

COUNCIL FOR THE SPANISH SPEAKING, INC.



TENANT SELECTION PLAN

The Council for the Spanish Speaking, Inc., La Paz Housing Corp., Hispanic Housing Corp., Casa Catalina Housing Corp., and La Villa Housing Corp. fully adheres to Wisconsin Statutes, Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Law (Title VIII of the Civil Rights Act of 1968 as amended, by the Housing and Community Development Act of 1974 and the Fair Housing Amendment Act of 1988, and in addition to all other applicable fair housing regulations). The Council further adheres to the full implementation of the mandates under the Violence against Women Act.

POLICIES: SECTION 504, FAIR HOUSING ACT, CIVIL RIGHTS ACT & VIOLENCE AGAINST WOMEN ACT

A. Section 504 of the Rehabilitation Act of 1973

1. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based upon disability in all programs of activities operated by recipients of federal financial assistance. Although Section 504 often overlaps with the disability discrimination prohibitions of the Fair Housing Act, it differs in that it also imposes broader affirmative obligations on owners to make their programs as a whole, accessible to persons with disabilities. These obligations include the following:
 - Making and paying for reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens;
 - Operating housing that is not segregated based upon disability or type of disability, unless authorized by federal statute or executive order;
 - Providing auxiliary aids and services necessary for effective communication with persons with disabilities;
 - Developing a transition plan to ensure that structural changes are properly implemented to meet program accessibility requirements; and
 - Performing a self-evaluation of the owner's program and policies to ensure that they do not discriminate based on disability.
 - Operating their programs in the most integrated setting; appropriate to the needs of the qualified individuals with disabilities.

B. Fair Housing Act

1. The Fair Housing Act prohibits discrimination in most housing and housing related transactions with respect to the following basis of race, color, religion, sex, disability, familial status and national origin.

C. Title VI of the Civil Rights Act of 1964

1. Title VI prohibits all recipients of federal financial assistance from discriminating based on race, color or national origin.

D. Violence Against Women Act - Section 8 Projects (El Jardin I &II, La Paz, Santa Cruz)

1. The VAWA provides legal protections to victims of domestic violence, dating violence or stalking. These protections prohibit Owners/Management Agents from evicting or terminating assistance from individuals being assisted under a project-based Section 8 program if the asserted grounds for such action are an instance of domestic violence, dating violence or stalking.
2. Protections for victims of domestic violence, dating violence or stalking.
 - An applicant's or program participant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
 - An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
 - Criminal activity directly related to domestic violence, dating violence or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
 - Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.
 - The provisions protecting victims of domestic violence, dating violence or stalking engaged in by a member of the household, may not be construed to limit the O/A, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
 - The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an O/A can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, O/As may not subject victims to more demanding standards than other tenants.
 - The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.

TENANT ELIGIBILITY CRITERIA

A. Project Eligibility

1. Casa Catalina and La Villa applicants must be 62 years or older.
2. El Jardin I, El Jardin II, Santa Cruz and La Paz are 62 and older **or** mobility impaired.
 - If an Age Waiver is in affect the applicant must be 55 and older for the particular project.

B. Income

1. The annual income of the applicant(s) must be equal or less than the income limit established. Management will comply with the requirement of leasing to very low-income residents. Management will review an applicant's income and determine if it is below the HUD income guidelines that follow:

	<u>Maximum</u>
One Person Limit (1)	\$ 24,750.00
Two Person Limit (2)	\$ 28,300.00

C. Income Targeting – Section 8 Projects (El Jardin I &II, La Paz, Santa Cruz)

1. Management must ensure that forty percent (40%) of the units in a project are available or occupied by extremely low-income families. To achieve compliance with the income-targeting requirement, management will admit in chronological order only extremely low-income families until the 40% income target is met. Once this target has been achieved, admit applicants in the waiting list order.

E. Sole Residence

1. The unit for which the applicant is applying must be the applicant's sole residence in order to be eligible for housing.

F. Verification

1. All adult members of a family must sign consent and verification forms. The applicant is considered ineligible if the adult members refuse to sign.
2. All information reported by the applicant(s) is subject to verification.

CITIZENSHIP REQUIREMENTS

- A. By law, only U.S. citizens and eligible noncitizens may benefit from federal rental assistance. Eligible status requires applicants to complete citizenship declaration forms and submit evidence of citizenship or eligible immigration status at the time of application.
- B. All family members, regardless of age, must declare their citizenship or immigration status. We require two forms of identification, one of which must be a valid form of photo identification. A second form of identification can include:

1. **Citizens:** Birth certificate, passport, and valid driver's license or state I.D.
2. **Naturalized citizens:** Certificate of naturalization or citizenship, passport, and/or a valid driver's license or state I.D.
3. **Legal permanent resident:** Alien card, passport, original birth certificate (translated if possible), and a valid driver's license or state I.D.

SOCIAL SECURITY NUMBER REQUIREMENTS

A. Requirements

1. Applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:
 - Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
 - A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance and cannot be housed.
 - A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance. We may not deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
 - Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. We will confirm HUD's validation of the participant's SSN by viewing the household's **Summary Report** or the **Identity Verification Report** in the EIV system.
 - Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.
2. If no SSN has been assigned to a particular family member, the applicant must sign a certification stating that no SSN has been assigned.

B. Documents

1. Applicants and participants, including each member of the household (with the exception of those individuals noted in Section A above), must provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:
 - An Original Social Security card issued by SSA;

- An original SSA-issued document, which contains the name and SSN of the individual; or
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

C. Provisions for Accepting Applicants without Documentation of Social Security Numbers

1. If an applicant has a SSN but does not have the required documentation, the applicant may submit the SSN and certify under penalties of perjury that the number is accurate but that acceptable documentation could not be provided. Management will accept the certification and continue to process the application.
2. However, an applicant will not become a participant in the program unless the applicant submits the required SSN documentation. The applicant must provide SSN documentation to management within 60 days from the date on which the applicant certified that the documentation was not available.
3. If it is determined that the applicant is otherwise eligible for admission, and the only outstanding verification is that of the SSN, the applicant may retain his or her place on the waiting list for the 60-day period during which the applicant is trying to obtain documentation.
4. After 60 days, if no documentation has been provided the application will be removed from the waiting list.
5. If an applicant is at least 62 years old and unable to submit the required documentation within the first 60-day period, management may extend the time period for an additional 60 days.
6. Individuals without an assigned SSN:
 - It is not uncommon for certain individuals to not have a SSA- assigned SSN. Citizens and lawfully present noncitizens, who state that they have not been assigned a SSN by the SSA, should make such declaration in writing and under penalties of perjury to management. Management may use the Alternate ID (ALTD ID) generator within the Public and Indian Housing information Center (PIC) to generate a unique identifier for those individuals who do not have or unable to disclose a SSN. Once the individual discloses the SSN, management will delete the ALT ID, enter the SSN on form HUD-50059, and transmit the form to HUD within 30 days of receipt of the SSN.

OCCUPANCY STANDARDS

	<u>MINIMUM</u>	<u>MAXIMUM</u>
EFFICIENCY	One (1) Person	One (1) Person
ONE BEDROOM	One (1) Person	Up to two (2) persons
TWO BEDROOM	Two (2) Persons	Up to four (4) persons

ELIGIBILITY OF STUDENTS RECEIVING ASSISTANCE

At the time of move-in, annual recertification, or initial certification, the residents must report a change and request on an interim that a household member is enrolled as a student.

- A. Section 8 assistance shall not be provided to any individual who:
- Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
 - Is under the age of 24;
 - Is not married;
 - Is not a veteran of the United States Military;
 - Does not have a dependent child;
 - Is not a person with disabilities, and not receiving section 8 assistance as of November 30, 2005;
 - Is not living with his or her parents who are receiving Section 8 assistance for at least one year; and
 - Is not individually eligible to receive section 8 assistance and has parents who are not income eligible to receive Section 8 assistance. Also, not to be claimed as a dependent by parents or legal guardians pursuant to IRS regulations and/or receives financial assistance provided by parents or signed by individual providing the support.

UNIT TRANSFER POLICY

A. Transfers between units

1. Transfers between units are not allowed unless the following:
 - It is determined that the current dwelling unit is smaller or larger than appropriate as a result of a change in a tenant's family size or composition.
 - It is a reasonable accommodation verified by a medical professional.
 - It is determined that the tenant needs the features of an accessible unit.

B. Transfers between buildings

1. If a resident requests a transfer to another unit in a different building he/she must submit the request in writing indicating the reason(s). A review of the request will be conducted before approval is granted. When a determination is made the resident will be notified in writing if his/her request has been approved or denied. If approved, the resident must submit a new application. The new application will be placed on the waiting list in the order that it was received. Please note that this would require a move-out and move-in procedure requiring a new security deposit. The following are items that will be taken into consideration during the review process:
 - Tenant must meet the same requirement/criteria as new applicants.
 - Tenant must be current on their rent payments.

- There haven't been more than two (2) late rent payments in the last twelve (12) months.
- Tenant must have completed their first year of occupancy in the unit they are currently residing in.

RESIDENT SELECTION & PROCESSING PROCEDURES

- A. The procedures outlined herein shall constitute the established Resident Selection Criteria to be utilized by Management in the determination of eligibility and acceptability. A complete application must be submitted to the Housing Department of Council for the Spanish Speaking, Inc. The applicant(s) must include a landlord history of no less than five (5) full years. Once received, the application will be stamped with the date and time received and the name placed on the waiting list. A preliminary evaluation will be conducted to determine if the applicant meets the eligibility guidelines. An acknowledgement of receipt and/or rejection letter will be sent to the applicant once the review process is completed. Placement on the waiting list, however, does not automatically guarantee eligibility for an apartment. Final screening will be completed at the time the apartment is offered. Apartments are offered to eligible persons in the order of receipt. If there is a timeline in which the applicant needs housing, please indicate on application, for example immediately or 30 days notice needed. If an applicant moves or changes his/her phone number, address or email, we require that we are notified immediately. We reserve the right to discontinue accepting applications if our waiting list becomes excessively long.
1. The application is reviewed for eligibility and placed on a waiting list in the order that it was received. An investigative consumer report will be prepared by a credit-reporting agency that will reflect past and present credit standing, as well as any previous evictions. A background review will include: arrest/conviction investigation report, sex offender registration and other drug related activity. Contacting present and past landlords to determine rental history for a positive reference regarding the lease terms, and that the apartment was left in acceptable condition.
 2. When an apartment is available, further or re-verifying background checks will be conducted. If still qualified, the applicant will be notified. Preferences are given to applicants 62 years and older, then to those 55 to 62 years when an age waiver is in effect, or mobility impaired older than 18 if unit meets the needs of the applicant. During this time another interview is performed for additional information regarding income, assets, employment, medical expenses, bank accounts and any other information to determine the rent. A review committee will review the information and make recommendations to the housing manager.
 3. **Accessible Unit:** When an accessible unit is available, current residents will be considered first if a request was made and the need fits the unit's features. If there is no approval of a request by a current resident, the next qualified applicant who needs the features of the accessible unit will be given priority. If no applicant on the waiting list has requested a mobility impaired unit then consideration is given to the next regular applicant on the waiting list. However when another applicant applies or if a current resident is in need of that particular mobility impaired unit and another unit is available the current resident would need to move at their own expense as soon as possible.

5. **Closing Waiting List:** The waiting list may be closed for one or more unit sizes when the average wait is excessive. Potential applicants will be advised the waiting list is closed and no additional applications will be accepted. The notification will be published in the local newspapers.
6. **Opening Waiting List:** The waiting list will re-open when the list becomes too short to fill the anticipated vacancies during another time period. A notice will be published in the local newspapers of the re-opening of the waiting list.
7. **Disability verification:** An owner may verify disability to determine whether a family or person meets the definition of disability used to determine eligibility for a project, preferences, or an allowance, or to identify applicant needs for features of accessible units or reasonable accommodations. The owner may not specifically ask for or verify the nature and extent of the disability.
8. **Reasonable Accommodations:** Management will consider requests for reasonable accommodations from applicants and tenants with disabilities. A reasonable accommodation is a change or adjustment to the dwelling unit that will be provided to the tenant unless doing so would result in a fundamental alteration and an undue financial or administrative burden.

SELECTION AND REJECTION CRITERIA

Management will use the following criteria in determining the acceptability of all applicants. An applicant may be accepted or rejected on the basis of one or more of the following criteria:

A. REASONS FOR DENIAL

1. If Management determines that the applicant has not fully cooperated in all aspects of the application process, or if it is determined that the applicant has falsified information, it will be cause for immediate rejection of the application.
2. If the applicant was involved in any previous criminal activities that would be consider a serious threat to property or to other residents' peaceful enjoyment of the premises.
3. **Criminal History**
 - History of any of the following by any household member is cause for rejection of an application for housing. Any conviction or adjudication other than acquittal of:
 - First-degree murder,
 - Sex offenses including: forcible rape, child molestation, and aggravated sexual battery and inclusion on a sex offender's list.
 - Arson
 - Within 10 years from the date of application any conviction or adjudication other than acquittal of:
 - A felony that involved bodily harm against a person, including but not exclusive of:
 - Murder (other than first degree)

- Manslaughter
- Armed robbery
- Within 5 years from the date of application any conviction or adjudication other than acquittal of:
 - A crime involving the illegal use of drugs, sales, or manufacture of a controlled substance,
 - A felony that involved harm to another person's property, including but not exclusive of:
 - ✓ Burglary or theft
 - ✓ Auto theft
 - ✓ Buying, receiving, or possession of stolen property
 - ✓ Embezzlement
- Within 3 years from the date of the application or adjudication other than acquittal of:
 - Any other felony not included above.
- Within 3 years prior from the date of the application, the applicant or any household member has been imprisoned after being convicted of a felony.
- In addition to the above requirements, any household member(s) who were evicted in the last three years for drug-related criminal activity may then be required to:
 - Successfully complete an approved, supervised drug rehabilitation program or
 - Prove that the other household member no longer resides with the applicant household.
- Any household member currently engaged in illegal use of drugs or for which the owner 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;
- Any household member who is subject to a state sex offender lifetime registration requirement;
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other resident.

4. **Credit and Financial Standing**

- Management will consider whether the applicant has a satisfactory history of meeting financial obligations (including timely payment of rent, outstanding judgments or history of late payment of bills). If Management rejects an application based upon the credit report, the applicant will be provided with the name of the credit-reporting agency, which performed the credit check. Applicant will be given the opportunity to correct or clear the adverse credit. Management will not disclose the specifics of any information reported by the credit bureau.
- The inability to verify credit references may result in rejection of an application. Consideration will be given to special circumstances in which credit has not been established. Alternative verification can be used (i. e. gas, electric, phone bills). Lack of credit history will not cause an applicant to be rejected.

- Credit-check shows accounts that are not current. For example, occasional credit records showing payments within (30-59) days past due could be acceptable, provided the circumstances can be justified.

5. History of Residency

- Management will consider whether the applicant or any other person who will be living in the unit, has a history of physical violence to persons or property, or has exhibited living habits at prior residences, which could adversely affect the health, safety and quiet enjoyment of other residents of the rental community. Management will consider all circumstances regarding this type of activity as well as the period during which it occurred. Management will also verify and document the previous five years of housing for each applicant. This includes the applicants who were homeowners. If you own/owned your home, you will need to furnish proof of title or transfer or current status. Inquiries will also be made to determine whether the applicant has fulfilled the lease obligations in their present quarters, whether or not proper notice for lease termination has been given to the landlord (or can be arranged), and the condition of the current residence.
- Reasons for denial will also include if previous landlords report significant complaint levels of noncompliance activity such as: repeated disturbance of the neighbors peaceful enjoyment of the areas; reports of gambling, prostitution, drug dealing, or drug manufacturing; reports of violence or threats to landlords or neighbor; allowing persons not on the rental agreement to reside on the premises; failure to give proper notice when vacating the property.
- Previous landlords would be disinclined to rent to you again for any other reason pertaining to the behavior of yourself, your pets, or others allowed on the property during your tenancy.

APPLICANT APPROVALS

- A. If Management approves an application when a unit is available for rental, the applicant will be notified by mail and phone. At this time, we will request the applicant to set up an appointment to bring the proper documentation to begin processing of the rental contract. We require the first month's rent and security deposit at the time of move-in.
- B. The applicant will have a week to respond from the date of the letter or phone call and can then schedule an apartment viewing and accept or decline the offer. If contact cannot be made with the individual within the 7 days, their application will be removed from the waiting list. Furthermore, an applicant will be removed from the waiting list if mail is returned due to incorrect mailing information or if a phone number is disconnected or incorrect.
- C. When an interview for move-in is scheduled but the applicant fails to show, Management will attempt to contact the applicant by telephone or letter. Three attempts by phone will be made within 48 hours or by letter within 7 days. Any eligible person, who is approved but is not able to move due to medical reasons, will be kept on the waiting list until they are able to move in or turn down the acceptance. The applicant can reapply at any time but their position on the waiting list will be determined by the date their most recent application is submitted.

APPLICANT REJECTIONS

- A. Any applicant not meeting the requirements will be sent a letter of rejection and will have 14 days from the date of the letter to respond in writing or request a meeting to discuss the rejection. The response may be directed to the Housing Department Manager.
- B. If the cause for rejection is due to credit history, the applicant may obtain from Management the address and telephone number of the credit agency. Management may not discuss credit-report information with the applicant; this must be dealt with directly through the servicing party.
- C. The applicant can also contact the Housing Manager for a status on their appeal. All inquiries should be directed to the Housing Manager.

INTERIM RECERTIFICATION REPORTING POLICIES

- A. Tenants must supply information requested by management or HUD for use in an interim recertification of family income and composition in accordance with HUD requirements. All tenants must notify the management when:
 - 1. A family member moves out of the unit;
 - 2. The family proposes to move a new member into the unit;
 - NOTE: Management will apply the same screening criteria for drug abuse and other criminal activity to persons proposed to be added to the household.
 - 3. An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment; or
 - 4. The family's income cumulatively increases by \$200.00 or more per month.
- B. Tenants may request an interim recertification due to any changes occurring since the last recertification that may affect the total tenant payment or tenant rent. Changes a tenant may report include the following:
 - 1. Decrease in income including, but not limited to, loss of employment, reduction in number of hours worked by an employed family member, and loss or reduction of welfare income;
 - 2. Increase in allowances including, but not limited to, increased medical expenses, and higher child care costs; and
 - 3. Other changes affecting the calculation of a family's annual or adjusted income includes, but not limited to, a family member turning 62 years old, becoming a full-time student, or becoming a person with a disability.

UNIT INSPECTIONS

A. Move-in

- The move-in inspection is performed with the tenant and management during the day of the initial move in to assure that the unit is in livable conditions and is free of damages. It also gives the new tenant the opportunity to familiarize himself with the project and unit. At this time management will explain the tenant's responsibility for damages caused to the unit by family members and visitors.

B. Move-out

- Once a unit is vacated by the tenant, a move-out inspection will be conducted by management to ensure there are no damages to the unit. Damages will be listed on the move-out form and compared to the move-in form to determine if the damages are reasonable wear and tear or excessive damage caused by the tenant's abuse or negligence. Prior notice of the move-out inspection will be given to the tenant. The tenant should be present during the move-out inspection to discuss any discrepancies that may arise.

C. Unit inspections

- An annual unit inspection will be performed by management to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced. At this time we will also inspect the unit for damages caused by the tenant's abuse or negligence and, if so, make the necessary repairs and bill the tenant for the cost of the repairs. Management reserves the right to inspect any unit, at any time after serving the proper notice.

PREFERENCES

- ### A. Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

1. Reasonable Accommodation

- When a vacancy occurs, first preference will be given to current household member that require a transfer as a reasonable accommodation verified by a doctor, or because of a change in household size or composition. (See Reasonable Accommodation Section on page 8.)

2. Accessible Units

- A unit transfer of a non-handicapped person living in a unit with handicapped assessable features in order to accommodate a handicapped applicant on the waiting list. (See Accessible Unit Section on page 7.)

3. Income Targeting

- Management will admit in chronological order only extremely low-income families until the 40% income target is met. (See Income Targeting Section on page 3.)

4. Owner Adopted Preferences

- There are no optional owner adopted preferences.

SECURITY DEPOSIT REQUIREMENTS

A. Unit Security Deposit

- Management must collect the security deposit at the time of the initial lease execution. The security deposit is the greater of one month's Total Tenant Payment, or \$50.00. The security deposit is refundable.
- If a tenants transfers to another unit, a new deposit will be charged and the old deposit will be refunded with the accrued interest earned, minus any deductions.
- The security deposit will be reimbursed within 21 days after the move-out date unless the tenant owes a greater amount then the security deposit under the lease.

AMENDING THE TENANT SELECTION PLAN, HOUSE RULES & LEASE

- A. Management reserves the right to alter/amend the policies and procedures in the tenant selection plan. The tenant selection plan will be reviewed annually to ensure that they reflect current operating practices, program priorities, and HUD requirements. Management will provide notification to applicants on the waiting list and other interested persons (potential applicants) of the implementation of any new or revised tenant selection plan or policies that may affect an application or tenancy.
- B. Management will notify the residents in writing of any changes to the house rules or other items in the lease agreement. Residents will have 30 days to comply with any new changes.