



# **TENANT SELECTION PLAN**

November 02, 2023

TTY: 711

## **EQUAL HOUSING OPPORTUNITY**

Meridian Apartments is an Equal Housing Opportunity provider and does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its federally assisted programs and activities. A senior executive has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988). You may address your request for review or reconsideration to: Fair Housing Officer, Related Management Company, L.P., 410 Tenth Avenue, New York, NY 10001 • (212) 319-1200, NY TTY 1-800-662-1220.

PG Revisions based on Agency Mark-up 11/02/2023.

## Introduction

The objective of this Tenant Selection Plan is to consolidate relevant policies and procedures affecting tenant selection pursuant to applicable federal and state laws and affordable housing program rules and requirements. The Plan sets out a procedure for processing and selecting applicants, including the establishment of preferences and priorities, occupancy standards, rejection standards, reviews and appeals of rejection decisions, and notice requirements.

The Plan is designed to promote fairness and uniformity in tenant selection. It is also designed to promote efficiencies in the process by which applications are processed. One of the principle elements of this plan is that it allows management agents to make a preliminary determination of eligibility based on the applicant's self-certification of income and priority status. Initial acceptance of applicant self-certification generally allows the management agent to focus on other administrative duties rather than investing significant staff time in verifying such information at initial application and once again when the applicant is accepted from the waiting list.

## Property

Meridian is a 90-unit multifamily property located in Sunnyvale, California comprised of 12 Studios, 32 one-bedroom, 23 two-bedroom, and 23 three-bedroom sized apartments, with one one-bedroom sized unit set aside for the Community Manager. 89 of the 90 units are covered by the Low-Income Housing Tax Credit (LIHTC) program as administered by the California Tax Credit Allocation Committee and pursuant to Internal Revenue Code (IRC) §42, 80 of the 89 units are covered by the Bond Regulatory Agreement dated 10.1.2021, 89 of 89 units are covered by the City of Sunnyvale Affordable Housing Agreement dated 10.21.2021 and the City of Sunnyvale Disposition and Development Agreement dated 1.3.2019. This agreement calls for 23 of the 89 be available for households with developmental disabilities pursuant to the Memorandum of Understanding between ownership and San Andreas Regional Center. 22 of the 89 units are covered by the Section 8 Project Based Voucher Program with the Santa Clara Housing Authority dated 10.08.2021. 3 of the 89 units are covered by the City of Sunnyvale HOME Agreement dated 10.21.2021, 5 of the 89 units are also covered by the County of Santa Clara HOME Agreement dated 10.1.2021.

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## **Right to apply**

No person may be refused the right to apply for housing unless the development's waiting list is closed.

## **Statement of Non-discrimination**

### **Non-Discrimination Policy (92.350)**

It is the policy of the Owner and Management to promote equal opportunity and non-discrimination in compliance with, but not limited to, the federal and state constitutions and legislative enactments addressing discrimination in housing. These enactments include: The Fair Housing Amendments Act of 1988, 42 U.S.C.A. §§3601-3620, as modified by the Housing for Older Americans Act of 1995, 42 U.S.C.A §3607(b)(2)(C), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A §794 et seq., The Americans with Disabilities Act of 1990, 42 U.S.C.A. §§12101-12213, Title VI of the Civil Rights Act of 1964, 42 U.S.C.A §2000d, the Age Discrimination Act of 1975, 42 U.S.C.A. §§6101-6107, and Executive Order 11063.

In carrying out the Plan, Management will not discriminate on the basis of race, color, creed, religion, national or ethnic origin, citizenship, ancestry, class, sex, sexual orientation, familial status, disability, military/veteran status, source of income, age or other basis prohibited by local, state or federal law in any aspect of tenant selection or matters related to continued occupancy.

No person may be refused the right to apply for housing unless the development's waiting list is closed for a particular unit size or type.

Management will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants with disabilities who require such changes to have equal access to any aspect of the application process or to the development and its programs and services. (24 CFR 92.350 & 24 CFR 8.27)

Management will take affirmative steps to communicate with persons who need services or information in a language other than English. (Executive Order 13066).

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Management will not discriminate against an applicant or tenant on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

### **Plan and Procedure for Marketing Process**

During the lease-up period, applications for housing will be available via the property website at [MeridianSunnyvale.com](http://MeridianSunnyvale.com). The application will “go live” on or about November 27, 2023. Applications will be accepted during a two-week period concluding two weeks after this date. Applications can be completed on-line, or printed, completed and mailed to the following address:

Related Management / Meridian Apartments  
1111 W. El Camino Real, Suite 133-394  
Sunnyvale, Ca, 94087

Application forms may be distributed and accepted online/electronically or by mail. [Hard copies of the rental application may also be requested](#). Self-addressed postage paid envelopes will be provided to applicants upon request. The application form asks all the necessary information to determine initial program eligibility:

- Provides the opportunity to state the need or desire for an accessible unit,
- Provides notice of the right to a reasonable accommodation of a disability,
- Includes the Equal Opportunity logo,
- Includes the non-discrimination statement,
- Provides the opportunity to indicate eligibility for a preference.

A minimum of two weeks of marketing targeted primarily to Sunnyvale residents and workers will take place prior to the application deadline for the lease-up period. Promotional materials will contain information describing application availability, deadline, and lottery process for the lease-up period. Promotional materials will be advertised at the Sunnyvale Community Center, Columbia Neighborhood Center, Sunnyvale Senior Center, Library, and on the City of Sunnyvale’s social media channels among other locations. Other affirmative outreach and marketing will be done in accordance with regulatory restrictions during the same period.

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## **LOTTERY PROCESS**

During the lease-up period, all applications received electronically, in person or by mail to the PO Box by the December 11th deadline will be entered into a selection database with preference noted. An electronic lottery will be conducted on or about December 18, 2023. Lottery results will be posted on the property website.

Placement into available units will be done in accordance with assigned lottery numbers taking into consideration the applicant preference considerations, household composition, income level, and local preference policy as described herein.

The Plan is designed to promote fairness and uniformity in tenant selection. It is also designed to promote efficiencies in the process by which applicants are processed. It is important to note that applications will only be screened for eligibility post-lottery in lottery ranked order. Following the initial lease-up period, all unhoused applicants, based upon lottery order, will be left on the property's waiting list and will receive letters informing them of the waitlist status and the periodic assessment process for them to remain on the waitlist.

## **Project Specific Requirements**

There are 7 Studio, 11 one-bedroom, 3 two-bedroom, and 2 three-bedroom units set aside at the 30% area median income; 3 Studio, 11 one-bedroom, 13 two-bedroom and 13 three-bedroom units set aside at the 50% area median income; 2 Studio, 9 one-bedroom, 3 two bedroom, and 3 three-bedroom units set aside at the 60% area median income; and 4 two-bedroom and 5 three-bedroom units set aside at the 80% median income.

Eleven (11) of the two-bedroom size apartments and Eleven (11) of the three-bedroom size apartments have been set aside as HUD PBV Units administered through the Santa Clara Housing Authority (SCCHA). SCCHA will then refer approved applicants to the Project.

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## **Intellectual and Developmental Disabilities Preference**

7 Studio, 11 one-bedroom, 3 two-bedroom and 2 three-bedroom non-PBV units at 30% AMI will be set aside as Special Needs Housing for households with Intellectual and Developmental Disabilities (I/DD) as administered by the San Andreas Regional Center (SARC). SARC must approve all special needs applicant referrals prior to move-in.

This development has adopted a preference for people with developmental disabilities who rely on specific coordinated services provided by San Andreas Regional Center. For the Housing Units subject to the Developmental Disabilities preference, Agent's waiting list of prospective, eligible tenants for those units shall include the following order or priority for selection of tenants:

- Applicants with developmental disabilities who rely on specific coordinated services provided by San Andreas Regional Center in order to live in the least restrictive environment.

Should the number of applicants who qualify for the Housing Units subject to the Intellectual and Developmental Disabilities preference exceed the total number of Housing Units subject to such preference, priority within this group shall be given to those who also meet the Local Preference described below.

## **Local Preferences**

Excluding the three (3) HOME-assisted units, the twenty-three (23) Special Needs Units and twenty-two (22) PBV units, applicants who either currently reside within Sunnyvale city limits or applicant households that contain at least one adult member who works within Sunnyvale city limits shall be granted a preference to the extent permitted by law and consistent with the program regulations for funding sources used for development of the project.

To be given a preference for living in Sunnyvale, Applicants who reside in the City of Sunnyvale must occupy and rent, at the time of application and when the application is being processed, a bona fide rental dwelling unit within the Sunnyvale city limits. Residency must be evidenced by at least one of the following types of valid third-party documentation:

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- Copies of current lease or a residential utility bill with a Sunnyvale property address (not a P.O. Box) in the Applicant(s) name.
- The Applicant(s)' signed tax returns filed with a physical Sunnyvale address.
- A written statement from the Applicant(s) current landlord, verifying residency in Sunnyvale; or
- California Driver's License or Identification Card showing the property address listed.
- For unhoused applicants, evidence that applicant's last permanent residence was located in Sunnyvale and/or documentation from a case manager or homeless services provider may be used to document applicant's current residence in Sunnyvale, which may include places or structures other than a bona fide dwelling unit (i.e., vehicle, tent, etc.).

To be given a preference for working in Sunnyvale, at the time the application is being processed, Applicants with one adult member who works in the City of Sunnyvale must contain one adult household member who earns their primary source of annual income (salary, wages, commissions, etc.) through employment by a Sunnyvale employer licensed and permitted by the City, at a primary work-site in Sunnyvale; or through operation of a Sunnyvale-based business that is licensed and permitted by the City. Working in Sunnyvale does NOT include volunteer or unpaid work, or self-employment consisting solely of operating a business entity established solely for the purposes of investment in a rental property, providing "gig" services to Sunnyvale residents/employers or providing other services to Sunnyvale residents, such as a self-employed home healthcare worker. Employment must be evidenced by at least one of the following types of valid third-party documentation:

- Copies of the Applicant(s)' paycheck stubs showing the employer's location is within the Sunnyvale city limits.
- The Applicant(s) IRS W-2s or 1099 forms showing the employer's location is within the Sunnyvale city limits: or Employment verification letter/form from the applicable Human Resources.

Applicants who indicate eligibility for the local preference when their name is put on a waiting list must provide verification of eligibility at the time their application is processed as indicated above. If an Applicant cannot demonstrate eligibility at the time of

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processing, they will return to the waitlist in the same position they would have been in had the preference not been applied.

## **Selection Criteria**

To be considered for selection, applicants must submit a completed application and relevant consent forms. To determine threshold eligibility, the application may be accepted as a self-certifying statement. No third-party verification will be required until the screening process for occupancy begins and the household is interviewed. Information needed to determine an applicant's eligibility shall be verified within 90 days of formal acceptance for occupancy.

Eligibility does not constitute acceptance and further screening is required to determine an applicant's ability to maintain a successful tenancy.

Eligibility will be determined on the following basis:

- **Maximum Income** – Household annual income must not exceed current income limits for the program to which application is made.

Annual income may be below program limits but not so low as to make payment of basic rent obligations impractical. Minimum income limits will be set and applied consistently to all non-Section 8 PBV applicant households with a minimum income to rent ratio of 2.5.

Annual income may be below program limits but no so low as to make payment of basic rent obligations impractical. Minimum income limits will be set and applied consistently to all non-Section 8 PBV applicant households, except that, as a reasonable accommodation for a disability, a lower minimum income standard may be adopted for applicant households subject to the preference for intellectual and developmental disabilities described below.

- **Other Eligibility Criteria Pursuant to Program Characteristics** – Household characteristics, such as the number of family members and/or their ages, must be

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appropriate to the size of the unit and pursuant to regulatory agreement guidelines. In general, a two person per bedroom + one maximum occupancy standard will be applied. However, additional consideration will be given to households with infants and, if requested, they will be permitted to occupy a smaller unit.

- Selection Criteria Based on the General Requirements of Tenancy (see Attachment 1 for greater detail) -- This Tenant Selection Plan sets forth the essential requirements of tenancy and the grounds on which tenants will be rejected for failing to meet such requirements.

Rejection of an applicant is appropriate where the Agent has a reasonable basis to believe that the tenant cannot meet these essential requirements, which may be summarized as follows:

- to pay rent and other charges under the lease in a timely manner;
- to care for and avoid damaging the unit and common areas, to use facilities and equipment in a reasonable way, and to create no health or safety hazards;
- not to interfere with the rights and enjoyment of others and not to damage the property of others;
- not to engage in any activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff, and not to engage in activity on or near the premises that involves illegal use of controlled substances or weapons; and any criminal activity on or off the premises that would be detrimental to the housing should it occur on the premises; to comply with all sex offender registration requirements; and
- to comply with necessary and reasonable rules and program requirements of the housing provider.

An applicant with a history of criminal conviction(s) will always have his/her conviction history individually assessed and will not be denied housing solely as a result of having a conviction(s) on his/her record.

The individualized assessment will take into account: the time which has elapsed since the criminal conviction(s); the age of the person at the time of the

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conviction(s); the seriousness of the conviction(s); and any information produced by the applicant, or produced on his or her behalf, in regard to rehabilitation and good conduct, including but not limited to, evidence of completion of treatment, rehabilitative programming, history of employment and tenancy, volunteer or community activity, and letters of reference from employers, landlords, community members or others who could speak to the person's conduct since the conviction. Note: if, after conducting the assessment, the Agent determines that the household is not eligible, it should be able to articulate its reasoning with specificity.

This plan provides for the consideration of mitigating factors that rebut the presumption that an applicant will be unable to meet the requirements of tenancy. Mitigating factors may include a showing of rehabilitation or rehabilitating efforts. Mitigating factors must be balanced against the potentially disqualifying behavior or circumstances. In considering both the disqualifying behavior and mitigating factors, the Agent will determine if there is a reasonable risk that the applicant will be unable to meet the essential requirements of tenancy. Among the factors that should be considered are:

- the severity of the potentially disqualifying conduct;
- the amount of time that has elapsed since the occurrence of such conduct;
- the degree of danger, if any, to the health, safety and security of others or to the security of the property of others or to the physical conditions of the housing development and its common areas if the conduct recurred;
- the disruption, inconvenience, or financial impact that recurrence would cause the housing provider; and
- the likelihood that the applicant's behavior in the future will be substantially improved.

In general, the greater degree of danger, if any, to the health, safety and security of others or to the security of property of others or the physical condition of the housing, the greater must be the strength of showing that a recurrence of behavior (which led to an initial determination that the applicant would not be able to meet the essential requirements of tenancy) will not occur in the future.

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## Eligibility Criteria

The Agent will consider housing applicants for residency who at the time of admission, meet all of the following conditions, as outlined in LIHTC, HUD and/or bond regulations and any applicable federal/state guidelines, and who have submitted an application for occupancy. The following criteria shall be utilized to determine an applicant's eligibility:

- Eligibility based on income limit restrictions;
- Compliance with unit size standards;
- Eligibility based on non-citizen restrictions (Section 214 of the Housing & Community Development Act of 1980, as amended);
- Disclosure and verification of a Social Security Number for all applicants and tenants; and
- Eligibility based on the student status of household members.

## Occupancy Standards

To determine compliance with unit size standards, the Agent will follow consistent occupancy guidelines that take into account the size and number of bedrooms needed based on the number of people in the household. Occupancy standards serve to prevent over- or underutilization of units that can result in an inefficient use of housing assistance. Occupancy standards also ensure that tenants are treated fairly and consistently and receive adequate housing space.

<u>Number of Family Members</u>	<u>Bedrooms</u>
1-2	Studio
1-3	1
2-5	2
3-7	3

## Section 8 Project Based Voucher Program Occupancy Standards

All PBV units are subject to the following Santa Clara Housing Authority subsidy standards and SCCHA Occupancy Standards. Twenty-two (22) units will be allocated as HUD Project Based Voucher Units administered through the Santa Clara Housing Authority (SCCHA). All PBV Voucher Applicants must be referred through the Santa

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Clara Housing Authority (SCCHA). SCCHA must approve all PBV applicants prior to move-in. If SCCHA rejects an applicant after Agent approval, SCCHA will notify the applicant directly and the applicant will have the right to appeal directly to SCCHA.

The SCCHA Administrative Plan sets forth specific occupancy standards for use in the Section 8 Program. The standards apply to the Section 8 Project Based Program.

1. Not more than four (4) and not less than three (3) persons shall reside in, or be permitted to reside in, any two (2) bedroom Housing Unit.
2. Not more than six (6) and not less than five (5) persons shall reside in, or be permitted to reside in, any three (3) bedroom Housing Unit.
3. The Occupancy Standards provide for the smallest number of bedrooms needed to house a family without overcrowding. In the leasing of units, property management will assign one bedroom for each two (2) persons within the household, except to allow for accommodations, including but not limited to:
  - a. Live-in aides will be allocated a separate bedroom.
  - b. Single person households will be allocated one bedroom.
  - c. Reasonable accommodations shall be made for persons with disabilities or for medical reasons.

### **Income Limits:**

To determine eligibility based on income limits, the Agent must compare the household's gross annual income to the applicable income limit. If the household's income exceeds the income limit, the household may not qualify for assistance.

This development is administered under the Low-Income Housing Tax Credit Program (LIHTC) in accordance with IRS regulations, in addition to the City of Sunnyvale and County of Santa Clara HOME Income Limits as published by HUD annually for the HOME units.

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This development applies  30% Area Median Income (AMI),  50% AMI,  60% AMI, and  80% AMI Multifamily Tax Subsidy Project (MTSP) Income Limit(s) as published by HUD annually to determine income eligibility of applicant households.

### **Student Status Restrictions – Low Income Housing Tax Credit Program (LIHTC)**

A household that consists entirely of full-time students as defined in the tax credit code is not eligible. The exclusions to this rule are a head of household who meets one of the following criteria:

- Married and files a joint tax return with spouse
- Enrolled in a job-training program receiving assistance under the Job Partnership Training Act
- A Title IV/TANF recipient
- A single parent living with their minor child(ren), and applicant and child(ren) are not dependents on another's tax return
- Was previously in foster care

### **Violence Against Women Act (VAWA)**

The Violence Against Women Act (VAWA) protections apply to households applying for or receiving rental assistance under the project-based Section 8 (project and tenant based), 202, 811, 236, 221(d)(3), HOPWA, HOME programs, and public housing as well as Homeless Programs Under Title IV of the McKinney-Vento Homeless Assistance Act. The following non-HUD programs are also subject to VAWA 2013 but do not fall under HUD's Implementation Rules, unless instructed by your governing / monitoring agency: Rural Housing and LIHTC. The law protects women or men who are victims of domestic violence, dating violence, stalking or sexual assault, as well as their affiliated persons from being evicted or being denied housing assistance if an incident of violence is reported or if the victim suffers economic and criminal circumstances as a result of the abuse.

The law also creates emergency transfer options for victims and their affiliates, allowing survivors to transfer to a different unit if they are in fear for their life or safety, and provides for bifurcation of the lease to allow for an abuser to be removed

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and the victim and other household members to remain in the unit even if for a period of time. In addition:

- HUD requires that a VAWA notice and certification forms be provided to (1) all applicants at move-in (2) applicants at the time of denial of housing, (3) to each household in the event that eviction or termination of assistance actions are commenced against the household no matter the reason – i.e. arrears.
- An applicant's status as a victim of domestic violence is not a basis for denial of rental assistance or for denial of admission if the applicant otherwise qualifies for assistance and admission. If an applicant is living in a shelter for victims of domestic violence and crimes protected under VAWA, we may accept verification of this in lieu of additional landlord verification.
- Being a victim of a VAWA crime is not a reason to change the eligibility or applicant screening requirements or to waive the requirements of the HUD Model Lease or other lease unless such requirements interfere with the protections provided under VAWA.
- VAWA 2013 does not limit an owner's agent's right to terminate assistance/tenancy for any violation that is not related to a VAWA crime. However, the owner/agent must not subject the victim or a person affiliated with the victim to a more demanding standard than other residents when determining whether to terminate assistance/tenancy.

VAWA does not limit an owner/agent's right to terminate assistance/tenancy if the owner/agent can demonstrate an actual and imminent threat would be present if that resident or lawful occupant is not terminated. An actual and imminent threat is a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. The threat would be to other tenants, employees of the property, or to vendors providing services at the site.

- An incident or incidents of actual or threatened domestic violence will not be taken 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.

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- Assistance may be terminated or a lease bifurcated (divided) 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 household/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.
- Eviction or termination action against individuals must be in accordance with procedures prescribed by federal, state, and local law.
- In the event that one household member is removed from the unit because he/she engaged in acts of domestic violence, an interim recertification must be processed by staff in a timely manner and in accordance with HUD regulations to reflect the change in household composition. Note: at sites that do not have interim recertifications (i.e. straight tax credit sites), a bifurcated lease addendum must be provided.
  - As regards VAWA lease bifurcation: it does not matter if the household member is a signatory on the lease. Bifurcation must be carried out in accordance with Federal, State or local laws. The remaining members must be given 90 calendar days from the date of bifurcation to:
    - establish eligibility under the covered program; or
    - establish eligibility under another covered program; or
    - find alternative housing.

The tenant may be given up to an additional 60 days if allowed by the program.

- VAWA does not require an owner/agent to request that an individual seeking VAWA protections submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault or stalking, however, if such a request is made provide the applicant or resident with a copy of the VAWA Certification form to fill out and process accordingly. Further, at least 14

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days must be provided from the date of the request for completion by the applicant/resident.

- Owners/agents may accept the following in lieu of the certification form: a document signed by an employee, agent or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault or stalking or the effects of abuse; a document signed by the applicant or resident and that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection; a record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or, at the discretion of the housing provider, a statement or other evidence provided by the applicant or resident.
- Residents or applicants who are victims of VAWA crimes may request a VAWA accommodation or an emergency transfer and should be provided with HUD-5383 (VET Request) form to fill out.
- Staff must retain all documentation relating to an individual's domestic violence, dating violence, sexual assault, or stalking in a **separate file** that is kept in a secure location. This documentation must not be incorporated into the standard applicant or resident file for the household.

## Screening Procedures

To obtain information about an applicant's ability to meet the essential requirements of tenancy, the Agent will attempt to secure background information from the following sources for household members 18 years or older, including members added at a later time.

- References from landlords in the last two years or from the last two successive tenancies, whichever is more inclusive;
- record of prior criminal history after the applicant has been income qualified; For the 22 PBV units, the Santa Clara Housing Authority will perform limited

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background checks as mandated under federal and state laws.

- References from a credit bureau;
- Verification of income either from a present employer, appropriate agency, financial institution or other appropriate party.
- Verification of a disability from an applicable professional when the applicant requests an accessible unit, modification to a unit, eligibility for a preference based on disability status, or a reasonable accommodation. Inquiries concerning a person's disability or disabilities in this regard will be limited to verification of the disability and the need for an accommodation or specific design features of a unit, or to verify the qualification for a program. The Agent will not make inquiries regarding an applicant's ability to comply with the terms of the lease, including caring for the unit, unless past tenancy history or other evidence suggests that applicant is unable to satisfy some term of the lease.
- Failure to respond to the Agent's reasonable requests for documentation or information to process the application may result in withdrawal of an application from further processing. The Agent may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, including medical problems or extreme weather conditions.
- The Agent will make reasonable accommodations in policies for all applicants with disabilities (as defined in the above listed Acts or any subsequent legislation) who require such changes to have equal access to any aspect of the application process. The Agent will offer aid to the applicant in completing the application, explaining the tenant selection process, and explaining the verification process with respect to preferences.
- Every application must be completed and signed by the head of the household. Household members 18 years or older, including members added at a later time.
- Live-in Aide, must sign a release to conduct landlord history references, provided that credit information for Live-in Aide is not necessary because their income is not included in the household income calculation. Live-in Aides are defined as a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who (a) is determined to be essential to the care and well-being of the persons (b) is not obligated for support of the household member; (c) would not be residing in the unit except to provide such necessary supportive services to the household member. All members of the household must be listed on the application form. Adult applicant/resident household members who are at least 18 years of age and each family head, spouse or co-head, regardless of age,

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must sign and date the HUD-9887 Notice and Consent for the Release of Information to HUD and PHA and the 9887A Applicant's/Tenant's Consent to the Release of Information prior to being accepted and every year thereafter.

- It is the policy of the Agent to guard the privacy of individuals in accordance with the Federal Privacy Act of 1974 and applicable state laws, and to ensure the protection of records maintained by the property concerning the applicants or tenants.
- The Agent shall not disclose any personal information contained in its records to any persons or agencies other than authorized government agency unless the individual about whom information is requested has given written consent to such disclosure, or unless disclosure is otherwise in accordance with provisions in the state or federal privacy acts.
- This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy or to gather information to process reasonable accommodations requests under Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act.
- The above policies in no way limit the right or duty of the Agent to report suspected abuse, neglect or other protective service or emergency reports. Additionally, such policies do not forbid management from sharing information in the public domain with relevant service or government agencies.

## 1. Mitigating Circumstances

- A. If an applicant claims that past tenancy-related problems were the result of a disability and that some condition has changed making such behavior unlikely to recur, the Agent will consider evidence supporting such claims. All applicants are responsible for providing verification for such claims. In instances where the applicant claims that some services or treatment will be available to enable the applicant to correct the problem behavior, the development will require verification that such services are available and that the applicant is likely to continue to use such services or treatment.

Mitigating circumstances will be verified and the individual performing the verification must corroborate the reason given by the applicant for unacceptable tenancy-related

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behavior and indicate that the prospect for lease compliance in the future is good because the reason for the unacceptable behavior is either no longer in effect or otherwise controlled.

B. Where an applicant claims that prior unacceptable tenancy-related behavior resulted from alcohol abuse or use of illegal drugs, acceptable verification of mitigating circumstances would have to establish that:

- (As applicable) There is no current illegal use, within the last year, of controlled substances. If such use is documented, applicant must present evidence that such use has stopped and is unlikely to recur.
- (As applicable) There is no current abuse of alcohol and abuse is unlikely to recur.
- During the period for which the applicant has claimed no current use, the applicant's behavior in the previously unacceptable tenancy-related area must have been acceptable.

In any case of confirmed, continued, unacceptable tenancy-related behavior, despite the cessation of drugs or alcohol use, an applicant may be rejected.

An Agent may consider an applicant's credit history, primarily in cases where rental history is not available. Where bad credit is the basis for rejection, mitigating circumstances may include:

- (i) a reliable third party agency who would take written responsibility for payment, or (ii) evidence that such poor credit was the result of a disability that is now under control, or (iii) evidence that credit problems were the result of other circumstances that no longer exist and there is reason to believe that applicant will now pay the rent promptly and in full. All relevant mitigating circumstances and factor will be clearly documented in the applicant's file.

An applicant's ability and willingness to pay rent must be demonstrated through an identifiable source of sufficient income to pay rent and prior rental history. The lack of

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credit history, as opposed to poor credit history, is not sufficient justification to reject an applicant.

The management agent shall have the right to request information reasonably needed to verify the mitigating circumstances, even if such information is of a confidential nature (e.g. doctors' reports). If the applicant refuses to provide or give access to such further information the management agent may choose not to give further consideration to the mitigating circumstance.

## 2. Prohibited Screening Criteria

The Agent may not screen applicants for eligibility on the basis of the following:

- Physical Examinations. The Agent will not require physical examinations or medical testing as a condition of admission.
- Meals and Other Services. The Agent will not require tenants to participate in a meals program.
- Donations or Contributions. The Agent will not require a donation, contribution or membership fee as a condition of admission, except that cooperative housing projects may charge a membership fee. Owners may not require any payments not provided in the lease.
- Disability Status. Except as discussed earlier, it is unlawful to make an inquiry to determine if an applicant for a dwelling unit, a person intending to reside in that dwelling unit after it is rented or made available, or any persons associated with the applicant, has a disability, or to make inquiry as to the nature or severity of an identified disability.

## Application to Housing

Application forms may be distributed and accepted online/electronic, in person or by mail. The application form:

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- solicits all the necessary information to determine program eligibility,
- provides the opportunity to state the need or desire for an accessible unit,
- provides notice of the right to a reasonable accommodation of a disability,
- includes the Equal Opportunity logo and slogan, as well as the Accessibility logo, if required,
- includes the non-discrimination statement,
- provides the opportunity to indicate eligibility for a preference,

Failure to respond to the Agent's reasonable requests for documentation or information to process the application may result in withdrawal of an application from further processing. The Agent may make exceptions to the procedures described herein to take into account circumstances beyond the applicant's control, including medical problems or extreme weather conditions.

The Agent will offer aid to the applicant in completing the application, explain the tenant selection process, and explain the verification process with respect to preferences.

Every application must be completed and signed by the head of the household. Household members 18 years or older, including any Live-in Aide or Personal Care Attendant (PCA), must sign a release to conduct criminal, credit, and landlord history references, provided that credit information for personal care attendant is not necessary because their income is not included in the household income calculation. Live-in Aide or Personal care attendants are defined as a person who resides with a household member with a disability and who meets all of the following criteria:

- (a) is determined to be essential to the care and well-being of the person(s);
- (b) is not obligated for support of the household member; and
- (c) would not be residing in the unit except to provide such necessary supportive services to the household member.
- (d)

All members of the household must be listed on the application form.

It is the policy of the Agent to guard the privacy of individuals in accordance with the Federal Privacy Act of 1974 and applicable state laws, and to ensure the protection of records maintained by the property concerning the applicants or tenants.

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The Agent shall not disclose any personal information contained in its records to any persons or agencies other than authorized government agency unless the individual about whom information is requested has given written consent to such disclosure, or unless disclosure is otherwise in accordance with provisions in the state or federal privacy acts.

This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy or to gather information to process reasonable accommodations requests under Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act, as applicable.

The above policies in no way limit the right or duty of the Agent to report suspected abuse, neglect or other protective service or emergency reports. Additionally, such policies do not forbid management from sharing information in the public domain with relevant service or government agencies.

### **Rejection of Application**

Applicants not meeting all program or project eligibility requirements and/or not meeting the screening criteria will be rejected. Written rejection notices will be mailed to applicants and will state the reason(s) for rejection and will notify the applicant that he/she has the right to respond to the owner/agent in writing or to request a meeting within 14 days to appeal the rejection. Additionally, the notice shall state that the applicant has the right to request a reasonable accommodation if the applicant believes that, with such an accommodation, the applicant would be eligible for admission and that the applicant was rejected for a reason arising from the applicant's disability.

### **Rejection Appeal Meetings**

Any meeting with the applicant to discuss the applicant's rejection will be conducted by an employee of the Agent who was not involved in the initial decision to deny admission. During these meetings, applicants will have the opportunity to provide additional supplemental information or documents relating to the reason(s) for rejection.

The Agent will send a written response to each applicant advising such applicant of the

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status of the application within 5 business days of the appeal meeting. Alternate formats for responding to an applicant with a disability will be provided upon applicant's request.

## **Application Processing**

Applications will be accepted only if they are completed on Related Management form online/electronic or original, and bear the original electronic or handwritten signature of the head of household. Applicants may submit applications online/electronic or by mailing them to the designated PO Box in accordance with specific requirements of the site's marketing plan, that will be stated in the outreach.

Completed applications will be date and time stamped, are recorded in the site's electronic waitlist and assigned an application number. Application numbers are assigned chronologically or by lottery number placement.

In general, applications will be processed in accordance with the following steps:

- Review for completeness - Applications will first be reviewed for completeness. Incomplete applications will be returned to the applicant and will not be evaluated until the application is returned to the Agent with all required information.
- Preliminary determination of program ineligibility - Completed Related Management Company applications will be reviewed for income eligibility and compliance with any categorical eligibility requirements such as age or disability, if applicable. Applications determined ineligible, pursuant to program guidelines, will be rejected in accordance with procedures outlined above.
- Preliminary determination of program eligibility - When there are more applicants on the waiting list than units currently available, the Agent will make a preliminary determination of eligibility, based on the applicant's self-certified statement as to his or her income, assets, age, disability status, and preference or priority status. Applicant will be notified of the status of his/her application.
- Waiting list placement - Once a fully completed application is determined to meet income eligibility requirements and the household composition is determined appropriate for a unit at the development, the applicant will be placed on the

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appropriate waiting list(s). Applicants eligible for accessible units may choose to be on lists for accessible and standard units. Applications eligible for the waiting list for units subject to the preference for developmental disabilities may also choose to be on the waitlist for units not subject to the preference. Assignment to a position on the waiting list will be based on this preliminary determination and will be formally verified as the applicant's name advances on the waiting list. The applicant will be placed on the waiting list, by assigned lottery number or date of receipt after lease-up is completed, within the correct preference category, where applicable.

- Formal verification – If, subsequent to the preliminary determination of eligibility, the Agent determines that the formal verification of income, assets, or claimed priority status differs from the applicant's self-certification, the applicant may be:
  - reassigned to another waiting list, i.e., smaller or larger bedroom size;
  - reassigned to a different preference status; or
  - determined to be ineligible.

NOTE: The Santa Clara County Housing Authority (SCCHA) must approve all PBV applicants prior to move-in. If SCCHA rejects an applicant after Agent approval, SCCHA will notify the applicant directly and the applicant will have the right to appeal to SCCHA.

## Waiting Lists/Tenant Selection

The Agent will administer its waiting lists in accordance with the following policies.

- Waiting lists will be maintained as an electronic file. A printed copy of the waiting lists will be printed periodically and maintained as a historical record. The time and date of the printout will appear on the report file.
- Waiting lists will be organized by type of unit. "Type of unit" may be defined in several ways, including:
  - the number of bedrooms
  - the physical characteristics of the unit, such as accessible features.
  - The type of subsidy attached to the unit, such as project-based subsidy.

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- Special needs units for applicants with developmental disabilities who rely on specific coordinated services provided by San Andreas Regional Center in order to live in the least restrictive environment.
- Each applicant must be placed on the appropriate waiting list(s) chronologically according to the date of the completed application or assigned lottery number within the applicable preference categories, with preference given to applicants that either currently reside in the City of Sunnyvale or applicants that contain at least one adult member who works in the City of Sunnyvale as described in more detail above.
- If an applicant is eligible for tenancy, but no appropriately sized unit is available, the Agent will place the family on a waiting list for the development. Households that are eligible for more than one size of unit (by bedroom size) may choose to be placed on multiple waiting lists as appropriate and The Agent will respect the bedroom size option chosen by the applicant unless such choice is contrary to the development's occupancy standard. Persons using a wheelchair or requiring similar accommodations may apply for a standard unit, as well as an accessible unit, at their discretion.
- The Agent's records will indicate the date the applicant is placed on the waiting list. All applicant file records, including the application, must be retained for a period of three (3) years.
- Agent will contact applicants on an annual basis (every 12 months) with a notice included for the applicant to return to confirm continued interest in the property. Response by the applicant may be by electronic (email), US mail, or drop off at the property's management office. Failure to respond to the Agent's notice to contact the project will result in the applicant's removal from the waiting list.
- Following the initial lease-up period, all unhoused applicants, based upon lottery order, will be left on the property's waiting list and will receive letters informing them of the waitlist status and the periodic assessment process noted above.

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Thereafter, Agent will follow the generally accepted HUD guidelines for closing the waiting list. The waiting list will reopen at the time that housing applicants on the list falls below the amount of applicants the property reasonably could accommodate over the next 24 months. Based upon need, Agent may close the waiting list completely or restrict intake by preference, type of project, or by size and type of dwelling unit.

Agent will timely notify an applicant in writing, stating the reasons for the rejection or ineligibility and the right to request a meeting to discuss the notice.

If it is determined that an application contains false information, the applicant will be rejected.

### **Transfer Procedure for Existing Residents**

Internal transfers will generally take precedence over new applications in cases of over-occupancy or under-occupancy as required by HUD and/or in cases of a transfer requested based on a valid reasonable accommodation under Section 504 of the Rehabilitation Act of 1973 and/or the Fair Housing Act, as amended or pursuant to an emergency request for transfer under VAWA.

In filling vacancies, the Owner shall process current residents from the internal transfer list on an alternating basis with applicants on the external waiting list.

Site staff will typically become aware of the need for transfer:

- by remaining aware of the household size/composition of the residents (which should be regularly reviewed/confirmed at the time of each annual or interim recertification)
- by receiving an actual request from the resident him/herself

A transfer list should be maintained in the appropriate order based on the following priority guidelines:

- Those households requiring/requesting a transfer because of a disability under the Section 504/Reasonable Accommodation program or an emergency transfer under VAWA will take priority over other transfers based on household size/composition. The Owner will pay for a Tenant's move based on a reasonable accommodation

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transfer for medical reasons or disability.

- Those households requiring transfer because of a change in household size and/or composition will take priority over households requesting a transfer AFTER having requested a smaller unit in order to gain admission to the property.
- Those households who requested a smaller unit to gain earlier admission to the property because of smaller unit availability will take low priority on the transfer list. (Example: a two person household that qualified for a 2-bedroom unit requests a 1-bedroom unit because the waiting list is shorter.) Additionally, those households who requested a smaller unit in order to gain earlier admission to the property must complete their initial lease term in the smaller unit before they will be considered for a transfer to a larger unit, unless other circumstances warrant a transfer prior to the end of the term.

### **Unit Inspections**

The resident is responsible to maintain the apartment in a clean and sanitary condition so that the health and welfare of the other residents is not endangered. Annual inspections will be conducted to ensure the apartments are being maintained and there are no willful damages to the property. Residents will be notified as to the date and time of these inspections. Inspections may also be required by regulatory agencies and funding entities.

### **Ongoing Eligibility**

Once moved in to the property, residents must continue to meet eligibility requirements of the programs. Management will take into consideration any lease violations, visits from law enforcement and disturbances that interfere with the quiet enjoyment of other residents at the property.

### **Conclusion**

The Agent acknowledges that HUD, TCAC and the IRS may from time to time, modify the requirements of their tenant selection regulation or policies. The Agent agrees that, upon reasonable notice, they will amend this plan to satisfy such changes.

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Attachment 1

**Owner's Selection/Rejection  
Screening Criteria**

1. Inability or unwillingness to cooperate in all aspects of the application process.
  - Providing false information.
  - Mistreating employees and staff.
  - Missing scheduled interviews and meetings.
  - Appearing for meetings inebriated or under the influence of a controlled substance.
2. Inability or unwillingness to care for the unit.
  - Housekeeping standards are not acceptable.
  - Damages caused by resident.
  - Unauthorized alterations.
  - Problems not reported to landlord for timely repairs.
3. Inability or unwillingness to pay rent in a timely manner.
  - Repeated late payments of rent.
  - History of nonpayment of rent.
  - History of other bad credit.
4. Inability or unwillingness to abide by the terms of our lease; some examples are:
  - Allowing unauthorized persons to live in residence or living in someone else's unit as an unauthorized occupant.
  - Interfering with the right of quiet enjoyment of other tenants.
  - Providing false information.
  - Repeatedly exhibiting disruptive, troublesome, or unruly behavior.
  - Owners' having reasonable cause to believe that applicant has an association with street gangs, illegal drug cartels and/or organized crime groups.
  - Not able to control the behavior of all members of the household.
  - Not recognizing the landlord's right to entry.
  - Not providing information necessary for processing application.
5. History of drug abuse and other criminal activity, including but not limited to:
  - A household member evicted from federally-assisted housing for drug-related criminal activity, for three years from the date of eviction.
  - A household member currently engaged in illegal drug use.

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- Owner's determination 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.
- A household member including a live-in aide is subject to a lifetime registration requirement under a state sex offender registration program. In accordance with Federal law, the Owner has established standards that prohibit admission to any federally-assisted property to sex offenders subject to a lifetime registration requirement under a state sex offender registration program.
- Owner determination that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- A household member is currently engaging in, or has engaged in drug-related criminal activity; violent criminal activity; other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or other criminal activity that would threaten the health or safety of the Owner or any employee, contractor, subcontractor or agent of the Owner who is involved in the housing operations.

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### **Owner's Selection/Rejection Screening Procedures and Documentation**

1. Inability or unwillingness to cooperate in all aspects of the application process.

Procedure:

- Notify applicant of incomplete application with deadline

Documentation:

- Any documentation necessary to determine eligibility in accordance with the applicable rules/regulations

2. Inability or unwillingness to care for the unit.

Procedure:

- Contact previous landlords (possibly current landlord)
- Review credit bureau report for damages or judgments

Documentation:

- Previous/current landlord verification form
- Credit bureau report

3. Inability or unwillingness to pay rent in a timely manner.

Procedure:

- Review latest six months' rent receipts, comparing to lease/rental agreement requirements
- Contact previous/current landlords
- Review credit history

Documentation:

- Lease or rental agreement and rent receipts or canceled checks for most recent six months
- Previous/current landlord verification form
- Credit bureau report
- Utility bills and receipts/canceled checks for most recent six months

#### **EQUAL HOUSING OPPORTUNITY**

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4. Inability or unwillingness to abide by the terms of the lease.

Procedure:

- Verify income and eligibility information
- Conduct interview with all family members present
- Contact previous/current landlords
- Review credit history for judgments, etc.
- Conduct criminal background checks
- Contact local and state police forces; narcotic, gang, street-crime task forces; district/state attorney office representatives; court officers, probation officers; government officials; established neighborhood or street watch representatives; or other reliable sources

Documentation:

- Interview data record
- Verification and other information
- Credit and investigator's reports
- Statements from local and state police forces; narcotic, gang, street-crime task forces; district/state attorney office representatives; court officers, probation officers; government officials; established neighborhood or street watch representatives; or other reliable sources
- Household members' statements (written or documented in writing by application processor)
- Other public written communication or internet posting

5. History of drug abuse and other criminal activity.

Procedure:

- Interview applicant household
- Review public records
- Review state offender registry that will include a registration check in all states where applicant household members have resided (as listed on the application)
- Conduct criminal background checks
- Contact previous/current landlord

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- Contact shelters, caseworkers, etc. as indicated by applicant
- Interview and/or review other reliable sources

Documentation:

- Application for Occupancy
- Interview data record
- Police/court records
- Law enforcement agency
- State sex offender registry information that included a registration check in all states where applicant household members have resided (as listed on the application)
- Investigator's reports
- Previous landlord statement (written or documented in writing by application processor)
- Individual's statements (written or documented in writing by application processor)
- Household members' statements (written or documented in writing by application processor)
- Record of conversations and/or statements from shelter workers, caseworkers, other reliable sources, etc.
- Other public communication or internet posting

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