

# **Kirkland Union Plaza Association**

## **Criteria for Residency Tenant Selection Plan**

Kirkland Union Plaza house elderly persons without regard to race, creed, color, familial status, religion, handicap, disability, national origin, or gender. Rent subsidies are available to those who qualify.

The guidelines stated below are intended to be used for determining who can be accepted and who can continue to reside after admission.

### **Eligibility**

1. The head of household, co-head or spouse must be sixty-two (62) years of age or older.
2. An applicant must meet income guidelines as set forth by HUD, where applicable. For current income limits contact the office.
3. An applicant must conduct himself/herself in a manner which does not threaten the health and safety of residents, staff, guests or the facility itself.
4. Applicants must disclose social security numbers for all household members and must provide HUD acceptable documentation of social security number as outlined in SSN Requirements in this Plan.
5. All adults in each family must sign an Authorization for Release of Information prior to receiving assistance and annually thereafter.
6. The unit for which the household is applying must be the household's only residence.
7. Applicant(s) agrees to pay the rent required under the program.
8. Only U.S. citizens, U.S. nationals or eligible non-citizens may receive assistance.

9. Applicants must provide acceptable documentation for the following: proof of age and photo identification (these items will be photocopied and retained as a part of this application).

10. Circumstances of temporary deferment of assistance - none.

### **Student Eligibility Rule**

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall 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; when the student:

1) is classified a Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:

The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;

The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;

The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by

i) A local educational agency homeless liaison designated pursuant to the McKinney-Vento Homeless Assistance Act;

ii) The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;

- iii) The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
- iv) A financial aid administrator; or

2) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:

- 1. If the student is over the age of 23 with dependent children or
  - 2. If the student is living with his or her parents who are receiving section 8 assistance
- Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

If any applicant or existing household member meets the definition of independent student (full-time or part-time) as defined by the U.S. Department of Education, the Owner must determine student's eligibility for Section 8 assistance.

Section 8 assistance cannot be provided to any individual who:

- a.) 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; and
- b.) is under the age of 24 by December 31 of the award year; and
- c.) is not married; and
- d.) is not a veteran of the United States Military; and
- e.) does not have a dependent child; and
- f.) is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005). and
- g.) is not living with his or her parents who are receiving Section 8 assistance; and
- h.) is not individually eligible to receive Section 8 assistance or has parents (individually or jointly) who are not income eligible to receive Section 8 assistance.

If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance will be denied or terminated.

Eligibility for Section 8 assistance for a student independent of parents requires demonstration of independence from parents that will include verification from the student

that he or she: a.) is of legal age to contract and b.) review and verify previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education's definition of "independent student" and c.) review of prior year income tax return to verify if a parent or guardian has claimed the student as a dependent, except if the student meets the U.S. Department of Education's definition of "independent student" and d.) obtain written certification by a parent of the amount of financial support that parent provides to the student, or written certification that the parent provides no financial support to the student.

Unless the student is determined independent as described above, the eligibility for Section 8 assistance will be based on both the student and parents being determined income eligible for Section 8 assistance. Both the student's income and parent's income must be separately assessed for income. Additionally, any financial assistance of the student in excess of tuition will be included in annual income for determination of Section 8 eligibility unless the student is over the age of 23 with dependent children.

For Kirkland Union Plaza, a Section 202 Project Rental Assistance Contract (PRAC), Determining Eligibility of Students for Assistance is as follows:

Eligibility of Students for Other Assistance Programs:

1. This paragraph applies to the Rent Supplement, RAP, Section 221(d)(3) BMIR, Section 236, Section 202 PAC, Section 202 or Section 811 PRAC programs.\*
2. Owners must determine a student's eligibility for assistance at move in, initial or annual recertification, and at the time of an interim recertification if one of the changes reported is that a household member is enrolled as a student, at an institution of higher education.
3. The student must meet all of the following criteria to be eligible. The student must:
  - a. Be of legal contract age under state law;
  - b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or
  - c. Meet the U.S. Department of Education's definition of an independent student.
  - d. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and;
  - e. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

4. \*The full amount of financial assistance paid directly to the student or to the educational institution and amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs, are excluded from annual income for the programs listed in 1, above.

## Protections Under The Violence Against Women Reauthorization Act of 2013 (VAWA)

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. The Kirkland Union Plaza Association dba Kirkland Union Plaza understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

An applicant's status as a victim of domestic violence, dating violence, sexual assault, or stalking is not a basis for denial of admission, if the applicant otherwise qualifies for assistance or admission.

It is the policy of management to support or assist victims of VAWA crimes and protect victims from being denied housing or from losing their HUD-assisted housing as a consequence of domestic violence, dating violence, sexual assault or stalking. If you feel you are a victim, you are encouraged to contact management. You are entitled to a Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form HUD-5382. Your information will be kept confidential.

### Occupancy Standards

1 bedroom units will be limited to two persons maximum.

### Head Of Household Designation

Households with **2 adult members**, must designate one adult as Head of Household. Additional adults must be designated a status, **based on their relationship to the Head**. All adults will be defined under the following relationship codes, which are required by HUD for subsidy tracking:

- H** - Head
- S** - Spouse (There either can be a spouse or co-head, but not both.)\*
- K** - Co-head
- D** - Dependent
  - 18 or older and disabled or a full-time student.
  - Full-time student (regardless of age) away at school but lives with family during school breaks
- O** - Other Adult Member
  - Adult who is not the head, spouse or co-head and whose income is counted in determining the family's annual income.

**Please select S, K, D, or O for all adults.**

- \* Couples in a spousal relationship, regardless of legal marital status or gender, should designate a Head and Spouse.

### **Application Processing**

1.) A completed and signed Application for Residency packet including but not limited to social security card or other acceptable documentation of Social Security Number (see SSN Requirements) and photo identification as required which will be photocopied and retained as a part of the application must be submitted.

2.) Authorization(s) for release of information.

Once all materials have been received, the application will be evaluated and inquiries made which include but not limited to any and/or all of the following: Prior Tenant History, References, Criminal History, Public Records, Verification of Information and Credit History. The final decision as to an applicant's eligibility will be made by Administration. In the event that an applicant is rejected, the applicant shall have fourteen (14) days to respond in writing or to request a meeting to discuss the rejection. Responses may be directed to Patrick C. O'Toole, 1625 Southeast Lafayette Street, Portland, Oregon 97202-3862 or to Multifamily West Region, Branch Chief Asset Management, US Dept of HUD, One Sansome Street Suite 1200, San Francisco, CA 94104-4430. When an applicant is rejected, more detailed information concerning these appeal rights will be furnished at the time of rejection.

### **The application process is as follows:**

1. Application issued to anyone requesting one. They can be picked up, mailed or downloaded.
2. Application completed, signed by applicant(s) and returned. Completed application is dated (date and time) when received.
3. Wait list review is performed, including but not limited to the following;
  - a. Age of applicant(s) (elderly status)
  - b. References
  - c. Prior tenant history (landlord reference)
  - d. Criminal history
4. Accepted to wait list or rejected (see Screening Criteria)
  - a. **Acceptance to the wait list does not guarantee tenancy or unit offer.**
  - b. Rejected application to legal for review and rejection letter with appeal rights included.

5. When application advances to top of list according to date/time and preferences
  - a. Occupancy review/assessment is done.
  - b. Criminal and credit ordered and received (not to exceed 90 days of occupancy)
  - c. Applicant approved or rejected for unit offer (See Screening Criteria)
  
6. Contact applicant
  - a. Phone contact – at least 1 attempt on 3 separate days at varied times and
  - b. Written notification if phone contact is not made – allow seven days for response.
  - c. NOTE: If applicant fails to respond to contact, they will be removed from the wait list.
  
7. Acceptance by applicant: move-in date and interview scheduled.

### **Waiting List Policy**

This site maintains two waiting lists for residency. The first list is for handicapped-accessible units. The Plaza attempts to ensure that accessible units are occupied by persons who will benefit from the handicapped-accessible design features. The second list is for non-accessible units. The Plaza attempts to ensure that accessible units are occupied by persons who will benefit from the handicapped-accessible design features.

When no mobility-impaired persons, or families in which at least one person is mobility-impaired, are on the waiting list for accessible units, families will be admitted to a handicapped-accessible unit that becomes available. In general, one's place on the waiting list is determined by the date and time on which all completed application materials are received at the Plaza office; however, acceptance to the waiting list does not automatically guarantee eligibility for an apartment. An applicant may designate the facility in which he or she wishes to reside. Apartments are rented to eligible persons in the order of receipt; however, occupancy standards and preferential treatment are applied to certain persons who meet one or more of the criteria set forth below.

Preferences are applied only after a determination of initial eligibility under the applicable admissions criteria.

An offer of an apartment will be made by telephone and, if necessary, by letter. A person offered an apartment has three (3) days from receipt of the phone call or, if notified by letter, seven (7) days from the date of mailing to notify the office of their intention to accept or reject the offered apartment. Any deviation from this time-frame must be approved in writing by Administration.

**Wait list closure:** The owner reserves the right to close the wait list when the owner's estimate the wait time exceeds sixty (60) months. If the owner closes the wait list, the owner will inform potential applicants that the waiting list is closed, will refuse to accept additional applications, and will publish a notice to that effect in the most prominent publication serving local seniors. The owner would reopen the list when placement estimates fall below thirty-six (36) months. The owner will inform potential applicants the waiting list is open by publishing a notice to that effect in the same prominent publication serving local seniors as when they closed the list. The notice will include information of where and when to apply, rules for applying, and the order in which applications will be processed.

Any eligible person who refuses an apartment will not lose his or her place on the waiting list.

### **Preferences**

1.) Mobility-impaired persons who meet the definition of "handicapped" who already reside at Kirkland Union Plaza and who do not have a unit designed for handicapped occupants receive preference over non-resident applicants for such units

2.) Mobility-impaired persons who meet the definition of "handicapped" receive preference for units designed for handicapped occupants.

3.) Unit Transfers (see Unit Transfers next section).

Preferences can be cumulative and will supersede date and time placement on the wait list.

### **Unit Transfers**

We allow for unit transfers for the following reasons:

1.) As a reasonable accommodation (See Reasonable Accommodation below). This request should be issued in writing. If you are unable to provide the request in writing, please notify management for assistance as possible.

2.) As an accommodation to an individual needing the benefit of an accessible unit designed for handicap/disability, a non-disabled person occupying that unit will sign an acknowledgement upon move-in and will be required to transfer to the next available unit should another resident or applicant request that accommodation.



3.) As a reasonable accommodation for an individual with a medical reason for a transfer (See Reasonable Accommodation below).

4.) The resident has requested and qualifies for a VAWA Emergency Transfer.

Tenants awaiting a transfer for any of the reasons above will be given priority above all applicants currently on the waiting list for the first unit to come available that will meet their request.

Reasonable accommodation requests must demonstrate: a.) an identifiable relationship, or nexus, between the requested accommodation and the individual's disability and b.) a benefit to the applicant to participate in the program, live in a dwelling, or to take advantage of the program services. Also it must not present an undue financial and/or administrative burden nor result in a fundamental alteration of the nature of the program.

Upon approval of a transfer request, those individuals in residence shall be given a preference to the next applicable available unit over non-resident applicants and in applicable chronological order with other residents requesting the same reasonable accommodations.

### **Reasonable Accommodations**

A Reasonable Accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a person with disability to participate in the program, to live in a dwelling unit, to take advantage of the program services, or to perform a job.

A Reasonable Accommodation request should be issued in writing. If you are unable to provide the request in writing, please notify management for assistance as possible.

A reasonable accommodation request must demonstrate: a.) a identifiable relationship, or nexus, between the requested accommodation and the individual's disability and b.) a benefit to the applicant to participate in the program, live in a dwelling, or to take advantage of the program services. Management does not provide reasonable accommodations when the request is a matter of convenience or preference only.

Management may reject a Reasonable Accommodation request if it presents an undue financial and/or administrative burden or results in a fundamental alteration of the nature of the program. Management reserves the right to propose alternative accommodations based upon availability.

We maintain a Reasonable Accommodation Policy. We will be happy to supply a copy upon request.

## **Electronic Income Verification (EIV) Screening**

HUD provides the owner/agent with information about an applicant's current status as a HUD housing assistance recipient. The owner/agent will use the Enterprise Income Verification System (EIV) Existing Tenant Report to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. Nothing prohibits a HUD housing assistance recipient from applying to this property. The applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin.

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.

This information will be reviewed on an annual basis, at each annual certification. If any household member receives or attempts to receive assistance in another HUD assisted unit while receiving assistance on this property, the household member will be required to reimburse HUD for assistance paid in error. This is considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

The owner/agent will also review EIV Income Reports no more than 90 days after move in certifications are submitted to TRACS.

## **Social Security Number (SSN) Requirements**

Effective January 31, 2010, all household members must provide:

1. The complete and accurate SSN assigned to each member of the applicant's household and
2. Documentation necessary to prove that the Social Security Number is accurate (verification)

For eligibility purposes, the requirement to disclose a Social Security Number is waived if no Social Security Number has been assigned and:

- A household member is 62 or older as of January 31, 2010 and eligibility determination started before January 31, 2010
- A household member is an ineligible non-citizen. This household member does not qualify for assistance therefore household assistance will be prorated.
- A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days

may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent terminate tenancy.

Failure to provide a Social Security Number at application will not preclude placement to the waiting list provided all other wait list review items can be completed. If offered a unit, non-exempt applicants must provide a SSN to proceed. Applicants not providing a SSN at that time will have 90 days to provide a SSN or they will be removed from the wait list. Residency cannot be obtained by non-exempt applicants without providing a SSN.

The owner/agent must deny and/or terminate HUD assistance, in accordance with the provisions governing the program, if the assistance applicant does not meet the applicable SSN disclosure, documentation, and verification requirements.

The Social Security Number provided will be compared to the information recorded in the Social Security Administration database (through HUD's Enterprise Income Verification (EIV) System) to ensure that the Social Security Number, birth date and last name match. If EIV returns an error that cannot be explained or resolved, assistance and/or tenancy may be terminated and any assistance paid in error must be returned to HUD.

If the applicant/resident deliberately provides an inaccurate Social Security Number, the owner/agent and/or HUD may pursue additional penalties due to attempted fraud.

### **General Policies And Prohibitions Against Discrimination**

We comply with Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act and other relevant civil rights laws and statutes.

We are an equal opportunity housing provider. We do not allow nor will we allow discriminatory practices to take place concerning properties under our ownership or management. We support the Fair Housing Equal Opportunity policy.

Equal housing will be provided for all persons. Owners and management will provide equal access to housing and will not discriminate in the rental of housing.

- There will be no discrimination based upon race, creed, color, familial status, religion, handicap, gender, disability, national origin, sexual orientation or gender identity.
- There will be no assignment of minorities to designated units or sections of a project.
- There will be no discrimination against females or males because of disproportionate mixture of sexes.
- There will be no maximum age for elderly tenants who otherwise qualify for residency.
- There will be no discrimination against socio-economic classes.

- There will be no priority to members of any organization sponsoring our housing. There will be no discrimination against non-members of any such organization.
- Local residency may not be made a prerequisite of admission.

This facility does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its federally assisted programs or activities. The person named below has been designated to coordinate with the nondiscrimination requirements contained in the U.S. Department of Housing and Urban Development's regulations implementing Section 504 (24 DCFR part 8 dated June 2, 1988):

Patrick C. O'Toole  
1625 SE Lafayette Street  
Portland, OR 97202-3862

Phone: 503-231-4922

Fax: 503-235-5915

TTY: 711

Email: [Patrick@manormangement.com](mailto:Patrick@manormangement.com)

### **Screening Criteria**

Kirkland Union Plaza will review and screen applicants for admission to the wait list and/or for tenancy.

**Admission will be denied if any of the following are determined:**

#### **Drug Abuse And Other Criminal Activity**

- Any household containing a member(s) who was evicted in the last five years from federally assisted housing for drug-related criminal activity.
- A household in which any member is currently determined to be illegally using a controlled substance, e.g. marijuana, or for which the owner has reasonable cause to believe that a member's illegal use or pattern of using a controlled substance may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. (Under Federal Law, the Controlled Substance Act (CSA), marijuana is classified as a schedule 1 controlled substance. The CSA prohibits all forms of marijuana use which includes (medical marijuana). Federal Law supersedes Oregon State Law.
- Any household member if there is reasonable cause to believe that member's behavior, from abuse or a pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents.

A search of public records is done to determine whether the applicant or any household member has been convicted of, or pled guilty or no contest to any:

- drug related crime
- person crime
- sex offense
- crime involving fraud, including identity theft and forgery
- any other crime if the conduct for which the applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of residents, the landlord or the landlord's agent.
- owner may make an adverse housing decision based on the conduct underlying an arrest if the conduct indicates that the individual is not suitable for tenancy and the owner has sufficient evidence other than the fact of arrest that the individual engaged in the conduct. The conduct, not the arrest, is what is relevant for admissions and tenancy decisions.

A single conviction, guilty plea or no contest plea for any of the following shall be grounds for rejection of the application. If there are multiply convictions, guilty pleas or no contest pleas on the applicant's record, Owner/Agent may increase the number of years by adding together the years in each applicable category. Owner/ Agent will not consider expunged records.

- Any household member is subject to a state lifetime sex offender registration requirement.
- Felonies involving murder, manslaughter, criminally negligent homicide, aggravated vehicular manslaughter, arson, rape, kidnapping, child sex crimes, where the later of the date of disposition, release from incarceration or completion of parole has occurred in the last 20 years.
- Felonies not included above for drug-related crimes, person crimes, sex offenses, financial fraud crimes, burglary, forgery where the later of the date of disposition, release from incarceration or completion of parole has occurred in the last 10 years.
- Any felony not included above for theft, criminal mischief, coercion, animal abuse, where the later of the date of disposition, release from incarceration or completion of parole has occurred in the last 7 years.
- Misdemeanors involving drug-related crimes, person crimes, sex offenses, weapons, violation of a restraining order, criminal impersonation, criminal mischief, possession of burglary tools, financial fraud crimes, stalking where the later of the date of disposition, release from incarceration or completion of parole has occurred in the last 5 years.
- Misdemeanors not listed above involving theft, criminal trespass, property crimes or disorderly conduct where the later of the date of disposition, release from incarceration or completion of parole has occurred in the last 3 years.

## **Credit**

- Any household member has a history of failure to pay utilities within the last 3 years and/or a history of failure to pay rent to previous landlords.
- Applicant has a credit history that indicates failure to pay creditors for a period of over 120 days from the date debts were due and if there are 5 or more such delinquencies during the last three (3) years, the applicant will be rejected.
- In calculating total delinquencies, owner may consider medical bills as an extenuating circumstance. Owner reserves the right to consider the failure to pay medical bills as an extenuating circumstance.

## **Rental History**

- A judgment against an applicant in an eviction case in the last five (5) years.
- Any judgment against an applicant in an eviction case that is over five (5) years where the applicant continues to owe the landlord (or successors) any amounts related to the eviction.
- Note: Eviction proceedings dismissed without judgment will not bar admission.
- Prior landlord stating they would not rent again to the applicant.
- Prior landlord provides an unfavorable reference based on any of the following reasons:
  - Unpaid rent
  - Failure to maintain property
  - Failure to keep property in a clean and sanitary condition
  - Disputes with other tenants, complaints of noise or disturbances of other tenants
  - Abusive actions toward residents, employees or guests
  - Other violations that related to or constituted a significant violation of lease or rental agreement
  - Any actions that interfered with the health, safety or right to peaceful enjoyment of the premises by others

## **General**

Admission will be barred if management determines reasonable cause exists that applicant's prior or current behavior may interfere with the management of the building, health, safety, or right to peaceful enjoyment by other residents, staff, or guests.

Admission will be barred if management determines that any information on the application or in the application material is found to be false. Application information found to be false after obtaining housing shall be grounds for eviction.

Owner representative reserves the right to review rejected applications for extenuating circumstances.