



**TENANT SELECTION PLAN
For
EXCELSIOR APARTMENTS
HUD 811 PROPERTY**

People Inc. provides *Equal Access to Housing programs* without regard to race, color, religion, disability, familial status, or national origin, marital status, gender identity, or expression, and lawful source of income as per the Fair Housing Act and the New York State Human Rights Law. In addition, People Inc. will make housing available to eligible individuals/households without regard to the sexual orientation or gender identity of the applicant or occupants of the units.

We do not discriminate on the basis of disability status (per the Section 504 Rehabilitation Act) and New York State Human Rights Law in the admission or access to, or treatment or employment in, its programs and activities. Applicants and/or tenants requesting a Reasonable Accommodation will be accommodated when possible.

ELIGIBILITY REQUIREMENTS

The LANDLORD has agreed to limit occupancy of the project to persons with disabilities as defined by Section 811 of the National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992.

- **The head of household must have a disability 18 years of age or older.**
- **Applicants/Residents income at initial occupancy must not exceed the 50 percent- very low HUD income limits established for Erie County.**

Citizenship Requirements

- 811 properties: The restriction on assistance to noncitizens does not apply.

ACCEPTING APPLICATIONS/PLACING APPLICANTS ON WAITLIST

- Applications are date and time stamped as they are received in the Agent's office. Applications will be reviewed to be sure all pertinent information necessary to make a pre-determination of eligibility as well as, signature and dates are filled in. If an application is incomplete, the manager should send a letter requesting required information, signatures and/or dates to be submitted within 10 ten days in order to process application for the active waiting list.
- Applications are checked to determine if applicant meets the eligibility criteria listed above. If the applicant meets the eligibility criteria, he/she is placed on a waiting list in chronological order.
- **Preference is given to those applicants who are homeless (1st priority), visually impaired (2nd priority).**

- If the applicant does not meet the eligibility criteria a letter giving the reason(s) is mailed and the applicant has an opportunity to appeal within 14 days.
- Applicants are notified in writing when they are placed on the waiting list. The letter indicates they should contact us if they change their address or phone number.
- Applicants placed on the waitlist may contact us periodically to check their status.

ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM

- 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 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. However, the applicant must move out of the current property and/or forfeit any voucher before HUD assistance on this property will begin (please also see Single Residence Criteria). Special consideration applies to some dependents where members of two households share 50% custody.
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- 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

INTERVIEW REQUIREMENTS

a. Social Security

All applicants must disclose Social Security or tax ID numbers for all household members upon move in.

Exceptions:

- Persons over the age of 62 or older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010, or
- Those individuals who do not contend eligible immigration status.

Applicants who do not have documentation of a social security number at the time the applicant is offered a unit, will be given 90 days to produce the documentation in order to remain on the waiting list, this includes any child under the age of 6 years who is added to the household within 6 months prior to date of admission. The unit being offered will continue to be rented to the next eligible applicant. After 90 days, if a social security number has not been provided for all household members, the applicant will be determined ineligible and removed from the waiting list.

2. Income Limit Requirements:

The Household must meet the annual income guidelines for the number of people in the household. The amounts used will be from the county in which the facility is located as set forth by the Dept. of HUD. Income limits are updated annually by the Dept. of HUD and will be for the County in which the facility is located.

3. Applications & Waiting list

a. Applications Received

- Applications will be reviewed to be sure all pertinent information necessary to make a pre-determination of eligibility as well as, signature & dates are filled in. **If an application is incomplete, the manager should send a letter requesting required information, signatures and/or dates to be submitted within 10 ten days in order to process application for the waiting list.** If complete, applications are dated on the date they are received in the office, with the time recorded.
- Date/time is recorded into the software program for waiting list.
- Information regarding disability, income, and preferences (if applicable) that are provided on application are reviewed to determine pre-eligibility. Verifications are not required until an initial interview is scheduled for possible residency.

b. Applications Approved

If an applicant is deemed eligible:

- An acceptance letter is sent advising of their placement on the waiting list. This correspondence will clearly state that the acceptance is based solely on information provided by the applicant, and when an apartment becomes available; an (personal) Initial Interview will be scheduled, all information will need to be updated, and applicable verifications will be obtained with required signatures prior to the management offering an apartment.
- *Note: If the alternate contact box is checked on the application, copies of all correspondence with the application will be sent to the person noted on the application.*
- An applicant's place on the waiting list is determined by the date on which all application information and signatures are received at the office; however, acceptance to the waiting list does not automatically guarantee eligibility for an apartment. Further screening as described in the applicant screening criteria section and the Initial Interview process must be completed prior to an apartment being offered.
- Apartments will be offered to the first eligible applicants (with preferences being applicable) in order of receipt of a notice-of-intents.
- The Waiting list will be updated on a semi-annual basis to ensure that all applicants are given the opportunity to update/supplement information already given and that any applicants that should no longer be deemed "eligible" can be notified and removed from the list.
- Applications will be removed when:
 - a. Per the applicants request
 - b. If we are unable to contact the applicant due to phone number changes/disconnects; or
 - c. Mail/letters are returned due to "forwarding" mailing information, or
 - d. If there is no response to letters or phone message contacts within the timeframe requested.

Applicant Notification and Opportunity to Update Information Provided

- When a "Notice-of-Intent" is received and a unit will become available:
 - a. The next eligible applicant from the waiting list will be contacted by telephone and if no verbal contact is made; an "Unable to Contact" letter will be sent giving the applicant five (5) days from the date of the letter to respond and state their interest.

- b. Update letters may be sent at least two (2) x's per year requesting the applicant provide any updated information if applicable and/or request to be removed from the waiting list if they choose.
- Applicants will have the opportunity to request accessible units (mobility; hearing; or vision), as well as any reasonable accommodations and will be called for an available unit in order of their request date.
- Applicants will be removed from the waiting list
 - a. Per the applicant's request, or
 - b. If we are unable to contact the applicant due to their phone number being disconnected or is incorrect, or
 - c. Mail is returned due to no "forwarding" mailing information and returned as "undeliverable", or
 - d. If there is no response to letters or phone contacts within the timeframe requested.
- Applicants who are scheduled for an initial interview or move in appointment and fail to show without calling or reschedule without good cause and/or provide a verification of a medical excuse will be removed from all People Inc. Senior Living waiting lists as follows:
 - a. **Initial Interview:** Reapplying will not be permitted for a minimum of 3 months from the date of removal.
 - b. **Move in appointment:** Reapplying will not be permitted for a minimum of 6 months from the date of removal.

If an applicant is unable to move due to a **medical reason**, the applicant will be offered a medical first refusal. The applicant must provide documentation within 7 days. Once the documentation is received, they would remain on the waitlist but not called for **a minimum of 90 days**. If the applicant fails to provide documentation they will be removed from the waiting list.

e.

C. Applicant Screening Criteria (No applicant screening fee applies)

Screening will be processed for all applicants, and tenants for every state noted on the application prior to move in and for every annual recertification. For eligibility to move in or to continue residency: EIV (Enterprise Income Verification): An "Existing Tenant Search" report will be processed for all applicants prior to move in to determine if they are currently receiving a housing subsidy. Applicants moving in with any type of housing subsidy will be required to accept responsibility for paying the daily market rent if any subsidy overlaps from their previous residence. A maximum of three (3) days at market rent will be allowed so the applicant can make their move.

After move in: all tenants will be subject to EIV reports required by the Dept. of HUD as follows:

- a. Annually at every recertification anniversary.
 - b. For all interim recertification requests.
 - c. Monthly/Quarterly site reports which will include: Failed EIV pre-screening; Failed Verifications; Quarterly Multiple Subsidy and Deceased Tenant's reports.
 - d. Income discrepancies will be reviewed with the tenant upon notification and repayment agreements (if applicable) will be entered into within 30 days from the date the report is received.
- **Credit Must Include:**
 - a. Mandatory utility services must be in the tenant's name by move in date.

- b. No consistent, severe or recent history of significant deficiencies in overall credit and/or more than one non housing related judgment issued against the applicant or household member.
- c. We will not consider medical related judgements/student loan debt as a reason for rejection
- d. The inability to verify credit references or lack of a credit score will not be grounds for rejection.
- e. The applicant's financial inability to pay his/her monthly contribution toward the rent of the unit may be assessed.

- **Previous Tenants:**

- a. Who have financial obligations to People Inc. will be rejected. They may be able to reapply and may be accepted to the waitlist after payment is made in full.

Criminal History:

Applicants applying for state/HUD-funded housing and have a criminal record will be afforded rights and protections with the exception of the following TWO mandatory reasons for denial:

1. Conviction for methamphetamine production in the HOME **or**
2. Being a lifetime registrant on a state or federal Sex Offender database.

An applicant who claims any other type of conviction, will be eligible for housing after a review of the criminal conviction for involvement in physical violence to persons or property, or if the offense affected the health, safety and welfare of another or others.

If the conviction did not involve physical violence or affect the health, safety and welfare of others, it may not be considered in assessing the housing applicant.

If the conviction did, the applicant will be provided with an opportunity to answer specific questions such as:

1. Time passed since conviction,
2. Age at time of conviction,
3. Seriousness of conviction, and
4. Evidence provided regarding rehabilitation, treatment programs, volunteer work, and paid employment.

The answers provided will be reviewed by management team consisting of AVP and policy administrators who will complete a worksheet (attached) & assess the answers given to determine eligibility.

- **HUD has Established Standards that Prohibit Admission of:**

- a. Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity.
- b. A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with health, safety and right to peaceful enjoyment of the property by other residents.
- c. Any household member who is subject to a State sex offender lifetime registration requirement; and

- d. Any household member if there is a reasonable cause to believe that the member's behavior, from abuse, or pattern of abuse of alcohol, may interfere with the health, safety and right to peaceful enjoyment by other residents. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.

Use of Marijuana

Applicants will be denied admission to assisted housing for any household with a member determined to be illegally using a controlled substance (e.g. marijuana).

Management had a right to use discretion to determine, on a case-by-case basis, when it is appropriate to evict the tenants of any household with a member who is illegally using marijuana or whose use of it interferes with the health, safety or right to peaceful enjoyment of the other tenants.

Failure to Report Criminal Activity

Any applicant who does not report a criminal conviction or incarceration on the application for admission and it is discovered that the applicant does have a conviction or was incarcerated will not be considered for admission.

Criminal Screening Discoveries

If the criminal background investigation results indicate that the applicant does not meet the criminal screening criteria, People Inc. will reject the application in accordance with People Inc.'s policies for applicant rejections. Before rejecting the household, People Inc. will compare the information provided by the applicant with the criminal history report. If the information conflicts, People Inc. will:

1. Notify the household of the proposed action based on the information obtained.
2. Inform the applicant how to obtain a copy of the report.
3. Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained by providing documentation to refute the criminal discovery. Failure to provide the documentation will result in denial.
4. Allow the household the opportunity to remove the household member.

e. Procedures for rejecting ineligible applicants

If an applicant is deemed ineligible:

- a. A letter will be sent within 3-5 business days of receipt of the application that clearly states the reason the rejected determination has been made. The applicant will be advised of the reason for the disapproval and advised of their rights for reconsideration and appeal. The applicant shall have fourteen (14) **BUSINESS** days from the date of the letter to respond in writing or to request a meeting to discuss the rejection. The letter will also include a "Violence against Women's Act" and an "Occupancy Rights" handout.
- b. Any meeting with the applicant to discuss the applicant's rejection will be conducted by a member of People Inc.'s staff who **was not** involved in the initial decision to deny admission. A "Know your Rights" brochure will be given at this meeting. The final decision on eligibility will be sent via written notice within five (5) business days of having the meeting.
- c. The application, the notice of denial, the applicant's reply (if any) and the final response must be maintained on file for a period of not less than **five** years. The file must contain all interview and verified information on which the determination is based.

- d. Applicants rejected for circumstances listed below cannot reapply for a minimum of 12 months after the date of the original rejection date. Circumstances **may include**, but are not limited to the following: A “Know your Rights” brochure will be sent with rejection
 - Drug related activity or criminal activity that affects the health and safety of others.
 - Documented misrepresentation of items on the previous application.

Exception to Rejection Criteria:

Extenuating circumstances will be considered in cases when applicants would normally be rejected. The applicant will have to show mitigating information that indicates that he/she will be an acceptable tenant in the future, including, but not limited to, age at time of conviction(s), good tenant history since the conviction(s), the nature and severity of the conviction, and rehabilitation efforts.

4. Occupancy standards

- a) People Inc. has established standards on occupancy to permit the tenant to select the unit size they deem appropriate to their needs (if available) while preventing overcrowding and underutilization of the unit.
- b) The following describes the occupancy requirements:
 - One bedroom: Minimum one; Maximum two
 - Two bedrooms: Minimum two; Maximum four
- c) If a surviving member of an eligible household who was listed as a household member on the HUD Forms 9887 and lease, and is of legal age can remain in the unit as long as they meet the HUD eligibility requirements.
- d) Live in Aides are not considered a household member.
- e) After move in: if a unit becomes underutilized or over-crowded due to changes in family composition, the family will be required to transfer to an appropriate sized unit (if applicable) with a bedroom(s) size suitable for the number of family members when a unit becomes available.

5. Unit Transfers

After move in commences, if a tenant wishes to transfer to a different unit due to change in family composition or disability:

- a. A transfer request form and verification needs to be completed for the need to transfer will be approved from non-accessible to handicap accessible units (or due to a reasonable accommodation) with a **qualified third-party** statement explaining the tenant’s need for the accessible unit (or transfer). Verification must show a nexus between the disability and the need for the apartment/transfer.
- b. Current tenants will receive preference for accessible units over any applicant on the waiting list once verification is received from the tenant’s **qualified third-party provider**.
- c. When there are no applicants on the waiting list for a wheelchair accessible unit, applicants who are offered and accept the unit even though they were not deemed “handicap eligible”, will be offered the opportunity to move, then transferred to a non-accessible unit when and if:
 - The unit is needed for a disabled applicant, and
 - A non-accessible unit becomes available for them.
- d. Moving costs will be arranged for by People Inc.

6. Section 504 & the Fair Housing Act

Identifying applicants needs for accessible units or reasonable accommodations

- a. People Inc. will comply with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of disability in any program or activity receiving financial assistance from HUD.
- b. To be eligible for an accessible unit or a Reasonable accommodation, an applicant must be disabled; defined as:
 - A person who has a physical or mental impairment that substantially limits one or more major life activities;
 - Has a record of such an impairment, or
 - Is regarded as having such impairment.

Examples of a reasonable accommodation would be an emotional support animal, grab bars, live in aide. For more information on the Section 504 Coordinator please contact (716) 880-3890.

7. Opening & Closing of Waiting lists

At People Inc.'s discretion, the waiting list can be closed when the average wait is excessive of one year or more.

- a. Potential applicants will be advised that the waiting list is closed and refuse to take additional applications.
- b. A notice that the waitlist is closed and the reason will be announced per the Affirmative Fair Housing Marketing Plan which states it will be in a publication likely to be read by potential applicants.
- c. When the waiting list is reopened, a notice of this action will be announced in the same publication and in the same manner as the notification was closed.
- d. Advertisements will include where and when to apply and will conform to the Affirmative Fair Housing Marketing Plan.

8. Eligibility of Students

Student Eligibility will be determined for assistance at move in, annual recertification and at the time of an interim if one of the changes reported is that a household member is enrolled as a student, at an institution of higher education. The student must meet all of the following criteria to be eligible:

- a. Be of legal contact age under state law;
- b. Have established a household separate from parents or legal guardian 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. The certification is required even if to assistance will be provided.

9. Violence Against Women's Act Protection

Protection for “Victims of Domestic Violence, Dating Violence, or Stalking”

Tenants, and their immediate family members, who are applying for our housing program who are victims of domestic violence, dating violence or stalking will be protected from being evicted or being denied housing if an incident of domestic violence, sexual assault, stalking or being affiliated with a victim is reported and confirmed. Any such incident will not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the tenancy or occupancy rights of the victim.

People Inc. may bifurcate a lease in order to evict or remove the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit or be moved to another “safe & available” unit if they fear for their life and safety.

10. Miscellaneous provisions of this Tenant Selection Plan:

a. No Shows:

- **Initial Interview:** Applicants, who fail to call, reschedule or otherwise not appear for a scheduled Initial Interview without good cause that has been verified within 5 business days, will be removed from the waiting list. Reapplying will not be available to the applicant for a minimum of 3 months from the date of removal from the waiting lists.
- **Move in:** Applicants, who fail to call, reschedule or otherwise not appear for a scheduled Move in signing date without good cause that has been verified within 5 business days, will be removed from the waiting list. Reapplying will not be available to the applicant for a minimum of 6 months from the date of removal from the waiting lists.
- An eligible applicant who is unable to come in for an interview/apartment due to **medically necessary** reasons will **not** lose his/her place on the waiting list as long as written proof is submitted within (7) seven days verifying that the refusal is due to medical reasons. If a second offer is refused (regardless of the reason), the applicant will be removed from the waiting list. The individual may reapply at any time and their position on the waiting list will be determined by the date their most recent application is submitted.

f. Tenants submitting an application from one People Inc. housing program to another: will be considered and treated as a new applicant, and must be a tenant with no financial obligations pending, they may be able to reapply and may be accepted to the waitlist after payment is made in full.

g. If there is an increase in the tenant’s income of more than \$200 a month the tenant may be subject to an interim adjustment of their rent.

h. Any modification of the lease will be made after management has received prior approval from the Dept. of HUD. Tenant Rules, and/or Pet Rules will be made effective after a 60-day notice is provided to the tenant, allowing for 30 days to review and return the signed amendment or to sign a 30-day notice to vacate if the new rule is not agreeable to the tenant.

Conduct:

Tenants are expected to abide by the terms and provisions of the Lease and the Rules of the Tenant Handbook at all times and in a manner which does not threaten the health and safety of themselves and/or other tenants, staff, or property.

Charges for Services:

A Schedule list of charges will be distributed to each tenant at their move in signing day and upon receipt of a notice of intent to vacate.

Security deposits:

Security deposits will be maintained in a separate sub-account accruing interest and will be reimbursed within **14 days** after move out minus any reasonable costs to restore the unit to its original condition (minus reasonable wear-n-tear) and minus any unpaid rents or other unpaid financial obligations.

Unit inspections:

Inspections will be conducted prior to move in lease signing; annually on the anniversary of the move in month, and as needed per management in order to ensure the unit is maintained in a safe, sanitary, and decent condition at all times.

Smoking

People Inc. promotes and enforces “SMOKE-FREE” Living and therefore, NO SMOKING is permitted anywhere in the building, including the tenant’s apartment. Designated smoking areas will be provided 25 ft from building.

Modifications to Lease and or Tenant Handbook:

When approval (if needed) is granted to make changes, a 60-day notice to the tenant will be given and effective after an addendum is signed and agreed upon by the tenant. Unsigned addendums will require a 30-day notice to vacate

Availability of the Tenant Selection Plan

When requested, the TSP will be made available to the public.



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