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## **TENANT SELECTION CRITERIA**

Revised July 14, 2014

Eligible applicants must meet eligibility income limits with preference given to those eligible applicants whose income is less than 50% of the median area income (VLI - very low income).

Preference will be given to tenants residing in this development that are in need of a unit transfer to accommodate their health requirements or changes in family composition.

Applicants that prove they meet one of the Federal Preferences; being displaced, in substandard housing, or paying more than 50% of their income for rent and utilities, will be placed ahead of applicants that do not qualify for any of these conditions. Federal Preference applicants will be selected from their own list based on the date of their pre-application. Federal Preferences are specifically defined in the following pages.

Prospective tenants must have the ability to live independently. An applicant can help make this determination by examining the following service available at the project, and deciding if this service is adequate for their daily personal needs.

Maintenance within the unit itself is provided upon request to keep the unit in good repair.

In addition, let it be known to applicants that no meals are provided, nor any type of nursing or medical services. Management is unable to “look in” on tenants, except in case of emergency. Daily cleaning of the unit itself is the responsibility of the tenant.

If the tenant is unable to perform these functions alone, they must enlist the services of caregivers, who are able to make up for their in capabilities. Even with this assistance, it is the ultimate responsibility of the tenant to maintain their apartment in decent, safe and sanitary standards, and not pose a danger to any other residents.

All other families not meeting the Federal Preferences guideline will be selected on a first-come, first-served basis, as they appear on the property waiting list, as detailed in the waiting list policy which was part of your original application package.

### **CITIZENSHIP REQUIREMENTS**

Applicants must be U.S. citizens or eligible non-citizens. An eligible non-citizen is an individual who has eligible immigration status. Eligible immigration status is determined by the Dept. of Homeland Security.

Non-citizen applicants must provide documentation of citizenship (sign a certification of U.S. citizenship and provide a copy of their Social Security card), or provide documentation of their immigration status. Documentation may include an Alien Registration Receipt Card, Temporary Resident Card, Employment Authorization Card, or Form I-94 Arrival-Departure Record. Applicants must sign consent forms permitting the owner/agent to verify their immigration status with DHS.

If the applicant is not able to provide citizenship or eligible non-citizen documentation at the time of application, they may continue to be considered for tenancy for 60 days as long as they can document their reasonable attempts to obtain the documentation.

### **SOCIAL SECURITY NUMBER REQUIREMENTS**

All household members, age six and older, must disclose and document Social Security numbers. Those who have not been assigned a Social Security number must sign a certification stating that no SSN has been assigned. Documentation of the SSN must be provided once a SSN has been assigned.



### **EIV – ENTERPRISE INCOME VERIFICATION SYSTEM**

All applications are income verified by the use of EIV. EIV is a web-based computer system that contains employment and income information of individuals who participate in HUD rental assistance programs.

The information is used primarily to:

1. Confirm your name, date of birth (DOB), and Social Security Number (SSN) with SSA.
2. Verify your reported income sources and amounts.
3. Confirm you participation in only one HUD rental assistance program.
4. Confirm if you owe an outstanding debt to any PHA.
5. Confirm any negative status if you moved out of a subsidized unit (in the past) under the Public Housing or Section 8 program.
6. Follow up with you, other adult household members, or your listed emergency contact regarding deceased household members.

More information can be found in the Rental Housing Integrity Improvement Project pamphlets which accompany your application for tenancy.

Occupancy of these projects will be limited to families, households, and persons as defined below:

#### **FAMILY**

Two or more persons sharing residency, whose income and resources are available to meet family needs; and who are related by blood, marriage, or operation of law or stable family relationship over a period of time.

#### **ELDERLY HOUSEHOLD**

An elderly household consists of either a single person or family where the head or spouse is at least 62 years old, handicapped, or disabled.

The household may be two or more elderly, handicapped or disabled persons who are not related, or one or more such persons living with someone essential to their care or well-being.

#### **HANDICAPPED/DISABLED**

A handicapped or disabled person is anyone who has a physical or mental impairment which:

- 1) A physical or mental impairment which substantially limits one or more major life activities.
- 2) A record of having such impairment.
- 3) Is expected to be of a long, continued and indefinite duration.
- 4) Substantially impedes his or her ability to live independently.
- 5) Is of such a nature that such ability could be improved by more suitable housing conditions.
- 6) Is under a disability as defined in Section 233 of the Social Security Act, or in Section 102 (b) (5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.

#### **DISABILITY DEFINITIONS**

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

- 1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
- 2) In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness as defined in Section 416 (1) of the Social Security Act), and is unable by reason of such blindness to engage in substantial gainful activity comparable to those in which the person was previously engaged with some regularity and over a substantial period of time.



Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 defines disability as severe, chronic disability of a person which:

- 1) Is attributable to mental or physical impairment or combination of mental and physical impairment;
- 2) Is manifested before the person attains age twenty-two;
- 3) Is likely to continue indefinitely;
- 4) Results in substantial functional limitations in three or more of the following areas of major life activity:

Self-care	receptive and expressive language,	learning
Mobility	capacity for independent living,	self-direction
Economic self-efficiency; and		

- 5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, and other services which are lifelong or extended duration and are individually planned and coordinated.
- 6) "Disability" does not include the current illegal use of controlled substances, unless the individual is participating in a supervised drug rehabilitation program.

### **SINGLE PERSONS**

Single persons who meet the following eligibility criteria may be admitted to the Project:

Handicapped; disabled; displaced; at least 62 years old or the remaining member of a household that is already receiving Section 8 assistance.

### **LIVE-IN AIDE/ATTENDANT**

A person who lives with an elderly, disabled or handicapped individual(s) and is essential to that individual's care and well-being, not obligated for the individual's support and would not be living in the unit except to provide the support services.

While a relative may be considered to be a live-in attendant, they must meet the above requirements, especially the last. The live-in qualifies for occupancy only as long as the individual needing supportive services does and may not qualify for continued occupancy as a remaining family member.

Live-in applicants will be subject to all the same screening procedures as the head of household applicant with the exception of the credit report.

### **DISPLACED**

Involuntary displacement preference will be given to an applicant who has vacated his/her unit as a result of one or more of the following actions not yet living in standard replacement housing or within no more than 6 months will be involuntarily displaced:

- 1) A disaster, such as fire or flood, that results in the in habitability of the unit,
- 2) Action by governmental agency (federal, state or local) in connection with code enforcement, public improvement or developmental program, or
- 3) Action by a housing owner that results in an applicant having to vacate the unit where the reason for the owner's action is beyond the tenant's ability to control. The action taken must be other than a rent increase.

Acceptable verification would include: certification from a governmental agency that the applicant has or will be displaced as a result of disaster or governmental action and/or certification from an owner / management agent that the applicant had to or will have to vacate his/her unit because of owner action.

Involuntary displacement preference will be given to applicant who:

- 1) Resides in the unit, or has left a unit, where actual or threatened physical violence has been directed at the applicant or member of the applicant's family by a spouse or other family member, or
- 2) Lives in a unit with such an individual who engages in such violence.
- 3) Such violence must have occurred recently or be of a continuing nature.



Acceptable verification would include: written confirmation from the local police department, social services agency, court, clergyman, physician and/or facility providing shelter/counseling to the victims of domestic violence.

A housing preference for involuntary displacement will not be granted for temporary or transitional housing (an initial one year lease term is required).

**SUBSTANDARD HOUSING**

A substandard housing which is dilapidated, because it does not have operable indoor plumbing, does not have a usable flush toilet, bathtub or shower inside the unit for exclusive use of a family, does not have electricity; has inadequate or unsafe electrical service; has no safe or adequate source of heat; should but does not have a kitchen or has been declared unfit for habitation by an agency or unit of government.

A dilapidated unit does not provide safe and adequate shelter and, in its present condition, endangers the health, safety, or well-being of a family or it has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. (The defects may involve original construction, or they may result from continued neglect or lack of repair or from serious damage to the structure).

- 1) “Homeless family” - Individual/family who lacks a fixed, regular and adequate night time residence and has a primary night time residence which is supervised publicly/privately operated shelter designed to provide temporary living arrangements \*(welfare hotels, congregate shelters, and transitional housing for the mentally ill; an institution that provides temporary residence for individuals intended to be institutionalized, or public/private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

A “homeless family” does not include an individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

- 2) “Single room occupancy” housing is not substandard solely because it does not contain sanitary or food preparation facilities (or both).

Acceptable verification of substandard housing would include: certification from governmental agency or applicant’s present landlord stating the housing deficiencies; or certification from the facility providing temporary shelter; or from the local police or social services agency.

**FIFTY PERCENT OF INCOME FOR RENT**

A housing preference will be given to an applicant who pays 50% or more of their income for rent. Rent is the monthly amount due under a lease agreement including monthly costs, established or averaged, for utilities.

The applicant(s) income must be verified in accordance with Section 8 requirements. Acceptable verification of the monthly rent paid, rent receipts, canceled checks or a copy of the applicant’s current lease/rental agreement and utility costs as indicated on the monthly statement.

The current percentages for income-targeting for very low-income households are as such:

- |                         |                           |
|-------------------------|---------------------------|
| Badger Terrace = 98.3%  | Lime Tree Terrace = 96.9% |
| Parkview Terrace = 100% |                           |

These percentages are reviewed on a monthly basis. In the event that the dwelling units at any property were to approach less than 40% of available units being marketed to extremely low-income households then the procedure is to first market to only extremely low income families until the 40% target is met. Once met we will alternate between the first extremely low income applicant on the waiting list and the applicant on the top of the waiting list.



### **WAITING LIST**

Historically we have been able to place applicants in apartments within several months. In the event our waiting lists were to approach a level which would prevent an applicant from obtaining an apartment in less than one year (12 months), we will close our waiting list to new applicants. This notice to close waiting list shall be posted in our offices, given to potential applicants, as well as be published in the legal notice section of the local newspaper monthly until such time enough units become available to open the waiting list. The notice to open waiting list shall be posted in our office, given to potential applicants, as well as published in the legal notice section of the local newspaper.

### **FAIR HOUSING AND EQUAL OPPORTUNITY**

Under federal Law it is illegal to discriminate against a person or group of persons because of race, color, religion, natural origin, age, sex, handicap or familial status.

In addition, Wisconsin Fair Housing prohibits discrimination because of ancestry, sexual orientation and marital status of the person maintaining a household, lawful source of income or in any manner defined by federal, state or local fair housing and civil rights laws.

**NOTE:** The implementation of Federal Preferences does not preclude the owner's / entity's responsibility to continue outreach efforts, in compliance with the project's approved Affirmative Fair Housing Marketing Plan.

As defined in the "Fair Housing Act" of 1988:

- 1) "Handicap" means, with respect to a person:
  - a) a physical or mental impairment which substantially limits one or more of such person's major life activities;
  - b) a record of having such an impairment; or
  - c) being regarded as having such an impairment, but such term does not include current, illegal use or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).
  
- 2) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
  - a) a parent or another person having legal custody of such individual or individuals; or
  - b) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Federal preferences do not supersede special program designations or purposes.

### **SELECTION PREFERENCES**

Priority status, as established by Federal Regulations, will be given when the applicant is able to provide documentation that one or more of the following applies:

- 1) Persons who have been displaced by a federally declared national disaster.
- 2) Person who have been involuntarily displaced.
- 3) Persons presently occupying substandard housing.
- 4) Persons who are presently paying in excess of 50% of their gross annual income for housing (whose incomes fall within the income guidelines established by HUD).
- 5) Handicapped or physically disabled person for a handicapped accessible unit.
- 6) Other eligible persons in compliance with the Affirmative Fair Housing Marketing Plan.
- 7) If all applicants are equal in housing need and selection preferences, selection will be based on the date of application.

**NOTE:** The numerical order of the selection preferences does not indicate the importance of one preference over another.



### **SCREENING CRITERIA**

Upon receipt of a completed application, prospective residents will be screened based on the following factors:

- 1) Demonstrated ability to pay rent on time.
- 2) Comment from the former landlords (endorsement from at least two is preferred):
  - a) Credit references. Credit checks may be useful when no rent payment history is available. However, lack of a credit history, as opposed to a poor credit history, is not sufficient justification to reject an applicant; and
  - b) Applicant's ability to live independently. Applicant may be required to furnish evidence of ability to live independently, with or without services or attendant care, if there is a good reason that the applicant may be unable to do so.

### **REJECTIONS/INELIGIBLY**

Applicants will be rejected if they fail to meet any HUD eligibility requirements with regard to income limits, family definition, and family composition. Applicants will be rejected if they submit more than (1) application.

In addition, applicants will be rejected if they do not meet the project owner's screening criteria, as described below:

- 1) History of violence as evidenced by a recent record of conviction and no current rehabilitative services.
- 2) Poor housekeeping.
- 3) Refusal to occupy apartment without pets. (Non-elderly projects only).
- 4) History of drug or alcohol abuse as evidenced by a recent record of conviction and no current rehabilitative services.
- 5) History of rent arrears or poor rental background.
- 6) Poor credit history.
- 7) Refusal to occupy proper unit in accordance with HUD unit size standards.
- 8) Refusal to pay rent calculated using HUD's rules.
- 9) Admission to this project will not be applicant's only place of residence.

Applicants shall be rejected if any household member(s) has been evicted in the past three years from federally assisted housing for drug-related criminal activity unless the evicted household member has successfully completed an approved, supervised drug rehabilitation program or the circumstances leading to the eviction no longer exist.

Applicant(s) shall be rejected if any member of the household is currently engaged in illegal use of drugs or for which the owner/management agent has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.

Applicant(s) shall be rejected if any household member is subject to a state sex offender lifetime registration requirement.

Applicant shall be rejected if there is reasonable cause to believe any household member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.

Applicant may be rejected for not only drug related criminal activity but also violent criminal activity and other criminal activity that threatens the health, safety, and right to peaceful enjoyment of the property by other residents or the health and safety of the owner, employees, contractors, subcontractors, or agents of the owner.

The management agent will notify ineligible families in writing of the reason for rejection and advise them that they have the right, within 14 days of the date of the notice, to request a meeting with the management agent (someone other than the person who issued the rejection) to discuss the determination. If the applicant responds in writing or a meeting is held, the management agent will advise the applicant in writing within 5 days whether or not the owner's position has changed. The agent will keep the following materials on file for at least three years: application, initial rejection notice, any applicant reply, information on which the agent based the rejection.



### **UNIT SIZE STANDARDS**

Minimize/maximize bedroom distribution with respect to this project will be in accordance with HUD standards:

1-BR	-	1 to 2 persons
2-BR	-	2 to 4 persons
3-BR	-	3 to 6 persons

- 1) Without HUD approval, owners may give Section 8 assistance to a single person who is handicapped, disabled, displaced, at least 62 years old, or the remaining member of a household that is already receiving Section 8 assistance.
- 2) Units with one or more bedrooms will be assigned based on the principle that two members of the same sex, regardless of age, will share the same bedroom.
- 3) Units designed specifically for the handicapped will be reserved solely for families whose head or spouse qualifies for the unit.
- 4) Exceptions to occupancy standards are subject to prior written approval by HUD; such exceptions will be requested by the owner if they are related to verify health reasons.

First preference will be given to families in occupancy who require a unit transfer because of a change in family composition or medical reasons. If any additional vacancies remain, the owner will then contact the next eligible applicant from the waiting list, selected in accordance with the project's approved tenant selection procedures, and all regular screening and certification procedures will then be completed. On determination of acceptability, the applicant will be allowed to sign a lease. Concurrently with the above tenant selection steps, the owner will have the vacant unit made ready for occupancy by the new family.

### **LIMITED ENGLISH PROFICIENCY**

Written and oral translation of certain documents including the application form, are available upon request to anyone who has limited proficiency in the reading, writing and speaking of the English language.

### **STUDENT ELIGIBILITY**

Applicants who are students at an institution of higher education will not be eligible for Section 8 housing assistance unless they meet one of the following exceptions. To receive assistance, the applicant must:

- 1) be 24 years old or older; or
- 2) be a veteran of the United States military; or
- 3) is married; or
- 4) has a dependent child; and
- 5) is otherwise individually eligible or has parents who are eligible on the basis of income to receive assistance under Section 8 of the 1937 Act. If the applicant does not meet one of the above conditions, they may be eligible if they are able to provide verified evidence that they have been independent of their parents' household for at least one year prior to application.

The student eligibility rule requires that if a student is enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is individually ineligible for Section 8 assistance, or the student's parents are ineligible for assistance, no assistance can be provided to that student. Unless the student is determined independent from his or her parents, the eligibility of a student seeking Section 8 assistance will be based on both the student and the parents being determined income eligible for Section 8 assistance. Financial assistance of the student in excess of tuition will be included in annual income when determining the student's eligibility for Section 8 assistance.

Determination of student's eligibility for assistance shall be done at move-in, annual recertification, initial certification and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.



**VIOLENCE AGAINST WOMEN ACT OF 2005**

Owner/Management shall not reject applicant who is a victim of incidents of domestic violence, dating violence or stalking.

Owner/Management shall not reject applicant who is a victim of criminal activity directly related to abuse, engaged in by a member of applicant's household or any guest or other person under applicant's control, if the applicant or an immediate member of applicant's family is the victim or threatened victim of that abuse.

Owner/Management may request in writing that the victim or a family member on the victim's behalf, certify that the individual is a victim of abuse and that the Certification of domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under VAWA. Failure to provide certification or other documentation within the specified timeframe may remove VAWA protection of applicant from being rejected.