



Tenant Selection Plan for Cherry Creek Village

Project Eligibility Requirements

1. The Head of Household or spouse must be verified as an elderly person age 62 or older or have a disability as required by contract with the Department of Housing and Urban Development for the Section 202/8 program. The Head of Household in units designed for persons with physical disabilities may be elderly or non-elderly, but non-elderly tenants must have a disability requiring the accessible features of the unit.
2. The applicant's household must meet the established very low or extremely low income limits.
3. The applicant and all members of the household must provide proof of social security numbers for all members of the household.
4. The applicant and all members of the household must meet all screening requirements.

A determination of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the Federal Housing Administration shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status, and

No owner or administrator of HUD-assisted or HUD-insured housing, approved lender in an FHA mortgage insurance program, or any other recipient or sub-recipient of HUD funds may inquire about the sexual orientation or gender identity of an applicant for, or occupant of, HUD assisted or HUD-insured housing for purposes of determining eligibility or otherwise making such housing available.

However, permissible inquiries into sex are permissible for temporary, emergency shelter with shared sleeping areas or bathrooms, or to determine the number of bedrooms to which a household may be entitled

Project Eligibility Definitions

Head of Household (HOH)- The adult member of the family who is the head of household for the purpose of determining income eligibility and rent.

Elderly Person- Age 62 and over

Physical Disability- as verified by a physician, a physical impairment that is expected to be of a long-continued and indefinite duration, substantially impedes one's ability to live independently, and is of a nature that such disability could be improved by more suitable housing conditions.

Family- Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or,
2. A group of persons residing together, and such group includes, but is not limited to:
 - a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - b. An elderly family;
 - c. A near-elderly family;
 - d. A disabled family;
 - e. A displaced family; and,
 - f. The remaining member of a tenant family

Income Limits:

1. In order to be eligible for occupancy, household annual income at move in must be at or below the very low income limits (50% of median income) set by HUD. Income limits vary by family size, and are published annually for each county or Metropolitan Statistical Area. Income limits are based on the median income of the geographic area for which the limit is established. Income limits are available on line at www.huduser.org.
2. At least 40% of units that become available in each fiscal year will be made available to households whose income is classified as Extremely Low; defined as families whose incomes do not exceed the higher of:
 - a. The Federal Poverty Level or
 - b. 30 percent of Area Median Income

Citizenship Requirements

All applicants must either be United States citizens or have proper documentation from the Department of Homeland Security verifying eligibility for residence in the United States. If this documentation is not available upon initial interview the applicant will have 30 days to provide the required documentation. A declaration of citizenship form is required for each member of the household, regardless of age.

Social Security Number Requirements

All household members receiving assistance or applying to receive assistance will be required to provide a Social Security Number and adequate documentation necessary to verify that number. This rule applies to all household members including live-in aides, foster children and foster adults. Adequate documentation means a Social Security card

issued by the Social Security Administration or other acceptable evidence of the SSN such as:

- Original Social Security Card
- Driver's license with SSN
- ID card issued by a federal, State, or local agency, a medical insurance provider, or an employer or trade union
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

For eligibility purposes, applicants do not need to disclose or provide verification of Social Security Number in order to be placed on the waiting list. However, applicants must disclose a Social Security Number and provide adequate documentation to verify each Social Security Number before final eligibility determination is made. If all non-exempt household members have not disclosed and/or provided verification of their Social Security Numbers at the time a unit becomes available, the next eligible applicant must be offered the available unit.

An applicant that has not provided the required Social Security Number information for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose/verify the Social Security Numbers. During this 90 day period the applicant will retain their position on the waiting list. After 90 days the applicant will be removed from the waiting list if they fail to comply with the disclosure/verification requirements above.

The Social Security Number provided will be compared to information recorded in the Social Security Administration database, through HUD's Enterprise Income Verification System (EIV), 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 we will pursue additional penalties related to fraud.

For existing tenants, the above requirements become effective with their next interim or annual recertification after January 31, 2010. Failure to comply will result in termination of assistance and termination of tenancy.

Exceptions to Disclosure of Social Security Number

The Social Security Number requirements do not apply to:

1. Individuals who do not contend eligible immigration status:
 - a. When applicants and residents are required to declare their citizenship status, the existing regulations pertaining to pro-ration of assistance or screening for mixed families will continue to be followed. In these instances the residents Citizenship Declaration form, whereby the individual did not contend eligible

- immigration status, will be kept in the resident file to support exception to the requirements to disclose or provide verification of a Social Security Number.
2. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
 - a. The eligibility date is based on the initial effective date of the HUD 50059.
 - b. Documentation that verifies the applicant's exemption status must be obtained from the owner of the property where the initial determination of eligibility was determined prior to January 31, 2010. This documentation must be retained in the resident file. We cannot accept a certification from the applicant stating they qualify for the exemption.
 3. Minors under the age of six years- The 90-day exemption for minors under the age of 6 will apply at move-in and initial certification.

Screening Criteria

A review of the applicant's criminal, credit and rental, and sex offender registration requirement history will be completed.

1. **Drug Abuse and Other Criminal Activity:** Applicants are encouraged to run their own criminal history through available resources, and are hereby advised of their right to dispute the accuracy and relevance of a criminal record before admission or assistance is denied on the basis of such record.

All applicants and household members age 18 or older must sign a consent form allowing all relevant criminal information to be released. At the time the applicant reaches the top five on the waiting list a comprehensive criminal history search will be completed to determine eligibility related to criminal history.

HUD has established standards that prohibit admission of:

- a. Any household in which any member has a judgement of eviction 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 which the owner/agent has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents
- c. Any household member who is subject to any state lifetime sex offender registration requirement
- d. Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standard is based on behavior, not the condition of alcoholism or alcohol abuse.

In addition to HUD requirements the owner/agent has established the below policies regarding households/applications and criminal screening for eligibility:

- a. We will deny the application of any applicant that has a record of conviction within the past five years for any of the following felonies:

- (1) Murder
 - (2) Arson
 - (3) Felony Assault
 - (4) Kidnapping
 - (5) Burglary
 - (6) Treason
 - (7) Crimes involving explosives
 - (8) Crimes involving terrorism
 - (9) Fraud
- b. We will deny the application of any applicant that has a record of conviction for any act covered under the Violence Against Women Act
 - c. We will deny the application of any applicant that has a requirement to be registered under a state sex offender registration program (differentiated from lifetime state sex offender registration requirement) within the past 5 years
 - d. We will deny the application of any applicant that has a conviction of illegally manufacturing or distributing a controlled substance as defined in sec 102 of the Controlled Substances Act (21 U.S.C. 802)
 - e. If you have been convicted within the last 5 years of any crime that shows a demonstrable risk to tenant safety and/or property you may be denied rental after consideration of the nature and severity of the crime, your age at the time of the conduct, and the amount of time that has passed since the criminal conduct occurred. Mitigating factors may be considered on a case by case basis. Applicant shall provide any mitigating information or documentation that he or she would like landlord to consider regarding any convictions.
2. **Credit history** – Applicants age 18 or older must meet the following criteria:
- a. Credit score of at least 500 and;
 - b. Past twelve month history of on time rent payments to previous landlords if there is a rental history.
 - c. An applicant that has no credit score due to lack of credit history will not be rejected solely based on the credit score requirement.
3. **Current and previous landlords** – Previous rental history will be screened for all applicants where previous rental history is applicable. The reference request will include the applicant and household members age 18 or older. Tenancy will be denied if unfavorable references are received regarding tenancy history for any of the following within the past 3 years:
- a. Non-payment of rent;
 - b. Failure to cooperate with the recertification process;
 - c. Repeated violations of lease and/or house rules;
 - d. History of disruptive or violent behavior;
 - e. History of creating an unsafe or unhealthy environment including, but not limited to, damage to property, excess accumulation of trash, vermin infestation, or posing a health hazard to other residents;
 - f. Judgement of eviction within the past 3 years;
 - g. Criminal activities that threaten the health and safety of the residents or staff.

4. **State Registered Lifetime Sex Offenders-**
 - a. Applicants for admission must provide a complete list of all states in which any household member has resided.
 - b. Management staff must ask, and applicants must disclose, whether the applicant or any member of the applicant's household is subject to a lifetime sex offender registration requirement in any state.
 - c. If it is discovered that a household member was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001) the Owner/Agent must immediately pursue eviction or termination for the household member. Prior to pursuance of eviction or termination the family will be provided the opportunity to remove the ineligible family member from the household.
 - d. Screening checks will be conducted to verify information provided. If the owner/agent discovers that an applicant household includes a member who is subject to any state lifetime sex offender registration the family will be afforded the opportunity to remove the ineligible family member. If the family is unwilling to remove that individual from the household the household must be denied admission.

Applicant Right to Appeal Rejected Application

1. Applicants that fail to meet Project and or Program eligibility requirements will be notified in writing to the last known address provided by the applicant.
2. Applicants desiring to appeal must do so in writing to the address indicated on the rejection notification within 14 days.
3. The written appeal will be reviewed, including any extenuating circumstances in the written appeal documentation.
4. Applicants will be notified in writing of the appeal decision.
5. Individuals with disabilities have the right to request a reasonable accommodation with regard to the appeal process

Student Eligibility and Income Exclusions

1. **No Section 8 assistance shall be provided to any individual who:**
 - a. Is enrolled as a student at an institution of higher education;
 - b. Is under the age of 24;
 - c. Is not a veteran of the United States military;
 - d. Is unmarried;
 - e. Does not have a dependent child;
 - f. Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under section 8 as of November 30, 2005; **and**
 - g. Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive section 8 assistance.
2. **All forms of student financial assistance** (grants, scholarships, educational entitlements, work study programs, and financial aide packages), **for students receiving Section 8 assistance**, a student receives (1) under the Higher Education

Act of 1968, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition and any other required fees and charges is to be included in the annual income, **unless** the student is over the age of 23 with dependent children **or** the student is living with his or her parents who are receiving Section 8 assistance. This is true whether the assistance is paid to the student or directly to the educational institution.

3. **Independence from parents-** If an individual is enrolled as a student at an institution of higher education, is under the age of 24, not a veteran, not married, is not a person with disabilities who was receiving section 8 assistance on November 30, 2005, and does not have a dependent child, in order to be eligible for Section 8 assistance, the student must be individually eligible to receive section 8 assistance **and** the student's parents (the parents individually or jointly) must be income eligible to receive section 8 assistance unless the student can demonstrate his or her independence from parents in accordance with the guidance in the Supplementary Guidance Notice published in the April 10, 2006 Federal Register (71 FR 18146).
4. **Earned income in excess of \$480** for each full time student age 18 or older (excluding head of household, co-head, or spouse) is excluded.
5. **Tuition is defined** as the amount of money charged to students for instructional services which may be charged per term, per course or per credit. Required fees cover a full academic year and are most frequently charged to call students. Expenses related to attending an institution of higher education must **not** be included as tuition. Examples of these expenses include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges.

Enterprise Income Verification (EIV)

All applicants must disclose if they are currently receiving HUD housing assistance. We will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

HUD provides us with information regarding the applicant's current status as a HUD housing assistance recipient. We will use the EIV system to determine if an 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. Special consideration applies to minor children where both parents share 50% custody and recipients of HUD assistance in another unit who are moving to establish a new household when other family/household members will remain in the original unit.

If an applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application will be denied based on the applicants 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 will be considered a material lease violation and may result in penalties up to and including eviction and pursuit of fraud charges.

The following further discloses the ways that we will utilize the EIV system:

- a. The EIV and You Brochure will be given to each tenant when selected from the waiting list for initial occupancy, and at all subsequent recertifications.
- b. The Existing Tenant Search Report will be processed on all applicants and household members prior to move in. The report will be retained with the corresponding application. Circumstances related to individuals showing on the report will be discussed with the individuals involved to ensure coordination of termination at the exiting location and beginning of subsidy at the new location.
- c. The Multiple Subsidy Report will be printed, retained in the EIV Master File, and resolved at least quarterly. The tenant will be provided the opportunity to explain any circumstances relative to his or her receiving subsidy at another location. Follow up with the respective PHA or O/A, if necessary, will be completed to determine the need to take additional action as outlined in HUD Notice 10-10.
- d. The Failed EIV Pre-Screening Report will be printed, retained in the EIV Master File, and all discrepancies resolved monthly. Necessary follow up with tenants will be done to identify and or correct the cause of the failure.
- e. The Failed Verification Report will be printed monthly, retained in the EIV Master File, and all discrepancies will be resolved monthly. Necessary follow up with tenants will be done to identify and or correct the cause of the failure.
- f. The New Hire Report will be printed at least quarterly for each tenant, retained in the Master File, and any discrepancies resolved within 30 days. Discrepancies will be resolved by confirming new employment with the tenant utilizing tenant provided documentation or through third party verification from the employer.
- g. The Deceased Tenant Report will be printed, retained in the Master File, and resolved at least quarterly. Individuals on the Deceased Tenant Report will be confirmed, in writing, with the head of household, next of kin or contact person or entity provided by the tenant to determine whether or not the person is deceased.
- h. For all new admissions the O/A will 1) Review the Income Report within 90 days after transmission of the move-in certification to TRACS to confirm/validate the income reported by the household. 2) Resolve any income discrepancies with the household within 30 days of the Income Report date. 3) Print and retain the Income Report in the tenant file along with any documentation received to resolve income discrepancies, if applicable.
- i. Household members upon turning 18 must, within 30 calendar days of their 18th birthday, schedule a meeting with the Occupancy Specialist. At this meeting the now adult household member is required to:
 1. Sign HUD form 9887/9887A
 2. Sign the lease
 3. Participate in a HUD compliance review
 4. Disclose current employment and/or earned income (if any).

Application Processing and Waiting List Procedures

1. Processing Applications

- a. Requests for applications can be made in person, by phone, or in writing.
- b. Completed applications will be accepted at the project office, the management office, or by mail- and will be date and time stamped when received.
- c. Applications will be processed in the order in which they are received and without regard to race, color, creed, religion, sex, national origin, familial status, or handicap.
- d. Incomplete applications will be returned to the applicant with directions as to the areas that need to be completed before the application can be processed.
- e. Applications will be reviewed upon receipt in order to ensure that there are no obvious factors that would make the applicant ineligible.
- f. Upon receipt of a complete application, a Verification of Disability will be sent to the health care professional specified. Return of the completed Verification of Disability is required. The Occupancy Specialist will make three (3) attempts to obtain the required information from the health care provider. If we are unable to obtain verification after three attempts the application will be rejected. Rejected applicants will be notified in writing to the address provided on the application.
- g. Applicants deemed preliminarily eligible will be placed on the waiting list if no appropriate unit is available.

2. **Tenant selection from the waiting list-** When a unit becomes available, applicants will be offered the unit based on the date the application was received, unit size, and/or need for accessible unit. Physically disabled persons are given preference for an accessible unit.

3. Updating waiting list information

- a. The Occupancy Specialist will update the waiting list each June and December to ensure that applicant information is current and that any names that should no longer be on the list are removed.
- b. If the household composition changes the Occupancy Specialist will update the waiting list information. The date used to determine priority on the waiting list will be the date of the information update.

4. Applicants will be notified of available apartments by the following procedure:

- a. The first five (5) applicants on the waiting list will be contacted via phone and in writing for the purpose of notifying them of an available unit and their position on the waiting list.
- b. Each applicant will have seven (7) business days to respond to this contact, view the apartment if they so choose, and accept an offer of tenancy.
- c. Each applicant that accepts an offer of tenancy will be offered the unit in the order that they appeared on the waiting list.
- d. When the unit is filled each applicant that was not offered a unit will be placed back on the waiting list in their original order.
- e. If an applicant responds after seven (7) business days they will forfeit any rights to be offered the unit in the order that they appeared on the waiting list.

However, they will not lose their place on the waiting list for future tenancy offers.

- f. If no response is received from the first five (5) applicants on the waiting list within the seven (7) day timeframe then the next five applicants on the waiting list will be processed according to the procedures listed above.
- g. If an applicant rejects the available unit, except as described in (h), the applicant will be removed from the waiting list. If applicant wishes to be considered for future tenancy a new application must be submitted or the current application updated.
- h. If an applicant rejects the unit based on extenuating medical circumstance which may be cured, thereby allowing the applicant to consider subsequent openings, the applicant will not be removed from the waiting list, and will retain their position on the waiting list.
- i. Applicants will be asked to meet with the occupancy specialist to complete the application process and sign any necessary verification releases. A final eligibility determination will be made upon receipt of all verifications and screen reports.
- j. Tenancy will be denied for misrepresentation on the application.
- k. We will select only extremely low-income applicants until 40% of the units that become available in each fiscal year are filled by extremely low-income households. Extremely low-income applicants will be selected in chronological order from the waiting list. Once the target is reached, or if no extremely low income applicants are on the waiting list, we will admit applicants in waiting list order.
- l. Once an applicant has been approved for tenancy, the applicant must be available to move into the unit by the first of the month following a 30-day notice to his/her current landlord. A unit will not be held for any additional length of time. If the applicant is unable or unwilling to move within this timeframe, he/she will be removed from the waiting list and will need to reapply to be considered for future tenancy.
- m. It is the applicant's responsibility to ensure that LSS has current and correct contact information on file. We will periodically update our waiting list by sending a letter to all active parties on the waiting list. Applicants that wish to remain on the active waiting list must respond to this contact within 14 days of the date on the letter. Applicants that do not respond within this timeframe will be removed. Once the applicant is removed from the waiting list a new application must be submitted for consideration of future tenancy, or if requested by the applicant, the applicant will be moved to the bottom of the waiting list.

Opening and Closing of Waiting List

1. In the event that the same five (5) applicants on the waiting list is equal to three (3) years or more the waiting list will be closed.
2. Upon closing the waiting list, notification will be published in the local paper advising the public that applications are no longer being accepted due to the high number of applicants currently waiting. At that time, we will deny any additional applications.

3. When the estimated waiting time is reduced to one (1) year or less, we will re-open the waiting list. Upon opening the waiting list, notification will be published in the local paper advising the public that we are once again accepting applications and advising of when and where to apply.

Rejection of Application

1. Written notice will be given within 14 days if an application is rejected.
2. Applicants have the right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection.
3. Within 5 business days of the owner's response or meeting, the owner will advise the applicant in writing of the final decision on eligibility.
4. The applicant will be provided the opportunity to supplement information already provided to assist in their appeal of the rejection of tenancy.

Applicant Notification and Opportunity to Supplement Information Already Provided

1. Applicants will be notified of the disposition of their application per the Application Processing and Waitlist Procedure section above.
2. Applicants desiring to provide additional information to support their application or make clear any portion thereof can do so by supplying the desired information to the Occupancy Specialist processing the application.

Security Deposit Requirements

1. Security deposits totaling Total Tenant Payment (30% of adjusted gross monthly income) or \$50.00 whichever is greater are required to be paid at the time of move in.
2. If tenants are unable to pay the entire security deposit at move in they will be allowed to make payments of 1/3 of the security deposit on each of the first three months of occupancy. Applicants unable to meet the requirement under 1 or 2 above will be rejected.
3. The purpose of the security deposit is to provide the [Cherry Creek Village](#) with some financial protection if a tenant moves out of the unit and fails to fulfill their obligations under the lease. The security deposit cannot be used to pay current rent obligations.
4. Withholding provisions- in compliance with Wis. Stat. § 704.28 we may withhold from the full amount of the security deposit amounts necessary to pay any of the following:
 - a. Tenant damage, waste, or neglect of the premises, normal wear and tear excepted.
 - b. Unpaid rent for which the tenant is legally responsible, subject to Wis. Stat. § 704.29
 - c. Payment that the tenant owes for direct utility service provided by a government owned utility, to the extent that the landlord becomes liable for the tenant's nonpayment.

5. Timing for return- we will deliver or mail the full amount of any security deposit paid by the tenant, less any amounts that may be withheld as stated , within 21 days after any of the following:
 - a. If the tenant vacates the premises on the termination date of the rental agreement, the date on which the rental agreement terminates.
 - b. If the tenant vacates the premises or is evicted before the termination date of the rental agreement, the date on which the tenant's rental agreement terminates or, if the landlord rerents the premises before the tenants rental agreement terminates, the date on which the new tenant's tenancy begins
 - c. If the tenant vacates the premises or is evicted after the termination date of the rental agreement, the date on which the landlord learns that the tenant has vacated the premises or has been removed from the premises under Wis. Stat. § 799.45 (2).
6. If the tenant fails to provide a forwarding address or arrange to pick up the refund due the check for any refund due will be mailed to the tenant's last known address.

Pet Requirements

1. **Pet deposit-**
 - a. Any tenant who wishes to keep a cat or a dog in the premises must pay a pet deposit of \$300.00.
 - b. The pet deposit is payable by an initial payment of \$50.00 and monthly payments of \$10.00 until the \$300.00 deposit is paid in full.
 - c. The pet deposit will be used to pay damage, waste or neglect caused by the pet including, but not limited to: the cost of repairs and replacements to the premises, fumigation of the premises, carpet cleaning, and the cost of animal care facilities if the Project Owner is forced to have the pet removed from the Premises.
 - d. Any unused portion of the pet deposit will be returned to the tenant within twenty-one (21) days after any of the following:
 - (1) Permanent departure of the pet from the premises
 - (2) If the tenant vacates the premises on the termination date of the rental agreement, the date on which the rental agreement terminates.
 - (3) If the tenant vacates the premises or is evicted before the termination date of the rental agreement, the date on which the tenant's rental agreement terminates or, if the landlord rerents the premises before the tenants rental agreement terminates, the date on which the new tenant's tenancy begins
 - (4) If the tenant vacates the premises or is evicted after the termination date of the rental agreement, the date on which the landlord learns that the tenant has vacated the premises or has been removed from the premises under Wis. Stat. § 799.45 (2)
4. **Prior to the pet moving onto the premises-**
 - a. The tenant must present to the Occupancy Specialist a certificate signed by a license veterinarian that the animal has received all of the required inoculations and that the pet has been spayed or neutered.
 - b. The tenant must sign pet rules.
3. **Pet Denial-** If a pet is denied admission to the project the tenant will be notified in writing of the reason for the denial.

Charges for Facilities and Services

1. Only rent and the maximum HUD allowed security deposit will be collected at initial occupancy unless additional charges are approved by HUD.
2. Lutheran Social Services does not charge late payment fees, but will issue and enforce all applicable notices and remedies related to late and non-payment of rent and security deposit.
3. Pet deposit charges are disclosed and explained in the Pet Requirements section of this document.
4. Damages- the owner will charge for any damage, waste or neglect on the part of the tenant, household member, or visitor. Charges under this section will be limited to the actual and reasonable costs incurred for repairing the damages.
5. The Tenant will be charged \$30.00 for each lockout to which the Housing Staff or maintenance staff responds outside of posted office hours.
6. A \$5.00 charge will be billed for the replacement of each lost key.

Required Verification and Consent Forms

1. Form HUD-9887 *Notice and Consent to the Release of Information to HUD and to a PHA*. Each adult member must sign the form regardless of whether he or she has income. The head of household, spouse, co-head, and each family member at least 18 years of age must sign this form at move in and at each annual recertification.
2. Form HUD-9887-A *Applicant's/Tenants Consent to the Release of Information-Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance*. Owners and the head of household, spouse, co-head and each family member who is at least 18 years of age must sign a HUD 9887-A form at move in and at each annual recertification. Each adult member must sign a form regardless of whether he or she has income.

Violence Against Women and Justice Department Reauthorization Act of 2005 for the Multifamily Project-Based Section 8 Housing Assistance Payments Program (VAWA)

The Violence Against Women and Justice Department Reauthorization Act of 2005 protects residents who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. In accordance with the Violence Against Women Act (VAWA). Management will not penalize victims of domestic violence, stalking, dating violence, or rape. Some key points provided in the Act include:

1. A potential resident who certifies they were the victim of domestic violence may be allowed to be admitted even with poor credit and poor landlord evaluations if he/she can show those negative factors were caused by domestic violence.
2. It is assured that victims of domestic violence, sexual assault, etc., can have access to the criminal justice system without facing eviction.
3. Where someone is abusive to other members of the household, only the abuser may be evicted. Furthermore, the standards for eviction due to imminent threat have been strengthened.

4. Residents in assisted housing who face violence may be allowed early lease termination for a matter of safety.

Victims must certify their status as victims and that the incident in question was a bona fide incident of domestic violence by presenting appropriate documentation to the Property Manager. Nothing prevents a victim who has committed a crime or violated a lease from being denied, evicted or terminated.

Unit Occupancy Standards

1. As a general rule occupancy will be limited to two (2) persons per bedroom, however specific factors may be considered to either increase or decrease occupancy identified in that general rule. Factors that may be considered include, but are not limited to, the following:
 - a. Size of the unit
 - b. Configuration of the unit
 - c. Size of the bedroom(s)
 - d. Number of bedroom(s) in the unit
 - e. Number of persons in the family
 - f. The age, sex and relationship of family members
 - g. Other physical limitations of housing (i.e. capacity of the septic, sewer, or other building systems)
 - h. The family's need for a larger unit as a reasonable accommodation
 - i. Balancing the need to avoid overcrowding with the need to avoid underutilization of the space and unnecessary subsidy, and
 - j. State and local law.
2. Accessible units should be occupied by persons who require these features. A medical professional must provide verification of disability at the time of application in order to receive a preference for these units.
3. Applicants not requiring the accessible features of the unit accessible unit will be permitted to occupy these units only if there are no applicants or tenants requiring the features of the unit - and only if there are no non-accessible units available that meet the applicants occupancy requirements. Tenants occupying accessible units that do not require the features of the unit will be required to transfer to a non-accessible unit of appropriate size within the same property when one becomes available. This move will be at the tenant's expense.
4. Two-bedroom units should be occupied by households of two or more persons, or by those requiring a reasonable accommodation for a 2-bedroom unit. A medical professional must document the reasonable accommodation.
5. Applicants not meeting the criteria in #4 above will be permitted to occupy these units only if there are no appropriately sized units available at the time of initial occupancy. Tenants not qualified for 2-bedroom units will be required to move to an appropriately sized unit when one becomes available. This unit transfer will be at the tenant's expense. Tenants will be required to sign a statement acknowledging this requirement at time of initial occupancy.
6. Applicants requiring a reasonable accommodation should request the required documentation from the Occupancy Specialist for processing of the request.
7. A move-out inspection will be conducted if a transfer is required. The tenant will be responsible for any damages beyond normal wear and tear.

Unit Transfer Policies

1. Existing tenants with a verified need for change in unit size or accessibility will be given preference over applicants on the waiting list for appropriately sized or accessible units. Verification of the need, i.e. physician confirmation, certification related to change in family size, etc shall be required under this policy.
2. Provided appropriate verification is provided the preferences as defined above will be provided to existing tenants in the following circumstances:
 - a. existing tenants experiencing a change in family size
 - b. existing tenants requiring a new unit because of changes in family composition
 - c. existing tenants who need a deeper subsidy (Rent Supplement, RAP, or Section 8 assistance)
 - d. existing tenants needing a unit transfer for a medical reason certified by a doctor
 - e. existing tenants needing a unit transfer based on the need for an accessible unit.
3. Tenants are responsible for all moving costs incurred for a unit transfer that is requested by the tenant, or required as outlined in #5 under Unit Occupancy Standards, unless the transfer is a reasonable accommodation as defined in HUD 4350.3 Rev 1.
4. The owner will incur the moving costs when the unit transfer is requested by the owner or management representative.
5. A move out inspection will be completed at time of move out; tenants will be responsible for all damages incurred over and above normal wear and tear regardless of who requested the transfer.

Policies to Comply with Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act Amendments of 1988

1. Applicants/Tenants will not be discriminated against on the basis of race, color, creed, religion, sex, national origin, or familial status for tenancy or program benefits. In addition, Wisconsin State law dictates that applicants/tenants will not be discriminated against on the basis of age or source of income. Both Wisconsin State law and Federal law will be followed.
2. Applicants/tenants will not be discriminated against on the basis of disability for any program or activity provided by the [Cherry Creek Village](#).
3. Screening criteria will be uniformly applied to all applicants.
4. Application materials will be made available in alternate forms or languages at the request of the applicant OR arrangements will be made to assist the applicant in completing the required forms. Such arrangements may include the use of auxiliary devices/aids as well as the use of an interpreter.
5. Exceptions to the rules, policies, or lease may be made verbally, in writing, or by completing a Request for Accommodation Form. A Verification of Need for

Reasonable Accommodation Form will need to be completed by a medical professional. If the request is made verbally staff will document the request in the file. The request will be approved if the need is verified and does not cause an undue financial or administrative burden on the project. If the request is denied the tenant will be notified in writing. Denied requests can be appealed in writing.

Unit Inspections

1. **Move in inspection**- performed with the tenant and management representative on the move in date to ensure that the unit is in a habitable condition and free of damage. Tenants are shown how to operate the appliances and equipment in the unit. Both the management representative and the tenant must sign and date the inspection form. The tenant has seven (7) days to report additional deficiencies to management. Any reported additional deficiencies will be confirmed and added to the inspection form.
2. **Move out inspections**- when the tenant has completed the removal of all personal property and the cleaning of the unit a move out inspection will be completed. The management representative will list damages on the move out form and compare with the move in form to determine if the damages are reasonable wear and tear or excessive damage caused by the tenant's waste, damage or neglect. The tenant will be given prior notice of the move out inspection and will be allowed to accompany the management representative if they so choose.
3. **Periodic inspections**- at minimum annual inspections will be performed by the management representative. Management inspections are performed to determine any damage to the unit or any items in need of repair. Costs to repair damages beyond normal wear and tear will be billed to the tenant. In addition to management inspections, physical inspections are performed by HUD and or HUD contractors. HUD and or its authorized contractors have the right to inspect individual units and common areas of the project. These inspections assure HUD that owners are fulfilling their obligations under the regulatory agreements and/or subsidy contracts and that tenants are provided with decent, safe, and sanitary housing.

Note: Management reserves the right to inspect any unit after serving proper notice. Management reserves the right to conduct these inspections at a frequency necessary to affirm or deny any reasonable suspicion that members of the household are in non-compliance with lease requirements or project rules, including but not limited to, unsanitary or unsafe living conditions, unreported household composition, and/or criminal activity.

Recertification Policy

1. Annual and Interim requirements
 - a. Tenants are required to recertify household income, assets and eligibility at least annually.
 - b. Tenants must report a change in the number of household members immediately.
 - c. Tenants are required to immediately report increases in household income of \$200 or more per month.

- d. Tenants should report any event that would result in a decrease in rent.
- e. Sex offender background checks will be preformed annually.
- f. Criminal background checks will be preformed at move in and every other year thereafter.
- g. If a negative report is received in connection with the annual sex offender or criminal background checks in accordance with our screening policy we will immediately seek to terminate tenancy and the removal of assistance in accordance with HUD's one-strike rule.
- h. Failure to comply with these requirements may be cause for termination of tenancy or removal of assistance.

Availability of Assistance for Persons with Limited English Proficiency

1. On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires all owners and agents to identify any need for Section 8 housing assistance to those with limited English proficiency (LEP), and develop and implement a system to provide Section 8 housing assistance so LEP persons can have meaningful access.
2. Management will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the property. We will work to ensure that people who need housing assistance are provided meaningful access to the HUD Rental Assistance Program.

Equal Access to Housing in HUD Programs- Regardless of Sexual Orientation or Gender Identity

Equal access to housing in HUD Programs is intended to ensure that housing across HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status. In compliance with federal protections based on sexual orientation, gender identity & marital status the owners and operators of this facility make the following provisions:

1. Housing at this community is made available without regard to sexual orientation, gender identity, or marital status.
2. Otherwise eligible families, regardless of marital status, sexual orientation, or gender identity will have the opportunity to participate in HUD programs.
3. Acknowledges and affirms the prohibition on owners/operators of HUD-assisted housing or housing insured by HUD from asking about an applicant or occupant's sexual orientation and gender identify for the purpose of determining eligibility or otherwise making housing available. This prohibition does not prohibit voluntary reporting of sexual orientation or gender identity.

Suspected Unreported Change in Household Composition

At any time, the owner/agent may request to verify that one or more household members does or does not reside in the unit. Verification of household composition will be done when the owner/agent suspects that the resident is housing unauthorized household members or when a household member moves out of the unit for a reason other than

death, hospitalization or establishing a new residence that has been verified by the owner/agent. Household composition is verified using a variety of methods, including, but not limited to:

- Landlord references
- Driver's License
- United States Postal Service
- School Records

The owner/agent also reserves the right to verify household composition if there is evidence to suspect that a household member no longer lives in the unit but the resident has not requested removal from the lease or HUD Form 50059.

Children/Minors: When children are included as part of the family, the following will be required:

For children who are born, adopted or in foster care or in another legal custodial relationship with an existing household member, the owner/agent requires the following:

- Social Security Number and proof that the number is valid
For children five years old or younger who are added after initial occupancy SSN must be provided within 90 days or owner/agent is required to initiate termination of tenancy. An additional 90 days may be provided if extenuating circumstances exist
- Proof of custody
- Birth certificate indicating that a household member is a parent; or
- Adoption paperwork indicating that a household member is a parent as appropriate; or
- Verification from the foster agency indicating the unit as the primary residence of the foster child as appropriate; or
- Other documents proving legal custody arrangement as appropriate

For children who are not part of a legal custody arrangement who will be living in the unit, the owner/agent requires:

- Social Security Number and proof that the number is valid
For children five years old or younger who are added after initial occupancy SSN must be provided within 90 days or owner/agent is required to initiate termination of tenancy. An additional 90 days may be provided if extenuating circumstances exist
- Two forms of proof that the child resides with a member of the household
- Verification from a government organization indicating that the unit will be the primary residence for the minor (examples include but are not limited to school records, children services agencies, foster programs, etc.)
- Verification from a medical professional in the know indicating that the unit will be the primary residence of the minor
- Verification from a social service organization indicating that the unit will be the primary residence of the minor (examples include but are not limited to homeless shelters, shelters for victims of domestic violence, etc.)

- A signed, notarized statement from an adult household member claiming guardianship of a minor child

The owner/agent does not and will not establish policies intended to exclude children. If none of the household members can provide documentation for minors as described above, the owner/agent will meet with the resident to discuss reasonable alternatives. The owner/agent will be the final judge of what is considered adequate documentation proving household composition/residency.

Business Relationship

The relationship between a landlord and resident is a business relationship. A courteous and businesslike attitude is required from both parties. We reserve the right to refuse rental to anyone who is verbally abusive, swears, is disrespectful, makes threats, makes discriminatory comments, appears to have been drinking or taking illegal drugs, is argumentative, or in general displays an attitude at the time of the unit showing and application process that causes management to believe we would not have a positive business relationship.

If an applicant or any member of the applicant household/family demonstrates unprofessional behaviors, such as yelling or using profanity in the presence of the management team, the applicant will be denied.

If the applicant or any member of the applicant's family exhibits threatening behavior, appears to be intoxicated or attempts to intimidate the staff, the applicant, the applicant's family and other members of the applicant's entourage (if applicable) will be required to leave the property and the applicant will be denied.

If the applicant is not appropriately attired when visiting the management office the applicant will be asked to leave. Appropriate attire includes shoes, shirts and appropriate pants or skirts.

Animals, other than assistance animals necessary to allow the applicant/resident to conduct business with the owner/agent, are not allowed in the management office.

Distribution of House Rules

1. All tenants will be provided copies of house rules at their move in.
2. Updates to house rules will go into effect 30 days after distribution to current tenants.

Distribution of the Tenant Selection Plan

1. The tenant selection plan will be made available upon request to all applicants, tenants rejected for occupancy, and the general public. This is done to allow potential applicants to make an informed decision related to completing the application for tenancy.
2. Availability of updated plans- Applicants, tenants, and interested parties desiring to receive copies of updated Tenant Selection Plans should request this of the person that supplied this copy of the Plan.

Medical Marijuana

It is understood that the State of Michigan has a program allowing for legalized possession and use of medical marijuana. HUD however is a federal program. In the matter of legalization of marijuana federal regulations supersede those of the states. As there is no federal recognition of legal possession or use of medical marijuana, even with a state approved medical card, use and or possession of marijuana- medical or otherwise, shall therefore be considered a violation of the Tenant Selection Plan and of the House Rules, and shall be considered grounds for termination of tenancy.

Notification of Nondiscrimination on the Basis of Disability Status

Cherry Creek Village does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, is federally assisted programs and activities.

The person named below has been designated to coordinate compliance with nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988)

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