

**TENANT SELECTION PLAN
BAPTIST MANOR
Property Type – HUD Section 236 Elderly
Property Number – 014037NI**

I. INTRODUCTION

This Tenant Selection Plan outlines the procedures that will be followed in selecting tenants for Baptist Manor. The Executive Director is responsible for implementing and ensuring these procedures are followed according to regulatory requirements.

A. Development Description

Baptist Manor is a non-profit organization which opened in 1976 and is funded under the Section 236 program by the US Dept. of Housing and Urban Development (known as HUD). The program was designed to provide affordable housing to senior citizens at least sixty-two (62) years old. Baptist Manor has a budget-based contract rent set by the NYS Homes & Community Renewal (NYSHCR). The rents are approved by NYSHCR and HUD.

Residents pay either the Basic Section 236 rent or 30% of their adjusted monthly income, whichever is GREATER, up to the maximum "Market Rent" which is determined by NYSHCR and HUD.

This property does accept Housing Choice Vouchers.

FINANCIAL AID

Baptist Manor has received from HUD a Project Based Rental Assistance Contract for ninety-six (96) of the one-hundred and twenty-six (126) apartments. This means that ninety-six (96) of the apartments are subsidized by the federal government and residents who reside in these apartments pay 30% of their adjusted income for rent. As residents move-out of these units, the subsidy is offered to the next in-house resident on the subsidy waitlist. Current residents living at Baptist Manor may apply for this assistance in the management office.

B. Tenant Type

This property is designated as housing exclusively for the elderly. Specifically, households whose head or spouse or sole member is at least 62 years old. The applicant income at initial occupancy must not exceed the 80% HUD income limits established for Erie and Niagara counties in New York State.

C. Policies to Comply with Section 504, Fair Housing Act and Civil Rights Act

1. Section 504

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. Although Section 504 often overlaps with the disability discrimination prohibitions of the Fair Housing Act, it differs in that it also imposes broader affirmative obligations on the Owner to make their

programs as a whole, accessible to persons with disabilities. Section 504 obligations include the following:

- a. Making and paying for reasonable structural modifications to units and/or common areas that are needed by applicants and tenants with disabilities, unless these modifications would change the fundamental nature of the project or result in undue financial and administrative burdens;
- b. Operating housing that is not segregated based upon disability/type of disability, unless authorized by federal statute or executive order;
- c. Providing auxiliary aids and services necessary for effective communication with persons with disabilities;
- d. Performing a self-evaluation of Management's programs and policies to ensure that they do not discriminate based on disability; and
- e. Developing a transition plan to ensure that structural changes are properly implemented to meet program accessibility requirements;
- f. Section 504 also establishes accessibility requirements for newly constructed or rehabilitated housing, including providing a minimum percentage of accessible units.

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

HUD Regional Office of Fair Housing and Equal Opportunity

465 Main Street, 5th Floor

Buffalo, NY 14203

(716) 551-5755

The Fair Housing Act Amendments of 1988 and Title VI of the Civil Rights Act of 1964 declare it to be the policy of the United States that discrimination in housing on the ground of race, color or national origin shall not occur in connection with programs and activities receiving Federal financial assistance and authorizes and directs the appropriate Federal departments and agencies to take action to carry out this policy. Fair Housing Act obligations include the following:

- a. Management will not refuse, either directly or indirectly, to rent or negotiate for rental of a dwelling based on race, color, disability, religion, sex, sexual orientation, gender identity or marital status, familial status and national origin.
- b. Management will not (i) engage in activities that steer potential tenants away from or toward particular units by words or action, (ii) make housing units and related services unavailable to any potential tenants, (iii) purposely provide false information to applicants about the availability of units that limits the living options of prospective tenants, and (iv) deny or limit services based on race, color, religion, sex, disability, familial status and national origin.
- c. Management will market available units in a nondiscriminatory manner.
- d. It is unlawful to coerce, intimidate, threaten or interfere with any person's exercise or enjoyment of any Fair Housing right.

Fair Housing Act provides additional protections for persons with disabilities. It requires that Management make reasonable accommodations in rules, policies, practices, or services as may be necessary to afford handicapped persons equal opportunity to use and enjoy a dwelling.

II. **PREFERENCES**

Preferences are not permitted if they in any way negate affirmative marketing efforts or fair housing obligations.

The following preferences apply at Baptist Manor. The preference for disaster displaced applicants supersedes the preference afforded to veterans.

1. A preference in admission is given to persons displaced by a presidentially declared disaster, such as Hurricane Irene or similar national disasters.
2. A preference in admission is given to all veterans, or their surviving spouses, who served on active duty in time of war, as defined in Section 85 of the Civil Service Law, and reside in New York State.

3. **Existing Tenant Preferences**

The following actions are always given priority if applicable.

- a) A unit transfer based on the need for a reasonable accommodation. In-house residents requesting unit transfers will take precedence over applicants on the waitlist.

4. **Unit Transfers for Reasonable Accommodations**

The owner/agent will consider a unit transfer as a reasonable accommodation due to a disability and/or medical condition.

Existing residents must complete a Unit Transfer request. This form must be completed and signed by the head of household and all adult household members who wish to transfer. The unit transfer request may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If a household request a unit transfer to address a household member's disability, the owner/agent will pay for the move unless doing so would change the nature of the program or would cause undue financial and administrative burden.

The resident must provide written documentation from a licensed physician, psychologist, clinical social worker or other licensed health care professional stating that such an accommodation is necessary for the resident's verified disability.

Lateral transfers are not permitted for reasons that include factors of view, noise, second-hand smoke or apartment location or size when these factors are not related to a disability.

III. WAITING LIST PROCEDURES

A. Accepting Applications

Management will accept applications for apartments from any and all interested persons whereby the head of household and/or co-head are at least sixty-two (62) years old. Applications are received at the management office located at 276 Linwood Avenue, Buffalo, NY between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday. If the office is closed applications can be dropped in the secure mailbox located to the right-side of the management office door. Applications can also be submitted by mail to Baptist Manor, 276 Linwood Avenue, Buffalo, NY 14209 or by fax at (716) 270-1113. Applications can also be requested by email at our website www.baptist-manor.org.

The Waiting List will contain the following information for each applicant listed:

1. Assigned Application Number
2. Name, Address and Phone Number of the Applicant
3. Date and Time Application Received
4. Social Security Number
5. Household's Gross Income
6. Number of Persons in the Household
7. Apartment Size (In the case of Baptist Manor – all apartments are 1 bedroom)

The Waiting List will be maintained in accordance with the following guidelines:

- All applicants will be maintained by chronological date order.

An applicant may only be placed on our waiting list after submitting a substantially completed application. This means, all questions on all pages must be answered. These questions include age of applicant(s) and citizenship status. Consent forms must be signed and dated and a social security number must be provided. All pages that require a signature must be signed by the applicant(s). In the event an applicant is unable to sign because of illiteracy, they may be signed by another adult individual at the direction and in the presence of the applicant. At the time the applicant submits the application for a rental unit, an initial screening will be done to ensure that the application has been substantially completed.

The application will be entered into the Mitchell-Lama Automated Waiting List System as required by the NYSHCR. Baptist Manor will provide the applicant with a time and date stamped copy of the application and a printout of the automated waiting list application summary. The applicant will be advised to inform Baptist Manor in writing of changes in address, family composition, and income within 30 days of such occurrence. Applicants can monitor waiting list position and update their contact information using the AWL's public access function on the web at www.nyshcr.org.

At the time the application is placed on the waiting list, management will send a letter informing the applicant(s) they have been added to the waiting list and provide them with

the number assigned to their application. It will also give them an approximate time frame for waiting for an apartment.

B. Changes in Household Information

When placed on the Waiting List, applicants will be informed to notify Management when the following changes occur:

- Address and/or phone number changes

C. Contacting Persons on the Waiting List

1. Applicants on the Waiting List will be contacted as follows:

When a unit becomes available management will select the next five (5) applicants at the top of the Wait List. Management will contact the selected applicants by regular mail and notify them they have ten (10) days to respond to the apartment opening.

An applicant who responds within the timeframe and accepts the offered unit, will be contacted to schedule an interview. This represents the beginning of the screening process. Those applicants who do not respond timely or who do not accept the offered unit will be processed in the manner indicated below:

- a. The applicant notice of availability will advise applicants that they have the right to refuse one apartment without prejudice to their standing on the waiting list and that failure to respond within 10 business days from the date of the notification letter will be counted as a refusal.
 - b. If Management receives a timely response but the applicant rejects the first offered unit, the applicant will remain at the top of the Waiting List. When a second unit becomes available, no less than 90 days from the first offer, Management will again attempt to contact the applicant and will explain that if the applicant does not respond within ten (10) days or fails to accept the second unit, the applicant's name will be removed from the applicable Waiting List.
2. If, after an interview has been scheduled, the applicant fails to attend or to contact Management to reschedule the interview, Management will follow up with the applicant(s) and try to reschedule the appointment. If management is unsuccessful in getting in touch with applicant, management will notify the applicant in writing that their application has been removed from the Waiting List and placed in the inactive file.
 3. If an applicant's file is placed inactive and he/she contacts us within one year from the date his/her application was placed inactive, we will reactivate his/her rental application as of the day he/she contacted us. The application will be updated, date stamped, marked reactivated and placed in the active file.

D. Updating the Waiting List

1. If the Wait List has more than twelve (12) applicants the list will be updated once a year. A letter will be sent via regular mail to each applicant on the Waiting List (**Exhibit B**). The letter will include a Reply Card (**Exhibit C**) to be returned if the applicant is still interested in living at the property. The applicant will be given twenty-one (21) days from the date the letter was mailed in which to respond. If no response is received, the applicant will be removed from the Waiting List and a certified letter will be sent informing the applicant of this action. If the letter is returned with a forwarding address, it will be re-mailed to the address indicated and a new response time same as above will begin.
2. After the Waiting List is updated based on the Reply Cards returned, it will be the applicant's responsibility to notify the management office of any change in address or telephone number.

E. Opening and Closing the Waiting List

The Wait List for Baptist Manor is short; therefore, Management has never closed it. Baptist Manor reserves the right to close the waiting list should the wait for an apartment exceed three (3) years. At the current time, the property is an "exempt" development and does not have to secure NYSHCR approval prior to apartment admission or transfer assignment. If the waiting list starts to exceed one year this exemption could be rescinded. Baptist Manor is required to submit quarterly tenant selection activity reports to NYSHCR.

IV. THE (INTERVIEW) SCREENING PROCESS

A. Application Requirements

The following information will be used to determine program eligibility for anyone who is seeking housing at the property.

1. The head of household must complete a written application certifying the accuracy of all information that is provided. The applicant will be provided with the appropriate forms HUD-9887 and 9887-A, requesting their Consent for Release of Information. This consent allows Management to verify their income, assets and medical expenses by third-party verification.
2. Proof of age is required as documented by a birth certificate, or date-of-birth as listed on a legal document such as a driver's license.
3. A credit and criminal background and lifetime sex offender search will be obtained as well as
4. Verification of employment, income, bank accounts, and other assets, etc. is required as applicable for each applicant.
5. Verification of previous housing, for 5 years, is required. This will include references from previous landlords. If applicable, it will also include verification for those who were homeowners or lived with family. Applicants will not be rejected solely for a lack of rental history.
6. Proof of citizenship status for all members of the household is required.
7. Verification of Social Security Numbers for all members of the household is required.

B. Home Visits

Home visits will be conducted for all prospective applicants within a 15 mile radius of Baptist Manor. The criteria below outlines what management looks for during home visits:

- General homecare is clean and sanitary;
- Appliances are clean and free of grease build-up;
- Bathroom tub and sink are clean and free of dirt build-up;
- Home is free of insect infestation;
- Applicant's hoarding (excess personal belongings) that may result in a fire hazard.

Completion of Application Process

All applications will be processed within thirty (30) days after the date of the applicant's initial interview or within seven (7) days of receipt of all required documentation, whichever is later.

V. ELIGIBILITY REQUIREMENTS

A. Income

The annual gross income of the applicant(s) must not exceed 80% of the median income for Erie and Niagara County, NY for the appropriate household size.

B. Sole Residence

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

C. Citizenship Requirements

Only applicants and tenants who are United States citizens and eligible non-citizens may benefit from federal assistance. Specifics regarding citizenship requirements and the documentation process are provided in **(Exhibit D)** attached to this Plan.

D. Certification of Social Security Numbers

Effective January 31, 2010 all household members must provide social security numbers. An explanation of required documentation and provisions for accepting applicants without proper documentation is provided in **(Exhibit E)** attached to this Plan.

E. Eligibility of Students

An applicant's student status will be determined at move-in, annual recertification, and initial certification. Federal assistance will not be provided to any individual who is enrolled as a 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. Certain regulations apply to this eligibility and will be adhered to.

VI. OCCUPANCY STANDARDS

Occupancy standards must comply with federal, state and local occupancy standards, and/or laws in connection with occupancy requirements, fair housing and civil rights laws, as well as landlord-tenant laws and zoning restrictions. The occupancy standards for this property are:

One Bedroom Apartments 1 to 2 person households

VII. REJECTION CRITERIA

The ability of the applicant to fulfill lease obligations will be considered. An applicant may be rejected for one or more of the following reasons:

A. Insufficient/Inaccurate Information on Application

Refusing to cooperate fully in all aspects of the application process or supplying false information will be considered valid reasons for rejecting applicants.

B. Landlord References

Current or prior landlord reference checks reveal a pattern of nonpayment of rent, unsanitary living conditions, and/or disturbances in the community.

C. Credit and Financial Standing

1. Unsatisfactory history of meeting financial obligations (including, but not limited to timely payment of rent, outstanding judgments or a history of late payments of bills) will be considered. If an applicant is rejected based on the credit report, they will be provided with the reasons for rejection and given the name of the credit bureau that performed the credit check. Applicants will also be given 14 days to dispute any information on the credit report.
2. The inability to verify credit references may result in rejection of an applicant. Special circumstances will be considered in which credit has not been established (income, age, marital status, etc.) and lack of credit history will not cause an applicant to be rejected.
3. The applicant's financial inability to pay his/her monthly contribution toward the rent of the unit may be assessed. Ordinarily, the total of the applicant's monthly contribution plus other long-term obligations (payments extending more than twelve months) should be less than 48% of his/her monthly gross income. Income ratios may be considered in the context of the applicant's credit and employment history and potential for increases in income.

D. Criminal Convictions/Current Drug Use

Applicants who fall into the following categories **will** be rejected:

- a) Criminal convictions in connection with the manufacture or distribution of a controlled substance;
- b) Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity. Exception: if the evicted household member has successfully completed an approved supervised drug rehabilitation or the circumstances leading to the eviction no longer exist;
- c) Any household member that is subject to a lifetime sex offender registration in any State;
- d) Any household member for whom there is 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 must be based on behavior, not the condition of alcoholism or alcohol abuse.

Applicants who fall into the following categories **may** be rejected.

- a) Current addiction to or engagement in the illegal use of a controlled substance;
- b) Criminal conviction or convictions that involved physical violence to persons or property, or endangered the health and safety of other persons.

E. Household Characteristics

Household size or household characteristics were not appropriate for the specific type of apartment available at the time of application.

F. Home Visit

Living conditions found to be unsanitary, hoarding (over-crowded conditions) and/or infested with insects will be considered valid reasons for rejection.

Housekeeping criteria are not intended to exclude households whose housekeeping is only superficially unclean or disorderly if such conditions do not appear to affect the health, safety or welfare of other residents.

G. 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 resident in the future, including, but not limited to, age at the time of conviction(s), good tenant history since the conviction(s), the nature and severity of the conviction(s), and rehabilitation efforts.

VIII. REJECTION PROCEDURES

A. Written Notification

Each rejected applicant will be promptly notified in writing by first class mail of the specific reason(s) for rejection (**Exhibit F**). This notice will advise the applicant that he/she may, within **14 days** of the receipt of the notice, respond in writing for an appeal. A copy of Baptist Manor's Policy on Grievance and Appeals will be included with the rejection notice.

B. Review of Rejected Applications

Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.

The applicant will be given a final written decision from Management within five (5) days of the applicant's written response or meeting. If the decision is reversed, the applicant will be offered the next apartment that becomes available. If a final notice of rejection is issued, the applicant will have the right to appeal within fourteen (14) days of receipt of the final determination by contacting:

New York State Homes and Community Renewal (NYS HCR)
38-40 State Street
Albany, NY 12207
Attn: Office of Legal Affairs, Hampton Plaza

IX. ENTERPRISE INCOME VERIFICATION

The Dept. of Housing and Urban Development (HUD) requires owners/agents to use a verification database called the Enterprise Income Verification System (EIV).

Enterprise Income Verification System (EIV) 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.

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.

X. LEASE REQUIREMENTS

A security deposit of one month's tenant rent must be paid at the time of initial lease execution. This is placed in an interest bearing account and the interest is annually allocated to the tenant minus an administrative fee. If there are no charges against the

security deposit, the security will be refunded within 30 days after move-out. If charges are levied against the security deposit, an itemized list of charges withheld will be mailed to the tenants forwarding address, or in event of death, to the family.

A separate refundable pet deposit of \$300 will be required for residents who own or keep a dog or cat with the exception of an assistive animal. The resident may pay a minimum of \$50 at the time the pet is brought onto the property, and \$10 per month thereafter, until the full pet deposit of \$300 is paid in full. These funds may be used only to pay reasonable expenses directly attributed to the presence of the pet on the property.

XI. UNIT INSPECTIONS

Each apartment will be inspected on an annual basis by management and/or maintenance. A minimum of one (1) week written notice is given to the resident. Management will check all smoke detectors to ensure they are in working condition and that there are no health or safety issues or concerns. This time is also used as an opportunity to discuss with the resident the proper working of all appliances and to verify that they are operating correctly.

XII. ANNUAL RECERTIFICATION REQUIREMENTS

The annual recertification process begins 120 days prior to the resident's move-in or initial certification date. Residents are required to submit information to management by the 10th day of the eleventh month following their last annual recertification or move-in certification. Management will conduct a recertification interview explaining that the following will be addressed:

1. Reported family annual income.
2. Value of Assets
3. Allowable medical expenses related to deductions from annual income.

HUD regulations require that all income from social security or employment will be verified by the EIV computerized system as monitored by HUD.

At this time, resident will be provided with HUD fact sheet explaining how their rent has been calculated, and all consent forms which need their signature.

Tenant is notified 30 days in advance of a rent increase and original signatures will be obtained.

Tenants paying the Section 236 Market Rent are required to complete a certification questionnaire and an affidavit certifying their annual income.

XIII. INTERIM RECERTIFICATION

Interim Recertification will occur if:

1. The household income cumulatively increases by \$200 or more per month.
2. There is a decrease in household income or increases in allowances.

There is a penalty resulting in a rent increase to "market rent" for failure to notify management and provide information regarding increases of monthly income in excess of \$200 or more per month. This will be done in accordance with the time frames and administrative procedures set forth in HUD's regulations, handbooks and instructions.

XIV. HOUSE RULES AND CHARGES

House rules which relate to safety, care and cleanliness of building, as well as addressing smoking and pet rules are included in the Move-In packet given to new residents. They identify allowable and prohibited activities in the housing units and common areas. These house rules and charges are also included as an attachment to the lease and when changed, residents receive written notice 30 days prior to implementing new house rules.

XV. CHANGES IN THE TENANT SELECTION PLAN

It is the responsibility of management to review its Tenant Selection Plan on an annual basis to ensure it is in compliance with the plan and HUD regulations. In the event changes are made to the Tenant Selection Plan, applicants will be notified in an annual letter that is sent out to update the waitlist and applicants will be informed of their right to request a copy of the Tenant Selection Plan.