|
| Cloverfield-Kingston House | 1500 Rodney Road, York, PA | 1500 Rodney Road, York, PA 17408 | 717-764-5464 |
| | 1243 West King Street, York, PA | 1243 West King Street, York, PA 17404 | 717-848-2927 |
| Delphia House Apartments | 350 East Philadelphia Street, York, PA | 350 East Philadelphia Street, York, PA 17403 | 717-843-1064 |
| Dutch Kitchen | 381 West Market Street, York, PA | 381 West Market Street, York, PA 17401 | 717-846-5281 |
| Green Meadow Apartments | 20 Beaver Street, Dillsburg, PA | 20 Beaver Street, Dillsburg, PA 17019 | 717-432-2556 |
| Highland Manor Apartments | 36 Highland Manor Drive, Stewartstown, PA | 36 Highland Manor Drive, Stewartstown, PA 17363 | 717-993-6541 |
| King Street Apartments | 312, 314 and 334 East King Street, York, PA | 381 West Market Street, York, PA 17401 | 717-846-5281 |
| Liberty Apartments | 37 East Philadelphia Street, York, PA | 381 West Market Street, York, PA 17401 | 717-846-5281 |

The TTY number for all locations is 7-1-1.

The office for Affordable Housing Advocates is located at 3 Rathton Road, York, PA 17403, 717-846-5139 (telephone); 717-854-9494 (fax). Additional information for the organization and all sites managed can be found at www.ahadvocates.org.