Pathways at Gaston Place

Tenant Selection Plan

Project Based Rental Assistance & Low Income Housing Tax Credit

EQUAL HOUSING OPPORTUNITY

Effective 10/20/26

Pathways At Gaston Place Tenant Selection Plan

OWNER/AGENT & PROPERTY INFORMATION

Owner/Agent Name	Austin Housing Authority/Pathways Asset Management, Inc.
Owner/Agent Address	1124 S IH 35
Owner/Agent City, State, Zip	Austin, TX 78704
Owner/Agent Phone #	(512) 477-4488
Owner/Agent Fax	(512) 472-2958
Owner/Agent TTY/TTD/Relay	1-800-735-2989 or 7-1-1
Property Name	Pathways At Gaston Place
Property Address	1941 Gaston Place Dr
City, State, Zip	Austin, TX 78723
Property Phone	(512) 926-9575
Property Fax	(512) 933-0302
TTY/TDD/Audio Relay	1-800-735-2989 Or 711 National Voice Relay
Email Address	gastonplace@austinha.org

Pathways Asset Management PBRA/LIHTC Tenant Selection Plan

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THE PURPOSE OF THE RESIDENT SELECTION PLAN

The resident selection plan helps to ensure that residents are selected for occupancy in accordance with HUD program and project eligibility requirements and established management screening policies.

AVAILABILITY OF ASSISTANCE FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency (LEP)*, requires the owner/agent to develop and implement a system to provide housing assistance so persons with Limited English Proficiency (LEP) can have meaningful access to assisted housing opportunities. The owner/agent will provide for such meaningful access consistent with, and without unduly burdening the fundamental mission of the property. The owner/agent will work to ensure that people who apply for and/or qualify for housing assistance are provided meaningful access to HUD's housing assistance program.

- Please contact the management office if you need help understanding this document.
- Contacte por favor la oficina de gestión si usted necesita ayuda a comprender este documento. (Spanish)
- Por favor contate o escritório de gerência se deve ajudar entendimento este documento. (Portugese)
- Si vous avez besoin d'aide à la compréhension de ce document, veuillez communiquer avec le Bureau de gestion. (French)
- Souple kontakte Biwo jesyon a si w bezwen èd pou konprann dokiman sa a. (Haitian Creole)
- Xin liên lạc với văn phòng điều hành nếu bạn cần giúp đỡ sự hiểu biết tài liệu này. (Vietnamese)
- Пожалуйста свяжитесь с офисом управления, если Вам нужна помощь в понимании этого документа. (Russian)
- Bitte kontaktieren Sie das Leitungsbüro, wenn Sie helfen müssen, dieses Dokument zu verstehen. (German)
- 請聯絡管理辦公室，如果你需要幫助理解這份文件。(Chinese)
- もしこの文書を理解しているための助けを必要としていれば、経営オフィスと連絡を取ってください。(Japanese)

RULES OF CONDUCT

The relationship between a landlord (owner/agent) and a resident or applicant is a business relationship. A courteous and businesslike attitude is required from both parties. The owner/agent reserves the right to refuse to conduct business with anyone who is verbally abusive, swears, is disrespectful, makes threats, uses discriminatory language, appears to be intoxicated or under the influence of alcohol or drugs, is argumentative, or in general displays an attitude, at any time, which causes the owner/agent or the property staff to believe we would not have a positive business relationship.

If an applicant or any member of the applicant's family demonstrates unprofessional behavior in the presence of the management team or other residents/applicants, 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 application will be rejected.

If the applicant or any member of the applicant's family exhibits threatening behavior, appears to be intoxicated or under the influence of alcohol or illegal drugs 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 application will be rejected.

To ensure the privacy of property staff, property residents and applicants, applicants and residents are asked to refrain from use of cell phones or other electronic devices, except those necessary to alleviate the symptoms of a disability, by residents or applicants, while in the management office or Administration Central Office.

Assistance Animals are always welcome in the management office. Please keep all pets outside the management office at all times.

Admissions Department staff is not permitted to accept any money, gifts, services or favors connected with the application process, criminal or credit checks, eligibility determination, apartment selection, or associated with any aspect of residency on this property. If property staff solicits any mandatory payment for any part of the application process, the applicant should notify the owner/agent at (512) 477-4488.

SMOKE FREE HOUSING

Smoking is prohibited in residential units and common areas. This includes outdoor patios, hallways, stairwells and parking lots. This policy applies to all owner/agents, property staff, applicants, residents, guests, and servicepersons. Smoking is only allowed in outdoor areas designated with a property-installed sign. Designated smoking area(s) will have a proper receptacle to dispose of butts and used matches. "Smoking" shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, cigar, pipe, water pipe/hookah, weed, plant, or other combustible substance in any manner or in any form.

ASSISTANCE DEFINITION

The property is operating under the guidelines established for two layered housing programs - the HUD Project Based Rental Assistance (PBRA) program and the Low Income Housing Tax Credit (LIHTC) program. Because this plan covers the eligibility and tenant selection requirements for both programs, there are some areas of the plan that will only be applicable to one program. Those areas are identified throughout the plan. A person must be capable of fulfilling the lease requirements, with or without assistance.

SUBSIDY

Residents at this property are offered subsidized rent. This means the rent that a household pays is based upon the household income. The family will pay 30% of their adjusted household income, 10% of their gross household income or $25 – whichever is higher. The balance of the contract rent is subsidized by the Federal Government. The rent amounts paid by residents may vary.

TENANT-BASED VOUCHERS

The owner/agent may not admit an applicant with a voucher to a unit with Project Based Rental Assistance unless the applicant agrees to give up the voucher prior to occupancy. This will be verified with the former housing provider.

Please note that housing assistance provided through HUD's multi-family housing program is not the same as the housing assistance provided through the voucher program. If any family member moves out, the housing subsidy will not move with the family as it does with a voucher

ASSISTED LIVING

This is not an assisted living property. The owner/agent and property staff do not provide, nor have the authority to provide, any personal care or personal supervision services. All care and supervision services must be provided by the resident or aides supervised by the resident or the resident's representative(s). The owner/agent and property staff do not provide assistance with personal activities or daily living.

FAIR HOUSING POLICIES

FAIR HOUSING

The owner/agent will not discriminate in any of the following ways:

- Deny to any household the opportunity to apply for housing, nor deny to any eligible applicant the

opportunity to lease housing suitable to its needs;
- Provide housing which is different than that provided others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Deny a person access to the same level or services; or
- Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.

The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability, and familial status. In addition, the city of Austin has added Fair Housing protections based on creed, student status, marital status, sexual orientation, gender identity and age.

The development will comply with state and federal fair housing and antidiscrimination laws; including, but not limited to, consideration of reasonable accommodations requested to complete the application process. Chapter 1, Subchapter B of Title 10: Community Development Part 1: Texas Department of Housing and Community Affairs provides more detail about reasonable accommodations. In addition, applicants can request a copy of the owner/agent's Reasonable Accommodation Policy.

Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines and TDHCA's rules.

Specific animal, breed, number, weight restrictions, pet rules and pet deposits will not apply to households having a qualified service / assistance animal(s). For more information, applicants can request a copy of the owner/agent's Assistance Animals Policy.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The owner/agent complies with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance from HUD.

SECTION 504 OF THE REHABILITATION ACT OF 1973

The owner/agent complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination, based on the presence of a disability in all programs or activities operated by recipients of federal financial assistance.

Although Section 504 protections often overlap with the disability discrimination prohibitions included in the Fair Housing Act, Section 504 differs in that it imposes broader affirmative obligations to make their programs, as a whole, accessible to persons with disabilities.

Coordinating Efforts to Comply with Section 504 Requirements

The owner/agent has designated a person to address questions or requests regarding the specific needs of residents and applicants with disabilities. This person is referred to as the Section 504 Coordinator.

Section 504 Coordinator:	Compliance Analyst, Low Income Housing Department
Address:	1124 S IH 35, Austin, TX 78704
Phone Number:	(512) 477-4488
TDD/TTY Number:	1-800-735-2989 OR 711 Voice Relay

Requests for Reasonable Accommodation or Modification

In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act, the owner/agent will make reasonable accommodations or modifications for individuals with disabilities (applicants or residents) unless these modifications would change the fundamental nature of the housing program or result in undue financial and administrative burden.

The owner/agent has a Reasonable Accommodations Policy which explains the eligibility and the process for making a request. The owner/agent will provide an individual with a copy of the Reasonable Accommodation Policy upon request.

PRIVACY POLICY

It is the policy of the owner/agent to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the owner/agent.

Neither the property owner/agent nor its agents shall disclose any personal information contained in its records to any person or agency, other than HUD, its Contract Administrators or other federal/state entity or investor auditing entities, unless the individual about whom information is requested gives written consent to such disclosure. Such consent may be provided in an equally effective manner, as a reasonable accommodation, when there is the presence of a disability.

This Privacy Policy in no way limits the owner/agent's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

COMPLIANCE WITH REQUIREMENTS OUTLINED IN THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2022

The owner/agent understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain protections provided through the Violence Against Women Reauthorization Act of 2022 (VAWA 2022).

If an applicant or resident wishes to exercise the protections provided in the VAWA 2022, he/she should contact the owner/agent immediately. The owner/agent will not assume that any act is a result of abuse covered under the VAWA 2022. In order to receive the protections outlined in the VAWA 2022, the applicant/resident must specify that he/she wishes to exercise these protections. The owner/agent will provide an individual with a copy of the VAWA Policy upon request.

THE EQUAL ACCESS RULE

The owner/agent ensures that HUD's core housing programs are open to all eligible persons regardless of sexual orientation, gender identity or marital status in accordance with *The Equal Access Rule.*

ELIGIBILITY REQUIREMENTS

The owner/agent is required to determine whether applicants are eligible to occupy the subsidized property and receive housing assistance. Eligibility is divided into property eligibility and program eligibility. Eligibility is determined based on the applicable Federal and State regulations that govern the property and programs.

For HUD programs, eligibility is determined at move-in or initial certification. Thereafter, eligibility is only reviewed for student status or to determine if a remaining family member is eligible to remain in the unit and/or receive housing assistance.

PROPERTY ELIGIBILITY DEFINITION

Household/Resident Type

This multi-family PBRA/LIHTC property is designed to provide housing to families who meet the eligibility

and screening requirements.

Income Limits

Income limits vary by program type (PBRA or LIHTC) and household size. The owner/agent will provide applicants a copy of the income limits for the property area upon request. In addition, applicants can review the income limits by accessing the following web site. http://www.huduser.org/datasets/il.html.

HUD requires that property managers incorporate the most recently published income limits when determining eligibility. The IRS "hold harmless" rule states that if the income limits go down, the property can maintain the highest level of income limits in effect after the property was placed in service with tax credits.

This property is a layered property with all units required to meet both the PBRA and LIHTC income limit requirements. Both income limits are based off a percentage of the median family income for the Austin – Round Rock – San Marcos metropolitan statistical area. Since the LIHTC income limit is lower, by default it becomes the effective income limit for the property.

For this property, qualified applicant households must meet HUD's Low Income Limit (80% of median income) requirement as well as the LIHTC 60% Income Limit (60% of the median income). The income limits can be provided upon request.

Occupancy Standards

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in an inefficient use of housing funding. Occupancy standards also ensure that residents are treated fairly and consistently and receive adequate housing space.

Below, please find this property's occupancy standards description:

Number of Bedrooms	Min. # Household Members	Max. # Household Members
1	1	3
2	2	5
3	3	7
4	4	9
5	5	11

- The owner/agent does not determine who shares a bedroom.
- The family chooses at pre-application which bedroom size is appropriate for their family, as long as the number of family members is within the range listed in the chart above.
- Once the family has selected an eligible bedroom size they will only be placed on the waiting list for that bedroom size. Changes to the bedroom size cannot be made unless a qualifying event occurs. Qualifying events include:
  - Changes in the family composition (removing or adding household members) which result in the family being eligible for a different bedroom size.
  - Changes in the ages of children, resulting in two children of the opposite gender, with one at least seven (7) years of age. These children will not be required to share a bedroom.
  - Changes in family composition adding persons of different generations (grandparent, grandchild, parent, etc.). These family members will not be required to share a bedroom.
  - Need for a different bedroom size as a reasonable accommodation for a disability.
- Authorized live-in aides will be allocated a separate bedroom.
- Anticipated children will be included. Anticipated children include:

- Children expected to be born to a pregnant woman;
- Children in process of being adopted by an adult family member;
- Children whose custody is being obtained by an adult family member;
- Foster children who will reside in the unit;
- Children who are temporarily in a foster home who will return to the family; and
- Children in joint custody arrangements who are present in the household 50% or more of the time.

o A household that contains a temporarily absent family member (not the head of household or spouse) who is enrolled as a full-time student at an institution of higher learning and who is on the lease will be counted for the purposes of establishing occupancy standards for unit size if:
  - the family member is enrolled and actively attending a two-year or four-year college or university; and
  - the family member resides in the unit during school breaks and holidays.

Any household placed in a unit size different from that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit at the same property when one becomes available. Once an appropriate size unit is offered to the family, they have 30 days to complete the transfer or lose their subsidy.

Rent Limits

For the PBRA program, residents will pay 30% of their adjusted household income, 10% of their gross household income, or $25 – whichever is higher, even if this amount exceeds the contract rent. This amount is adjusted downward by a utility allowance for any utilities that are paid by the resident directly to the utility provider.

If rental assistance is terminated, but the resident is allowed to remain living on the property, the resident will pay the LIHTC maximum rent.

The maximum amount of rent that can be paid by the resident is set by the LIHTC 60% rent limits (based on 60% of median income), which will be provided upon request.

Verifying the Need for an Accessible Unit

When an applicant requests an accessible unit or a unit preference, such as a first floor unit, the owner/agent will conduct inquiries to:

o Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability.
o Verify that the applicant needs the features of the unit as an accommodation to his or her disability.
o Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability.

Verification of this information can be provided by a reliable source that has reasonable knowledge of the family's need for this accommodation.

PROGRAM ELIGIBILITY

Eligibility Standards

Based on federal regulations, the owner/agent may admit only eligible applicants. In the selection of applicants for admission, eligibility criteria have been established in accordance with HUD guidelines. The following eligibility standards will be applied in accordance with HUD requirements:

o The household's annual income must not exceed program income limits at move-in;
o The Head-of-Household (HOH), co-Head-of-Household and the spouse (regardless of age) and all

adults in each household must sign an Authorization for Release of Information (HUD Forms 9887 and 9887A) and owner/agent created verification documents prior to receiving assistance and annually thereafter;

- The unit for which the household is applying must be the household's only residence;
- An applicant must agree to pay the rent required by the program under which the applicant will receive assistance;
- Only U.S. citizens or eligible non-citizens may receive assistance;
- Applicants who claim eligible status must disclose Social Security Numbers for all household members and provide proof of the numbers reported (*See additional information below*);
- The household size must be appropriate for the available apartments *(See Occupancy Standards);*
- All information reported by the household is subject to verification.

Disclosure and Verification of Social Security Numbers

All household members receiving HUD housing assistance or applying to receive HUD housing assistance are 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 includes a Social Security card issued by the Social Security Administration (SSA) or other acceptable evidence of the SSN such as:

- Original Social Security card
- Driver's license with SSN
- Identification 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

Exceptions to Disclosure of Social Security Number

The Social Security Number requirements do not apply to:

- Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
- Individuals who do not contend eligible immigration status. When applicants and residents are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed.
- If a child under the age of 6 years is added to the applicant household within the 6-month period prior to the household's date of admission, the assistance applicant may become a participant, so long as the documentation required in this section is provided to the processing entity within 90 calendar days from the date of admission into the program. The owner/agent will grant an extension of one additional 90-day period if the owner/agent determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably been foreseen and were outside the control of the applicant. If the applicant family fails to produce the documentation required in this section within the required time period, the owner/agent may terminate assistance or tenancy of the entire family.

If, at the time a unit becomes available, all non-exempt household members have not provided adequate documentation necessary to verify Social Security Numbers, the next eligible applicant must be offered the available unit.

All non-exempt household members have ninety (90) days-from the date they are first notified that a unit is available-to provide documentation necessary to verify the Social Security Numbers. During this 90-day period, the household may retain its place on the waiting list, but will not be considered again

until the required documentation is provided.

If, after ninety (90) days, the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the household will be determined ineligible and removed from the waiting list.

The applicant may apply again, after obtaining the appropriate documentation. The applicant will be placed on the waiting list based on the date and time the new application is received.

Citizenship/Immigration Status Requirements

Applicants are required to declare U.S. citizenship or submit evidence of eligible immigration status for each household member seeking housing assistance. The owner/agent is required to obtain the following:

- Family Composition List *(lists all household members who will reside in the assisted unit)*
- Citizenship Declaration - Each household member listed on the Family Composition List must complete a declaration of citizen or non-citizen status
- Forms and/or evidence of citizen/immigration status as required by HUD

If any applicant has questions or experiences difficulty providing the described information or determining the type of documentation required, the applicant should contact the owner/agent. If any applicant is unable to provide the required documentation in the timeframe indicated below, the applicant must contact the owner/agent to request an extension. If any applicant fails to provide this information in the timeframes described, the owner/agent cannot provide assistance and the application will be rejected.

The owner/agent will offer the household assistance, providing subsidy to those eligible household members whose documents were received on time, when the following criteria is met:

- At least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible based on all of the criteria in this tenant selection plan
- Assistance/Unit is available
- The household is the next household to be selected from the waiting list

Proof of declared citizenship status must be provided for all household members. Members who claim U.S. citizenship can provide any documents approved by HUD or the Department of Homeland Security (DHS) to prove citizenship. Applicants who claim eligible immigration status must provide documentation to support that status.

As part of the recertification process, owner/agents must determine citizenship/immigration status of residents from whom the owner/agent has not previously collected the proper documentation or whose documentation suggested that their status was likely to change. If any household member is determined to be an ineligible non-citizen, either at application or after move-in, assistance and/or tenancy may be denied, terminated or prorated as appropriate.

Applicants must submit required documentation of citizenship/immigration status no later than the date the owner/agent initiates verification of other eligibility factors (pre application or application). If the applicant cannot supply the documentation within the owner/agent's specified timeframe, the owner/agent may grant the applicant an extension of not more than thirty (30) days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation.

The owner/agent will inform the applicant via email (or, if required/requested, in an alternative format) if an extension request is granted or denied. If the request is granted, the owner/agent will include the new deadline for submitting the documentation. If the request is denied, the owner/agent will state the reasons for the denial in the response.

Owner/agents will conduct primary verification through the Systematic Alien Verification for Entitlements (SAVE) database - the Department of Homeland Security (DHS) automated system. The system will display messages for immigration status confirmation on the screen. If the message "institute secondary verification" is displayed on the screen, the manual verification process must be used. Within ten (10) days of receiving an "Institute Secondary Verification" response, the owner/agent will prepare DHS Form G-845S*, Document Verification Request*. The owner/agent will send DHS Form G-845S and photocopies of the DHS documents submitted by the applicant to the DHS office serving the property's jurisdiction. DHS will return to the owner/agent a copy of DHS Form G-845S indicating the results of the automated and manual search.

The owner/agent will notify the household via email (or, if required/requested, in an alternative format) as soon as possible if the secondary verification process returns a negative result. The applicant or resident has thirty (30) days from receipt of the notice to choose which option to follow. The applicant or resident may appeal the owner/agent's decision directly to the DHS. The applicant or resident must send a copy of the appeal directly to the owner/agent. The DHS should respond to the appeal within thirty (30) days. If the DHS decision results in a positive determination of eligibility, the owner/agent can provide the appropriate housing assistance. If the DHS decision results in a negative determination of eligibility, the household has thirty (30) days to request a hearing with the owner/agent.

Owner/agents may not delay the household's assistance if the applicant or resident submitted immigration information in a timely manner but the DHS verification or appeals process has not been completed. If a unit is available, the household has come to the top of the waiting list, and at least one member of the household has submitted the required documentation in a timely manner and has been determined to be eligible, the owner/agent will offer the household a unit and provide full assistance to those household members whose documents were received on time. The owner/agent will continue to provide full assistance to such households until information establishing the immigration status of any remaining non-citizen household members has been received and verified.

Single Residence/Subsidy Criteria

A household is eligible for assistance only if the unit will be the household's only residence. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit.

Applicants must disclose if they are currently receiving HUD housing assistance. Residents can only receive subsidy for one unit/residence at a time. This prohibition does not prevent a person who is currently receiving assistance from applying for an assisted unit in another property.

If, for any reason, an applicant moves in to this property before moving out of another subsidized unit, the new resident will be required to pay market rent (not to exceed the LIHTC Maximum Allowable Rent as shown on Appendix 1) until the move out from the previous property is complete and the resident is eligible to receive HUD subsidy for this property. Assistance in the new unit will begin, if the household is still eligible, the day after assistance ends for the previous unit.

There is an exception to this rule. Children in joint custody arrangements can receive HUD housing

assistance in two units when both parent/guardian families receive HUD housing assistance. However, only one household may use the dependent deduction to determine adjusted income. In these cases, additional verification is required. The owner/agent will request:

- Verification of the custody/guardianship/living arrangement
- Verification of the use of the deduction. The owner/agent will verify use of the dependent deduction with the other owner/agent if :
  - The child will live in the unit at least 50% of the time and
  - The parent wishes to claim the deduction, and
  - Both families are receiving HUD housing assistance

There is a second exception to this rule. If a member of an existing household leaves that household to establish their own unit, HUD allows for a temporary overlap of subsidy (not to exceed 60 days) to allow for the interim recertification to go into effect for the original household.

Eligibility of Students Enrolled at an Institute for Higher Education

Student eligibility is determined at move-in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All adult students are required to report any change in their student status.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student:

- Is living with his or her parents who are receiving Section 8 assistance
- Is individually eligible to receive Section 8 assistance and has parents who are income eligible to receive Section 8 assistance.
- Is a veteran of the United States military;
- Is married;
- Has a dependent other than a spouse (e.g. dependent child);
- Is at least 24 years of age;
- Is a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was receiving assistance under section 8 of the 1937 Act as of November 30, 2005;
- Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
  a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age of older;
  b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
  c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by
     1. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
     2. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
     3. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
     4. A financial aid administrator; or

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

If a student does not meet the eligibility criteria above, but can prove independence from parents under HUD rules, then the student would meet HUD's student eligibility criteria. Please see property staff if you need additional information about proving independence from parents.

If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.
***NOTE**: An owner/agent cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.*

Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition shall be considered income to that individual, except for:

- A student 24 years of age or older with dependent children as defined by HUD or
- A student living with his/her parents who are receiving Section 8 assistance.

The definition of tuition is consistent with the definition provided by the Department of Education and includes all tuition plus mandatory course-related fees associated with being enrolled at that institution of higher education. This does not include the cost of books.

Additional Tax Credit Eligibility Requirements for Students Enrolled at an Institute of Higher Education

Households composed entirely of full-time students (no one of whom is eligible to file a joint tax return) are not eligible for the tax credit program unless they meet one of these 5 criteria:

- The household consists of persons who are married and file a joint tax return or are eligible to file a joint tax return, or
- The household consists of a single parent and at least 1 child, neither of whom is a dependent on another person's tax return (other than another parent of the child), or
- Household member is receiving assistance under Title IV of the Social Security Act ,such as TANF, or
- Household member is participating in a job-training program funded through the Workforce Investment Act of other similar federal, state, local laws, or
- Household member was a participant in a state foster care program

Prohibition of Assistance to Noncitizen Students

Noncitizen students and their noncitizen families may not receive assistance. Noncitizen students are not eligible for continuation of assistance or temporary deferral of termination of assistance. A noncitizen student is defined as an individual who is as follows:

- A resident of another country to which the individual intends to return;
- A bona fide student pursuing a course of study in the United States; and
- A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the noncitizen student's noncitizen spouse and noncitizen children. However, spouses and children who are U.S. citizens may receive assistance. For example, a family that includes a noncitizen student married to a U.S. citizen is a mixed family.

PROCEDURES FOR TAKING PRE-APPLICATIONS & APPLICATIONS

Applications for housing at this property are only received online or at the owner/agent's office location.

It is the owner/agent's policy to accept and process applications in accordance with HUD guidance. The owner/agent will make a reasonable accommodation to assist in the application process if the applicant or any member of the applicant household is disabled.

PRE-APPLICATIONS

Applicants will first complete a pre-application to have their name placed on the waiting list for housing at the property. Pre-applications can be submitted on the internet at www.austinha.org from any device with internet access (including smartphone, tablet, desktop or other device). For a list of local places with free internet access please contact the Austin Housing Authority (AHA). The owner/agent will also accept the application in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. Please contact AHA to request that accommodation.

The entire pre-application must be completed in full to be considered. Electronic submissions of pre-applications cannot be submitted if they are incomplete. Confirmation of successful submission will be provided by the online application portal if all requirements are met. For pre-applications accepted by an alternate means, if the pre-application is not complete, the owner/agent will attempt to contact the applicant to obtain missing information. The applicant will have ten (10) business days to respond and provide missing information. If the applicant fails to provide required information within the ten (10) day period, the owner/agent will return the application.

Due to long waiting lists and depending on the preferences for which an applicant family may qualify, the time spent on the waiting list may vary considerably. While waiting on the waiting list, applicants may check the status of their application by logging on to their applicant portal account. In their applicant portal, applicants can update their contact information, report changes to their application and check the status of their application. It is the applicant's responsibility to keep all contact information current.

APPLICATIONS

When the applicant family reaches the top of the waiting list, they will receive an invitation via email (or, if required/requested, in an alternative format) to come to an eligibility interview.

- Applicant families can receive up to two invitations to attend an eligibility interview.
- If a family does not attend the first scheduled appointment, a notice will be sent to the family and their name will be withdrawn from the waiting list. If the family responds within fifteen (15) calendar days of the notice and requests to be rescheduled, they will be placed back on the waiting list with their same date and time.
- Once the family misses their second scheduled appointment, they are no longer eligible to be placed back on the waiting list. The family will be required to submit a new application and start the process from the beginning.

During the eligibility interview process, the applicant family will complete a full application. All documents in the Application Package must be **completed in full**, signed and dated in order to be accepted. All adult applicants must complete the application package as instructed.

Upon request, the owner/agent/agent will provide interested parties with a copy of the application package.

The person who is indicated as the Head-of-Household (HOH) must execute and sign all documents that are included in the application package. Before completing or executing any forms, additional copies should be made for all adult household members and in some cases for minors who will live in the unit.

The owner/agent will require applicants to provide several documents as verification and proof of eligibility for housing. These will include:

- A government issued photo ID - used for verifying the identity of all applicants.
- A birth certificate or other government issued document which includes the applicant's name and date of birth – used to verify the age of all applicant family members.
- Proof of citizenship – which may include a US birth certificate, US passport or other government issued documents demonstrating citizenship.
- Proof of immigration status (if applicable) - which may include a permanent resident card, employment authorization card, I-94 visa or other government issued document indicating valid immigration status.
- A Social Security card or any other government issued document including the name and full SSN of all applicants.
- Verification of all sources of income, including (but not limited to) check stubs for employment, SS / SSI award letters, VA Pension award letters, TANF award letter, proof of child support and verification of asset income.

FINAL DETERMINATION OF ELIGIBILITY

Once the applicant family completes the eligibility interview, all eligibility criteria will be reviewed before a final eligibility determination is made. Being eligible, however, does not guarantee that the application will be approved. All adult applicants (and if appropriate minors) will be subject to the certain screening based on landlord/rental history, credit history and criminal history. If the screening process determines that the family meets HUD's and the owner/agent's standards for admission, the family is found eligible.

LIVE-IN AIDES

Please contact the AHA central office Admissions Department if a live-in aide will be moving in to the unit. If the family plans to include a live-in aide, the live-in aide is not required to complete the same application forms. Live-in aides must complete the Live-in Aide Application and participate in screening and other Owner/Agent verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide. The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish possession of the unit within a reasonable time if the resident is absent for an extended period of time or if the resident leaves for any reason. The live-in aide will be required to sign an acknowledgement the live-in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death.

WAITING LISTS

To ensure that applicants are appropriately and fairly selected for the next available unit, it is essential for the owner/agent to maintain waiting lists. The owner/agent will place the applicant household on the waiting list after preliminary eligibility determination is complete.

If applicants are eligible for more than one bedroom size, the applicants will have the option of choosing which bedroom size is appropriate for their family. Applicants will specify a desired unit size when completing the pre-application. The applicant will be placed on the waiting list for the indicated unit size as long as the applicant household meets the Occupancy Standards described in this plan

Applicants will be given 15 days to change their bedroom size choice. Once the 15 days have passed, they will not be allowed to change that selection unless a qualifying event has occurred. Please see the list of qualifying events in the Occupancy Standards section of this plan.

The applicant Head-of-Household (HOH) will be contacted, based on the waiting list selection criteria, and offered housing for the first unit that becomes available based on the selection guidelines described in this plan.

MAINTAINING WAITING LISTS

It is the policy of the owner/agent to administer its waiting list as required by HUD handbooks/regulations and TDHCA. The owner/agent will update the waiting list by removing the names of applicants who are no longer interested in or no longer qualify for the PBRA and/or LIHTC program.

On a regular basis, as determined by the owner/agent considering the length of the waiting list, the owner/agent will contact each applicant household by mail or email, using the contact info provided on the pre-application. Applicants are responsible for updating their application with any changes in address. The Head-of-Household (HOH) will be the only person contacted unless otherwise requested.

If the Head-of-Household (HOH) fails to respond to the owner/agent inquiries regarding the desire to remain on the waiting list, the application will be rejected and the household will be removed from the waiting list.

In addition, an adult member of the applicant household must contact the Admissions Department if household information changes (i.e. number of household members, number of future household members, criminal history, income, etc.). If the household size or composition changes, the owner/agent will:

- Update the waiting list information and
- Decide whether the household needs the same or a different unit

If, as a result of the household composition change, it is determined that the household will be on the waiting list for a different unit than originally indicated, the household will maintain their place on the waiting list for the new unit. If there are no units of the appropriate size on the property, the household will be rejected and will be removed from the waiting list.

REMOVAL OF APPLICANTS FROM THE WAITING LIST

The owner/agent will remove an applicant's name from the waiting list if any of the following apply:

- Applicant requests that the household name be removed
- The unit that is needed – using household size as the basis – has changed, and no appropriate size/type unit exists in the property
- Applicant fails to meet eligibility requirements
- Applicant fails to meet occupancy standards
- Applicant fails to meet screening requirements
- Applicant is rejected for any reason described in this plan
- Applicant cannot be contacted by US Mail (letters are returned or undeliverable)
- Applicant fails to keep application information up to date based on the requirements described in this plan
- Applicant was clearly advised, in writing via email or mail, of the requirement to tell owner/agent of his/her continued interest in housing by a particular time and failed to do so
- Applicant refused offer of a unit (See Right to Refusal Policy for additional information.)

If an applicant is removed from the waiting list, and subsequently the owner/agent determines that an error was made in removing the applicant, the applicant will be reinstated at the original place on the waiting list.

If an applicant is removed from the waiting list and later, the applicant household feels that they are now qualified for assistance/tenancy, the applicant household must submit a new application. The applicant will be placed on the waiting list, as necessary, based on the submission date and time of the new application.

In addition, if an applicant previously accepted a unit offered by the owner/agent and the applicant failed to take possession of the unit on the agreed upon date without notice to the owner/agent, the owner/agent reserves the right to refuse all future applications.

SELECTING APPLICANTS FROM THE WAITING LIST

When an applicant family reaches the top of the waiting list, they will be contacted by AHA's Admissions Department to complete an eligibility interview. Once the family has been certified eligible, they will wait for the next unit to become available.

The owner/agent will contact the next certified eligible household *based on the selection criteria described in this plan* and make a housing offer to the family. No decisions to offer the unit shall be made until all information presented by the applicant has been verified and the final eligibility determination is complete.

Income Targeting (PBRA Only)

Based on the HUD contract for this property, the owner/agent is required to comply with the Income Targeting Requirement. Income Targeting requires that the owner/agent implement policies to ensure that, during the property fiscal year, 40% of all households that move in to the property or who begin receiving assistance fall within the Extremely Low Income Limits for the area where the property is located.

At this time, no special selection methods are required to meet the Income Targeting requirements. The owner/agent is required to monitor compliance throughout the year. If, after periodic review, the owner/agent discovers that the Income Targeting Requirement will not be attained, the owner/agent will only select, in order, those applicants whose income falls within the extremely-low income levels. Once the Income Targeting Requirement is met, the owner/agent will return to the "natural" selection order.

PREFERENCES

Applicants with preferences are selected from the waiting list and receive an opportunity for an eligibility interview earlier than those who do not have a preference.

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances.

Preferences affect only the order applicants are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible. Preferences are not permitted if they, in any way, interfere with affirmative marketing efforts or fair housing requirements.

Owner/Agent-Adopted Preference

Unit Transfer Preference: Residents who have submitted a Unit Transfer Request and who are deemed eligible for the transfer are given preference on the waiting list. This means that a resident transferring

from one unit to another will be offered a unit before an applicant. Unit transfers (on-property) will be weighted and offered in the following order:

- Emergency / Safety
- Reasonable Accommodation Request
- Over Housed
- Under Housed
- Make an Accessible Unit Available

HUD Approved Preferences

Preference for Victims of Domestic Violence who reside at any AHA owned property (AHA VAWA): Existing applicants or new applicants who currently reside at an AHA owned property will be offered the opportunity to claim a preference based on the protections offered in the VAWA Reauthorization Act of 2022. Such status will be verified, and when such verification is complete, applicant families will be added to the waiting list with a VAWA preference. Documentation of eligibility for this preference will be required. See the property's VAWA policy for a full explanation of acceptable documentation.

Preference for Families that have been Involuntarily Displaced by Natural Disaster or Government Action (Involuntarily Displaced): Existing applicants or new applicants will be offered the opportunity to claim that they have been involuntarily displaced within six months of the action that caused the displacement. Such status will be verified, and when such verification is complete, applicant families will be added to the waiting list with an involuntarily displaced preference.

Examples of involuntary displacement include, but are not limited to, displacement due to hurricane, tornado, flood, fire, the exercise of eminent domain, or other government action.

Documentation of eligibility for this preference is required. Sufficient documentation includes:

- Documents from FEMA, the State of Texas, the City of Austin or any other government agency indicating that the applicant's residence has been destroyed or is no longer habitable due to natural disaster or government action.
- Documents from the Red Cross or other disaster agency indicating that the applicant's residence has been destroyed or is no longer habitable due to natural disaster or government action.

Preference for Elderly Family (Elderly- at Gaston Place only): Existing applicants and new applicants will be offered the opportunity to disclose to the owner/agent the relationship to the Head of Household for all other household members. The HUD definition for an elderly family from the HUD Handbook 4350.3 Section 3-18 A (2), as noted below, will be used when applying this preference:

An elderly family is one in which the head of household, co-head, or spouse is at least 62 years of age.

Preference for Disabled Head of Household, Disabled Spouse or Disabled Co-head (Disability): Existing applicants and new applicants will be offered the opportunity to disclose the disability status of the head of household, spouse or co-head. When disclosed, the applicant family will be added to the waiting list with a disability preference.

A person with disabilities, for purposes of applying this preference, means a person who

- Has a disability, as defined in 42 U.S.C. 423;
  - Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death

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or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

- In the case of an individual who has attained the age of 55 and is blind, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness, as defined in section 416(i)(1) of this title, means central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.

- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - Is expected to be of long-continued and indefinite duration,
  - Substantially impedes his or her ability to live independently, and
  - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- Has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e., a person with a severe chronic disability that
  - Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - Is manifested before the person attains age 22;
  - Is likely to continue indefinitely;
  - Results in substantial functional limitation in three or more of the following areas of major life activity:
    - Self-care,
    - Receptive and expressive language,
    - Learning,
    - Mobility,
    - Self-direction,
    - Capacity for independent living, and
    - Economic self-sufficiency; and
  - Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
- Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- Means person with disabilities (individual with handicaps), as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities

Note: *A person whose sole impairment is alcoholism or drug addiction (i.e., who does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition*

required for eligibility in a particular project) will not be considered to be disabled for the purposes of the Project Based Rental Assistance program.

Proof of disability will be required and verified at the time of eligibility determination. Sufficient documentation includes:

- A Social Security Award Letter indicating the applicant's disability status,
- An SSI Award Letter; or
- Third-party verification by the applicant's physician, psychologist, clinical social worker, other licensed health care, the Veteran's Administration, or other reliable source that the applicant meets the above noted HUD definition of disability. This verification will be sent by the AHA Admissions Department staff to the third-party identified by the applicant and will contain a release of information and consent signed by the applicant.

Preference Weights & Use of Alternating Selection

The owner/agent will apply different weights to each preference. The heavier the weight, the higher the applicant will move up on the waiting list. If the family qualifies for more than one preference, the total weight of all eligible preferences will be applied. The weights for each preference are as follows:

- 5 Unit Transfer
- 4 AHA VAWA
- 3 Involuntarily Displaced
- 2 Elderly (Pathways at Gaston Place only)
- 1 Disability

The owner/agent will fill vacancies in the property by alternating selected applicants using a 3:1 ratio. Three applicants will be selected based on the highest weighted preference for which they qualify; every fourth applicant selected from the waiting list will be an applicant who does not qualify for a preference.

Verification of Preferences

All preferences will be verified using the verification methodology described in this tenant selection plan. This verification will be conducted at the time of the eligibility interview. If an applicant's preference cannot be verified they will be placed back on the waiting list, with their original date and time, without the preference.

Change in Preference Status While on the Waiting List

Occasionally households on the waiting list who did not qualify for a preference when they applied will experience a change in circumstances that qualifies them for a preference. In such cases, it is the responsibility of the applicant to contact the owner/agent to request a change in status so that the waiting list can be updated to reflect the preference as appropriate.

To the extent the verification determines the household does now qualify for a preference, they will be selected from the waiting list in accordance with the preference and the date the application was received.

Exceptions to the Preference Rule

Management must give priority to current residents:

- Residing in a unit that has been determined uninhabitable due to flood, fire or other natural disaster

- When a unit is designated for rehabilitation or repair

These situations represent extenuating circumstances and the normal selection order may be adjusted to address the needs of these residents.

OPENING AND CLOSING WAITING LIST

In order to ensure that applicants on the waiting list are processed in a reasonable amount of time, the owner/agent may stop accepting applications and close waiting lists in whole or in part. Decisions about closing and opening the waiting list will be based on the number of applications available for a particular size and type of apartment and the ability of the owner/agent to house an applicant in an appropriate apartment within a reasonable period of time.

On a regular basis, the owner/agent will review the number of families on the waiting list to determine whether the waiting list may be closed. If the owner/agent has sufficient applications, the waiting list may be closed completely. Notices announcing that the waiting list is closed or open will be publicly announced in the following manner:

- Local newspapers
- Publications described in the Affirmative Fair Housing Marketing Plan (AFHMP)
- Flyers distributed through Social Service agencies as described in the AFHMP

Interested parties who insist on submitting applications when the waiting list is closed will not be considered. The application **will not be reviewed** and will be returned.

Note: There is one exception to this. If a resident at this property or any other property owned by the owner (The Austin Housing Authority) is a victim of domestic violence, dating violence, sexual assault and/or stalking, as part of the VAWA protections they can request to be placed onto the waiting list for this property or any property owned by the owner, even if the list is closed. The owner/agent will work with the family to determine which property or properties would best meet the family's need for protection. These applications will be received and processed according to the criteria outlined in this plan.

During the period when the waiting list is closed, the owner/agent **will not** maintain a list of individuals who wish to be notified when the waiting list is reopened.

VERIFICATION

The owner/agent shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development and or Texas Department of Housing and Community Affairs. After the preliminary eligibility determination, no decision to approve an application shall be made until information provided on the application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed. All information relative to the following items must be verified as described in these procedures.

INFORMATION TO BE VERIFIED

Information to be verified includes, but is not limited to:

- **Eligibility for Admission, such as**
  - Income
  - Assets and Asset Income
  - Identification
  - Household Composition
  - Social Security Numbers
  - Citizenship and/or Legal Status

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- **Allowances, such as**
  - Age
  - Disability
  - Full Time Student Status
  - Child Care Expenses
  - Disability Assistance Expenses
  - Medical Expenses (For Elderly/Disabled Households Only)
- **Preferences**
  - AHA VAWA status
  - Involuntarily Displaced status
  - Disability status
  - Elderly status
- **Compliance with Resident Screening Guidelines, such as**
  - Criminal History
  - Credit History
  - Rental/Residence History
- **The Need for an Accessible Unit**

The owner/agent will be the final judge of the credibility of any verification submitted by an applicant. If the owner/agent questions the validity of a document or the validity of information provided, it will be reviewed by management staff for a ruling regarding acceptability.

CONSENT AND VERIFICATION FORMS

Regardless of age, the Head-of-Household (HOH), the co-Head-of-Household (HOH) the spouse of the Head-of-Household (HOH) and all adult members of a household must sign HUD's consent forms so that the owner/agent can verify eligibility. When a minor living in the unit turns 18, he/she will have thirty (30) days to meet with the management staff and sign appropriate forms. Failure to do so will result in termination of subsidy for the entire household.

PROVISIONS FOR REFUSAL TO SIGN

If any member of the applicant's household does not sign and submit the consent forms as required, the owner/agent must reject the application and deny assistance and/or tenancy.

MISREPRESENTATION

Any information, provided by the applicant that proves to be untrue may be used to disqualify the applicant because of misrepresentation or attempted fraud. The owner/agent will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until the owner/agent has independently investigated the information.

The owner/agent considers false information about the following to be grounds for rejecting an applicant:

- Identity
- Social Security Numbers/Information
- Income
- Assets/Income From Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, and/or Eligible Immigration Status
- Eviction History
- Criminal History
- Sexual Offender Status
- Eligibility For Preferences and Priorities
- Allowances

- Current/Previous Residence History
- Current Housing Assistance
- Status as a Student

Unintentional errors that do not cause preferential treatment will not be used as a basis to reject applicants.

APPLICANT SCREENING CRITERIA

Screening is performed in a manner that is reasonable, consistent, and complies with fair housing laws. Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully enjoy their homes.

Anyone who wishes to live on the property must be screened prior to moving in. This includes, but is not limited to, live-in aides, security/police officers or additional household members wishing to move-in after the initial move-in. *Certain exceptions apply to children/minors.* The current screening guidelines in place at the time the new household member applies will be used to determine eligibility for admission. Applicants will be provided the names of any third party screening companies upon request.

Note: The Owner / Agent followed HUD guidelines for the Rental Assistance Demonstration (RAD) requiring owners to not re-screen families at the time of conversion. Therefore, families living at the property at the time of conversion from Public Housing to PBRA and LIHTC were not re-screened. However, they were screened for these criteria at the time of their original move in to the Public Housing program.

SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

HUD has established standards that prohibit admission of:

- *A household in which any member is currently engaged in illegal use of drugs or for 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
- Any household member who is subject to any state lifetime sex offender registration requirement
- 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 standards must be based on behavior, not the condition of alcoholism or alcohol abuse

  *"Currently engaged in" is defined as any use of illegal drugs during the previous six months.

In addition to these HUD requirements, the owner/agent has established a policy to reject all applications where the applicant or any household member has engaged in criminal activity as described in this document. The owner/agent will reject applications if any household member's criminal history includes any of the following:

- Any household in which any member was engaged in the production of methamphetamine.
- Any household in which any member was evicted in the last five years from federally assisted housing for drug-related criminal activity
- Sex Offender Registration: Applicant, or any member of the applicant family, is or ever has been subject to registration under a state sex offender registration program
- If any household member has engaged in or attempted any of the following criminal activities regardless of the date committed, the family will be denied admission:
  - Capital murder
  - Murder
  - Arson
  - Kidnapping

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- Indecency with a child
- Rape or crimes of a sexual nature
- First degree felony injury to a child, elderly individual, or disabled individual
- Crimes involving explosives
- Crimes involving terrorism

- If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past seven years, the family will be denied admission:
  - Manslaughter
  - Criminally Negligent Homicide
  - Violent Criminal Act (Felony)
  - Felony Assault/Threat of Bodily Injury
  - Felony Physical Violence to Persons or Property
  - Felony Burglary
  - Felony Burglary of Habitation
  - Felony Robbery
  - Felony Delivery of a Controlled Substance
  - Felony Possession of a Controlled Substance

- If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past four years, the family will be denied admission:
  - Public lewdness
  - Misdemeanor Drug-related Criminal Activity (excluding misdemeanor possession of marijuana [two ounces or less])
  - Misdemeanor Assault
  - Fraud Committed Against a Government Entity
  - Misdemeanor Violent Criminal Activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage
  - Misdemeanor Criminal Activity that may threaten the health, safety or welfare of other residents
  - Illegal possession/discharge/display/carrying of firearm or illegal weapon/deadly weapon.
  - Misdemeanor Physical Violence to persons or property, or criminal activity that has as one of its elements the use, attempted use or threatened use of physical force against the person or property of another
  - Violent or Abusive Behavior that may threaten the health or safety of property staff, contractors, subcontractors or agents
  - Misdemeanor Unlawful Restraint

- If any household member is currently engaged in, or has a pattern of engaging in any of the following criminal activities, within the past five years, the family will be denied admission:
  - Alcohol-related criminal activity, including driving under the influence and public intoxication
  - Misdemeanor possession of marijuana (two ounces or less)
  - Theft or fraud
  - Organized criminal activity
  - Prostitution
  - Misdemeanor harassment

A pattern (for the purposes listed above) consists of three or more incidents of criminal activity within the same category (not three total incidents from separate categories) within the past five years, with at least one of those incidents occurring within the past three years.

Evidence of such criminal activity includes, but is not limited to, any record of convictions, arrests or evictions for suspected drug-related or violent criminal activity of household members. A conviction for such activity will be given more weight than an arrest or an eviction.

The owner/agent will not deny an application solely on the basis of an arrest. If the owner/agent receives arrest information which may be for a disqualifying activity, the owner/agent may request additional information. Additional information that may be considered, if available, includes the following:

- The police report associated with the arrest which provides the reported circumstances of the arrest
- Any statements made by witnesses or the applicant, not included in the report
- Whether criminal charges were filed
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
- Any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

If a resident or applicant has requested VAWA protections and such protections have been justified based on owner/agent investigation, the abuser/perpetrator will not be approved to live on the property.

If the owner/agent is unable to complete required criminal or sex offender screening, the application will be rejected. If the owner/agent determines that a sex offender is part of the household, the owner/agent will allow the household to remove the sex offender from the application. Removal must be documented using the change of address receipt from the Texas Department of Sex Offender Registration.
The household will have five (5) business days to provide verification that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in rejection of the application for all household members.

The owner/agent reserves the right to monitor household composition after move-in. The owner/agent will conduct quarterly reviews matching residents against the registered sex offender database. If the owner/agent discovers that a sex offender has moved in to the unit, the household will be evicted.

If criminal screening indicates that the applicant has an unacceptable criminal history, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection.

Consideration of Extenuating Circumstances

In deciding whether to exercise discretion to admit an individual who has engaged in prohibited criminal activity, the owner/agent will consider all of the circumstances relevant to the particular admission decision, including but not limited to: the seriousness of the offending action; the effect that denial of the entire household would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, the owner/agent will consider whether

the household member is participating in or has successfully completed a drug rehabilitation program, or has otherwise been rehabilitated successfully.

Criminal Screening Discoveries

If the criminal background investigation indicates that the applicant does not meet the criminal screening criteria, the owner/agent will reject the applicant in accordance with HUD guidance and the owner/agent's standards for applicant rejection. Before rejecting the household, the owner/agent will compare the information provided by the applicant with the criminal history report. If the information conflicts, the owner/agent will:

- Notify the household of the proposed action based on the information;
- Provide a copy of the criminal history report;
- Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency;
- Allow the household the opportunity to remove the household member.

In this situation, applicants will have seven (7) calendar days to resolve the discrepancy. If the applicant fails to contact the owner/agent or indicates that he/she cannot provide documentation to refute the criminal discovery, the owner/agent will reject the application and remove the household from the waiting list. The owner/agent will notify the applicant family of the rejection in writing via email or mail. The family will have the opportunity to request an appeal of the denial according to the terms of the grievance policy within this tenant selection plan.

If, after move-in, the owner/agent discovers that there was criminal history that would have resulted in rejection, the owner/agent will contact the resident to ascertain the accuracy of the criminal report. If the resident would have been rejected had the information been know at the time of the eligibility determination, the owner/agent will take appropriate action including notifying HUD's Office of the Inspector General of potential fraud and pursuing termination of tenancy (eviction).

SCREENING FOR CREDIT HISTORY

The owner/agent will review each adult applicant's credit history to determine the following:

- If there is any debt owed to a prior landlord or HUD;
- If there are any evictions that have not been reported;
- If there are any other housing related judgments against the applicant.

Applicants will be rejected in the following situations:

- The family owes a debt to a federally assisted housing program which has not been repaid and the family has not established a repayment agreement.
- The family has a pattern of debts owed to housing and residential programs within the past two (2) years.

A lack of credit history will not disqualify someone from becoming a resident.

Families with an established repayment agreement must be current on their monthly payments. Applicants who previously lived in an Austin Housing Authority owned property and owe a debt will be considered in good standing once the debt is paid in full or they have entered into a repayment agreement and reduced the remaining repayment period to no more than six months. Monthly payments will be set at 10% of the family's adjusted income. Families or third parties may make additional one-time payments if needed to meet the repayment period requirement prior to screening.

SCREENING FOR ABILITY TO ESTABLISH UTILITY SERVICE

The owner/agent will also screen applicant households for the ability to establish utility services in the name of at least one adult family member. All adult applicants will be required to sign the consent for Release of Information from Austin Energy. Applicant households which do not have any adult members able to establish service with Austin Energy will be given 7 days to resolve the issue with Austin Energy. If the household is unable to do so, the application will be rejected. This is not applicable for properties with all owner paid utilities.

SCREENING FOR RENTAL HISTORY

If any member of the applicant household has been evicted, or is currently under eviction, from any property owned or managed by the Austin Housing Authority (or one of its subsidiaries) for lease violations within the last two years, that applicant household will be rejected.

The owner/agent will review rental history with any landlord indicated in the past five (5) years. The owner/agent will also review information provided through automated databases including eviction databases. The application will be rejected for any of the following:

- The family has been evicted in the last five years from federally assisted housing for drug-related criminal activity;
- The family has been evicted from federally assisted housing within the past 2 years;
- The family has a pattern of disturbance of neighbors, destruction of property or living or housekeeping habits at prior residences within the past two years which may adversely affect the health, safety or welfare of other tenants.
- The family has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances).

The owner/agent will contact the prior property owner/agent (as indicated above) and inquire about the following information:

- Adherence to the Lease & Community Policies
- Compliance with certification reporting requirements
- Rental Payment Performance
- Compliance with requirements to fully and accurately disclose income information in a timely manner
- Requirement to Return Assistance Paid in Error due to under-reporting income or un-reported income
- Unit Maintenance/Damage
- Record of Disturbing Neighbors
- Complaints

If information obtained is negative the applicant will be rejected. Negative responses include but are not limited to:

- A pattern of failure to comply with the lease
- A pattern of failure to comply with House Rules, Pet Rules or Assistance Animal Rules
- Failure to fully and accurately report income, new employment or changes in household composition in a timely manner (if required)
- Providing false information
- Attempting to receive or receiving HUD assistance in multiple units/homes

- Slow or no response to requests to recertify
- Poor rental payment history (average more than two (2) late payments per year, record of bounced checks, any outstanding balance)
- A pattern of poor unit maintenance or damage to the unit beyond normal wear-and-tear
- Complaints from neighbors regarding actions that directly affect the peace and quiet comfort of others living in the community
- Record of actions that interfered with or prevented the previous landlord from effectively managing the property.
- A pattern of outstanding balances owed by any household member to a prior landlord
- A record of engaging or threatening violent or abusive behavior toward AHA personnel within the last 4 years. Abusive or violent behavior towards AHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

A lack of landlord history will not disqualify someone from becoming a resident.

SCREENING FOR RECEIPT OF HUD ASSISTANCE IN ANOTHER UNIT (PBRA ONLY)

All applicants must disclose if they are currently receiving HUD housing assistance. The owner/agent will not knowingly assist applicants who will maintain a residence in addition to the HUD-assisted unit on this property. 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 Existing Tenant Report provided via HUD's Enterprise Income Verification System (EIV) to determine if the applicant or any member of the applicant household is currently receiving HUD housing assistance. This applies to all household members and to new members of an existing household, including minors, foster children/adults, and live-in aides.

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 two assisted families share custody
- 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 *(Split household/Swap household)*

If the owner/agent/agent discovers a discrepancy between the information on the application and the information provided by EIV, the applicant will be notified and will have 5 business days to respond to the inquiry. If an applicant fails to disclose receipt of HUD assistance or rental history, the application will be rejected and the applicant and all members of the applicant household will be removed from the waiting list.

If any household member receives or attempts to receive HUD housing assistance while receiving HUD housing 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.

REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS

The owner/agent reserves the right to reject applicants for admission based on any of the following:

- Any member of the household fails to respond to management inquiries for additional information during the application process

- The owner/agent is unable to contact the applicant via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the household has a record of eviction, for lease violations, from any property managed by the owner/agent or AHA (or one of its subsidiaries)
- Any member of the household has a pattern of eviction, for lease violations, from any property within the last two years
- There is a pattern of outstanding or overdue payments to a previous landlord
- There is record of outstanding or overdue payments to HUD
- The household is unable to establish utilities in the new unit
- The household is unable to pay the security deposit required
- The household is unable to take possession of the unit within the timeframes outlined in this plan
- The household is unable to pay the first month's rent
- The applicant threatens or engages in violent/abusive behavior toward AHA staff or residents

REJECTION NOTICES

The owner/agent will notify the household (Head-of-Household (HOH), in writing either via email or mail, within 7 days of the denial of admission or assistance. The rejection notice will include the reason(s) for the rejection and reference the specific leasing criteria upon which the denial is based.

APPEALING THE DECISION TO REJECT

Any applicant may make a request to appeal the denial in writing within **fifteen (15) calendar days from the date of the rejection**. The owner/agent will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the Admissions Department in AHA's central office building. If there is no appeal request **within fifteen (15) days**, the rejection will be considered final. Reasons to appeal include:

- The applicant believes the decision has been made in error
- The applicant believes there are extenuating circumstances that should be considered
- The applicant or a member of the applicant's household is a victim of abuse covered by the Violence Against Women Act and the applicant feels the applicant's status as a victim contributes to the decision to deny
- The applicant or a member of the applicant's household is a person with a disability, and the applicant believes a reasonable accommodation would allow the owner/agent to continue processing the application
- The applicant's household was rejected because the application includes someone who is a registered sex offender and the applicant wishes to remove that household member

Any staff person engaged in the initial review will not be involved in the appeal. AHA's designated hearing officer will conduct the informal review.

Applicants may bring a representative to assist in the appeal meeting. Applicants and/or their representatives have the right to request a reasonable accommodation to:

- Assist in facilitating your request for appeal
- To assist in your participation during the appeal meeting

The hearing officer will provide written notification of a final decision within ten (10) business days of the informal review. For complete details about the appeals process, see the Grievance and Appeals Policy. This policy is available upon request.

INFORMAL HEARINGS FOR PBRA APPLICANTS

Through PIH Notice 2012-32 Rev. 2, HUD provided guidance that the grievance procedures afforded to families living in Conventional Public Housing before conversion through RAD to Project Based Rental Assistance (PBRA) must be continued after the conversion. Below is the full account of all grievance procedures for applicants to the PBRA property.

When the owner/agent makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the owner/agent's policies necessary to respond to applicant appeals through the informal hearing process.

INFORMAL HEARING PROCESS [24 CFR 960.208(A) AND PH OCC GB, P. 58]

Informal hearings are provided for PBRA applicants. An applicant is someone who has applied for admission to the PBRA program, but is not yet a resident in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to PBRA are not entitled to the same hearing process afforded residents in the owner/agent grievance procedure [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available and to claim mitigating circumstances if possible.

Use of Informal Hearing Process

The owner/agent will only offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission.

Notice of Denial

The owner/agent will give an applicant prompt notice of a decision denying eligibility for admission. The notice will contain a brief statement of the reasons for the owner/agent's decision, and will also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing. Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial.

Scheduling an Informal Hearing

A request for an informal hearing must be made in writing and delivered to the owner/agent either in person, by fax, by email or by first class mail, by the close of the business day, no later than 15 calendar days from the date of owner/agent's notification of denial of admission. Owner/agent will send written notice of the informal hearing within 30 business days of the family's request. Owner/agent will make every effort to hold the hearing within 45 calendar days of receiving the request for the hearing.

Conducting an Informal Hearing [PH Occ GB, p. 58]

The informal hearing will be conducted by an appointed Hearing Officer who is a person other than the one who made the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to the decision of the owner/agent.

The Hearing Officer will render a decision on whether admission should be granted or denied.

Informal Hearing Decision [PH Occ GB, p. 58]

The owner/agent will notify the applicant of owner/agent's final decision, including a brief statement of the reasons for the final decision.
In rendering a decision, the owner/agent will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice.
- The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in the owner/agent's policy, then the decision to deny assistance will be overturned. See the Tenant Selection Plan for a detailed discussion of the grounds for applicant denial.
- The validity of the evidence. The owner/agent will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, the owner/agent will uphold the decision to deny admission.
- If the facts prove the grounds for denial, the Hearing Officer will make the final decision to deny admissions.

The owner/agent will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be sent via email (or, if required/requested, in an alternative format) to the applicant within 5 business days of the informal hearing. If the applicant requests the opportunity to provide additional documentation to support their case, the hearing officer may adjourn the hearing in order to reconvene at a later date, before reaching the final decision. If the family misses an appointment or deadline ordered by the hearing officer without proof of good cause, the original eligibility decision of the owner will take effect and another hearing will not be granted.

If the informal hearing decision overturns the denial, processing for admission will resume. The owner/agent will make every effort to resume the screening process for reinstated applicants within 20 calendar days of the hearing decision.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

The applicant may request that the Hearing Officer consider a request for Reasonable Accommodations under the Fair Housing Act and Section 504 with respect to past conduct (see below). If the basis for the denial relates to family violence, the applicant may qualify for an exception under the Violence Against Women Amendments.

The Notice of Denial letter will include information for the resident regarding who to contact for legal representation.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES [24 CFR 966.7]

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the owner/agent must consider such accommodations. The owner/agent must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See the Reasonable Accommodation Policy for more detail pertaining to reasonable accommodation requests.

HEARING AND APPEAL PROVISIONS FOR NON-CITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the owner/agent's hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the owner/agent's informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a resident, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the owner/agent either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]

When the owner/agent receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the following process will be observed:

- The owner/agent will notify the family of the results of the USCIS verification within 10 calendar days of receiving the results.
- The family will have 30 days from the date of the owner/agent's notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS.
- The family must provide the owner/agent with a copy of the written request for appeal and proof of mailing within 10 calendar days of sending the request to USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the owner/agent, of its decision. When the USCIS notifies the owner/agent of the decision, the owner/agent must notify the family of its right to request an informal hearing.
The owner/agent will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the owner/agent provide a hearing. The request for a hearing must be made either within 30 days of receipt of the owner/agent's notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

- ***Informal Hearing Officer***
  The owner/agent must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

- ***Evidence***
  At a reasonable time in advance of the hearing, the family will be provided the opportunity to examine and copy any documents in the possession of the owner/agent pertaining to the family's eligibility status or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

  The family will be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The family must also be provided the opportunity to refute evidence relied upon by the owner/agent, and to confront and cross-examine all witnesses on whose testimony or information the owner/agent relies.

- ***Representation and Interpretive Services***
  The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf. The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the owner/agent, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, the owner/agent is still obligated to provide oral translation services in accordance with its LEP Plan.

- ***Recording of the Hearing***
  The family is entitled to have the hearing recorded by audiotape. The owner/agent will not provide a transcript of an audio taped informal hearing.

- ***Hearing Decision***
  The owner/agent must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 10 business days of the date of the informal hearing. The notice must state the basis for the decision.

- **Retention of Documents [24 CFR 5.514(h)]**
  The owner/agent must retain for a minimum of 5 years the following documents that may have been submitted to the owner/agent by the family, or provided to the owner/agent as part of the USCIS appeal or the owner/agent's informal hearing process:
  - The application for assistance
  - The form completed by the family for income reexamination
  - Photocopies of any original documents, including original USCIS documents

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- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

OFFERING AN APARTMENT

When a unit becomes available and eligibility is determined, available units will be offered using one or more of the following methods:

- By mail, using the mailing address provided by the applicant family.
- Over the phone, using the contact phone numbers provided by the applicant family.
- By email, using the contact email address(es) provided by the applicant family.

Failure to respond to the unit offer within the required timeframe will be considered a refusal of the unit offer. (See Right to Refusal policies.) It is the applicant family's responsibility to keep all contact information current with the Admissions Department.

OFFERING ACCESSIBLE UNITS

Units that have been made accessible in accordance with the Universal Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines will be offered to applicant households with disabled members first. In some cases, the owner/agent may implement marketing effort to ensure that disabled households occupy accessible units.

Units with communication accessible features will be offered to households with a verified need for communication accessible units first. Units with mobility accessible features will be offered to households with a verified need for mobility accessible units first.

After move-in, if the members of the household who required the special features of the accessible unit no longer reside in the unit, and where the lease permits, the owner/agent will require the remaining members of the household to move to a unit without accessibility features when such a unit of the appropriate size becomes available.

If there is no household on the waiting list that has requested an accessible unit, the unit will then be offered to the next household based on the selection order. Before the applicant can accept that accessible unit, all adult members of the applicant household must sign an agreement that includes a requirement to move, at the household's expense, to the first available non-accessible unit that meets the household's occupancy requirements as described in this plan. The resident household will not be required to move if:

- No unit that meets the household's occupancy requirements is available
- There is no applicant household on the waiting list requesting an accessible unit

In either of the cases above, the household must take possession of the unit within the timeframes outlined in this plan. If the applicant fails to move in within the established timeframes, assistance will be terminated. This rule in no way affects the single residence criteria. The household can only accept assistance in one unit on any given day.

Offering Units to Disabled Applicants Requesting Accessibility Features

The owner/agent will not skip over a household that has reached the top of the waiting list and has indicated a need for certain unit features because of a disability. The household will be given the opportunity to benefit from the program and decide, in compliance with the Fair Housing Act and Section 504, whether a unit meets the needs of the disabled household member. The household may accept the unit and request some modification to the unit as a reasonable accommodation. See the owner/agent's Reasonable Accommodation Policy for information about requesting a reasonable modification. The policy is available upon request.

Offering Units to Applicants or Residents with Preferences

Applicants/residents with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

Applicant/Resident Selection Order

Accessible Apartments will be offered in the following order:

- *The next household on the transfer list who is requesting an accessible unit. Offers will be made in order according to the weighted transfer list preferences:
    - Emergency / Safety (with need for an accessible unit)
    - Reasonable Accommodation (with need for an accessible unit)
    - Over Housed (with need for an accessible unit)
    - Under Housed (with need for an accessible unit)

- The next applicant on the waiting list who is requesting an accessible unit. Offers will be made in order according to the weighted waiting list preferences:
    - AHA Resident VAWA preference (with need for an accessible unit)
    - Involuntarily Displaced preference (with need for an accessible unit)
    - Elderly preference (if applicable to the property; with need for an accessible unit)
    - Disability preference (with need for an accessible unit)

- *When there is no one in need of the accessibility features for this unit, the offer will be given to the next household on the transfer list. Offers will be made in order according to the weighted transfer list preferences:
    - Emergency / Safety
    - Reasonable Accommodation
    - Over Housed
    - Under Housed

- When there is no one in need of the accessibility features of this unit, the offer will be given to the next applicant on the waiting list. Offers will be made in order according to the weighted waiting list preferences:
    - AHA Resident VAWA
    - Involuntarily Displaced
    - Elderly (if applicable to the property)
    - Disability

Standard Apartments will be offered in the following order:

- *The next household on the transfer list, regardless of need for an accessible unit. Offers will be made in order according to the weighted transfer list preferences:
    - Emergency / Safety
    - Reasonable Accommodation
    - Over Housed
    - Under Housed
    - Resident has no need for accessible feature in current unit

- The next applicant on the waiting list, regardless of need for an accessible unit. Offers will be made in order according to the weighted waiting list preferences:
    - AHA Resident VAWA
    - Involuntarily Displaced
    - Elderly (if applicable to the property)
    - Disability

RIGHT TO REFUSAL

The Right to Refusal Policy applies to applicants and existing residents who have submitted a Unit Transfer Request. Residents requesting unit transfer and applicants will be offered available units based on the information included in this resident selection plan.

Each household will only be offered the opportunity to accept an offered apartment one (1) time. If a resident/applicant does not wish to accept an offered apartment, they have the right to refuse the offer.

Residents/applicants must notify the owner/agent of their intent to refuse the unit offer by using one or more of the following methods:

- In writing (delivered by email, fax, mail or other means)
- Over the phone

Note: If the refusal is made over the phone, contact must be made with a member of the management staff. Leaving a message is not adequate.

When an applicant or resident refuses a unit, the unit will be offered to the next qualified household based on the selection order described above. When a resident refuses a transfer offer, the terms of the lease require that the assistance be terminated and the resident be required to pay the full contract rent.

When an applicant refuses an offered unit, the household will be removed from the waiting list and will have to wait one calendar year before applying for the same bedroom size again. However, if the family composition changes, the family can submit an application at an earlier date.

Right to refusal policies will be modified in two cases:

- If a disabled applicant or resident is at the top of the waiting list, they will be offered units as they become available regardless of whether they include accessible features. A disabled household has the right to refuse an unlimited number of non-accessible units or units that do not meet the specific accessibility requirements for the family. This modification applies only when the offered unit is a non-accessible unit. The one refusal limit still applies when an accessible unit which meets the family's requirements is offered. Note: *Certain restrictions apply to non-elderly disabled households when HUD's program eligibility requires the need for an accessible unit.*

- If an applicant or resident household with no disabled members is at the top of the waiting list, and there are no disabled households on the waiting list, that household may be offered an accessible unit. An applicant household with no disabled household members has the right to refuse an unlimited number of accessible units or units that do not meet their needs.

TIMEFRAME FOR TAKING POSSESSION OF A UNIT BY AN APPLICANT FAMILY

When a housing offer is made, the applicant family must meet the following timeframes for taking possession of the offered unit:

- Within 2 business days from the date the offer is received, the applicant family must make contact with the property management staff. At that time, the property management staff will notify the family of the anticipated date that the unit will be available to be viewed.
- Once the unit is ready to view, the property management will schedule an appointment to view the unit. Failure to attend the scheduled appointment is considered a rejection of the housing offer.
- Within 3 calendar days of viewing the unit, the applicant family must accept or reject the unit. No response by close of business on the third day is considered a rejection of the housing offer.
- Within 2 calendar days of accepting an offer, the applicant family must pay the security deposit and the prorated first month's rent. At that time, the family will receive the keys and are considered to have taken possession of the unit. Failure to take possession of the unit by close of business on the second day is considered a rejection of the unit.

If the applicant household does not complete appropriate paperwork and does not take possession of the unit within the timeframes outlined above, the applicant will be subsequently rejected and removed from the waiting list. Extenuating circumstances will be considered, including the following:

- The family is dealing with a documented medical or other family emergency. In this case the owner/agent and family will negotiate an appropriate solution which may include offering the family the next unit.
- The family is required to give 30 days' notice to their current landlord which is part of another federally assisted housing program.

When the family rejects the unit or does not meet the outlined timeframes, the owner/agent reserves the right to refuse subsequent applications. The unit will be offered to the next eligible applicant/resident based on the selection order described in this plan.

UNIT TRANSFER POLICIES

The owner/agent will accept requests for transfer in the following situations:

- ***Emergency / Safety:*** The household needs to move due to a life-threatening situation. Life-threatening situations include the following:
  - Due to no fault of the resident(s), the unit is uninhabitable and cannot be made habitable in a reasonable amount of time;
  - A household member has experienced a medical condition which makes the current unit uninhabitable or unsafe;
  - A household member is in danger of retaliation;
  - A household member is a victim of domestic violence and qualifies for VAWA protections.
- ***Reasonable Accommodation:*** A family member has a verified need for an accessible unit.
- ***Over Housed***: The household is in a unit that is larger than they qualify for according to the owner/agent's subsidy standards.

- ***Under Housed***: The household is in a unit that is smaller than they qualify for according to the owner/agent's subsidy standards or the family has had a qualifying event (see occupancy standards for the list of qualifying events) and requests a bedroom size for which they are eligible.
- ***Unneeded Accessibility Feature:*** The family does not require or no longer needs the accessibility features of a unit in which they are living. However, another family does need that accessibility feature.

Unit transfer requests that do not fall into one of these categories will not be approved. Families requesting to move for any other reason will be provided with information on how to apply for housing assistance at the other properties managed or owned and operated by the Austin Housing Authority.

Existing residents must complete a Unit Transfer Request. The Unit Transfer Request must be completed and signed by the head of household and all adult household members who wish to move. The owner/agent will accept the Unit Transfer Request in an equally effective format, as a reasonable accommodation, if there is the presence of a disability.

Special consideration is given when the unit transfer is requested because there is:

- A verified medical need for a different unit
- A verified need for an accessible unit
- There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living to accommodate a disabled resident/applicant on the waiting list.
- A change in household size that makes the current unit too large or too small for the family based on the owner/agent's occupancy standards

With the exception of Emergencies and Reasonable Accommodations, unit transfers will be granted only if:

- The household has not given notice to move
- The resident is not being evicted
- The resident is current for all outstanding charges
- The resident complies with lease provisions regarding decent safe and sanitary conditions of current unit

A household living in an apartment too large for its needs will not be required to move if there are no applicants waiting for the bedroom size to be vacated by the transfer. An appropriate sized unit will be available before the resident household is required to move. Once the household is notified of the appropriate sized unit's availability, the household will have thirty (30) days to complete the transfer.

A household whose annual gross income is over 140% of the LIHTC income limit for their household size will only be allowed to transfer to another unit within the same project (as defined on IRS Form 8609).

Security Deposits, Pet Deposits & Unit Transfers

When a resident transfers to a new unit with all other household members the owner/agent will not charge a new security deposit. The security deposit and any accrued interest from the original unit will be transferred to the new unit. Pet deposits will also be transferred to the new unit. Any charges for unusual wear and tear or damages to the original unit will be charged to the resident's ledger.

Unit Transfers During the Initial Occupancy Period of a LIHTC Property

The initial occupancy period of an LIHTC property begins at the date of acquisition and runs up until the owner/agent receives the Low Income Housing Credit Allocation and Certification (IRS Form 8609). During this time, if the property consists of multiple buildings, the owner/agent will treat all unit transfers from one building

to another building as new move-ins for purposes of the LIHTC program. This means that the family must meet all LIHTC eligibility requirements to be able to move into the new unit.

This requirement will expire when the owner/agent selects the option to identify each building as part of a multiple building project on the form 8609. This requirement does not apply to unit transfers within the same building. This requirement does not apply if the property consists of only one building.

CHANGES IN HOUSEHOLD COMPOSITION

ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY

The owner/agent must approve any new adult household member before he/she moves in to the unit. Eligibility criteria, screening criteria and compliance with occupancy standards will be reviewed before the new household member is approved or denied. The request to add a new household member will not be considered if the resident has provided notice to vacate the unit. This helps prevent applicants from "jumping" ahead on the waiting list.

Any new adult household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the tenant selection plan in place at the time of the eligibility determination.

This policy applies to live-in aides as well. Screening criteria will also be applied to live-in aides, **except for the criterion regarding credit performance or the ability to pay rent on time** because live-in aides are not responsible for rental payments. However, live in aides must meet other screening criteria established by the owner/agent. Income and/or allowances received by live-in aides will not be considered.

Information about new household members who are minors must be provided to the owner/agent as quickly as possible but within no more than thirty (30) calendar days. If the new household member is under the age of six, special consideration regarding Social Security Number disclosure and verification of Social Security Numbers is given. The household will be given ninety (90) calendar days to provide the Social Security Number and adequate documentation to verify the Social Security Number provided. In some cases, an additional ninety (90) days may be provided.

If the household fails to provide the required Social Security Number information within the allotted timeframe, the household's tenancy will be terminated (eviction) in accordance with HUD requirements.

Failure to notify the owner/agent about changes in household composition as described above may result in retroactive rent changes and/or termination of subsidy/tenancy for the entire household. Please contact the owner/agent or property staff if you have questions about this policy.

REMOVING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY

Residents must notify the owner/agent if any household member listed on the lease, on HUD Form 50059 or on the LIHTC Tenant Income Certification (TIC) leaves the unit. This notification must occur as quickly as possible but within no more than ten (10) calendar days.

Failure to notify the owner/agent about changes in household composition may result in termination of subsidy and/or tenancy for the entire household. Please contact the owner/agent if you have questions about this policy.

SECURITY DEPOSIT REQUIREMENTS

The owner/agent must collect a security deposit at the time of the initial lease execution. The owner/agent will comply with any HUD rules and applicable state and local laws governing the security deposit. The security deposit amount is the greater of one month's Total Tenant Payment (TTP) as calculated at move in or $50.

If the move-in certification requires correction, and the TTP is recalculated, the security deposit requirement will be recalculated as well and any variance in the amount originally collected will be collected from /returned to the tenant. Otherwise, the amount of the security deposit established at move-in does not change when a resident's rent changes.

The resident is expected to pay the security deposit from his/her own resources and/or other public or private sources. An applicant will be rejected if he/she does not have sufficient funds to pay the deposit.

APARTMENT INSPECTIONS

All apartments must undergo periodic inspection conducted by the on-site management team, HUD or HUD's representatives/agents. These inspections include not only interior but also exterior inspections. Residents have the right to be present, and are, in fact encouraged, to be present during unit inspection.

The move-in inspection is an opportunity to familiarize the new resident with the property and the unit, as well as to document its current condition. By performing move-in inspections, the owner/agent and residents are assured that the unit is in livable condition and is free of damages. A move-in inspection gives the owner/agent an opportunity to familiarize residents with the operation of appliances and equipment in the unit.

The move-out inspection is conducted when a household vacates a unit. The owner/agent will list the damages on the Unit Inspection Form and compare it with the Unit Inspection Form completed at move-in to determine if there is any damage or excessive wear-and-tear.

This is also an opportunity to determine any damage to the unit and, if so, make the necessary repairs. At this time, residents may be charged for damages to the unit so long as those damages are not the result of normal wear-and-tear.

Unit Condition Inspections will be conducted on at least an annual basis. These inspections provide the owner/agent the opportunity to verify the need for any repairs, to determine whether appliances and equipment in the unit are functioning properly, and to assess whether the resident is properly taking care of the unit.

TDHCA and HUD, or its authorized contractor(s), have the right to inspect the units and the entire property to ensure that the property is being well maintained. These inspections assure HUD/TDHCA that owner/agents and their representatives are fulfilling their obligations under the regulatory agreements and/or subsidy contracts and that residents are provided with decent, safe, and sanitary housing.

TERMINATION NOTICES

The termination procedure for RAD PBRA properties requires Project Owners to provide adequate written notice of termination of the lease which shall not be less than:

- A reasonable period of time, but not to exceed 30 days:
    - If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or

  - In the event of any drug-related or violent criminal activity or any felony conviction; or
- Not less than 30 days in the case of nonpayment of rent, and
- Not less than 30 days in any other case, except that if a State of local law provides for a shorter period of time, such shorter period of time shall apply

Lease Termination Notices and Demand to Vacate notices to the resident, required or authorized by the lease or House Rules, will be delivered in writing, hand-delivered to the resident personally or to an adult Household Member, and sent by first-class mail to the Resident at the Dwelling Unit. Additionally, Lease Termination Notices and Demand to Vacate Notices may be delivered by affixing the notice to the inside of the main entry door or as otherwise allowed by Texas Property Code. Unopened, canceled, first class mail returned by the Post Office shall be sufficient evidence that notice was given to the resident.

The notice will:

- Provide the specific reason for the termination;
- Include the HUD form 5380 and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation";
- State how a person with a disability may request a reasonable accommodation in relation to the notice; and,
- Include information on the appeals process. Additional information on the appeals process can also be found in the Grievance and Appeals Policy which is available to all residents and applicants.

CHANGES TO THE TENANT SELECTION PLAN

Applicants will be notified via email (or, if required/requested, in an alternative format) when the resident selection plan undergoes significant change or when preferences are added or removed. At that time, applicants will be:

- Given an opportunity to review the new plan
- Notified of changes to preferences
- Asked if they wish to remain on the waiting list

If the applicant household does not respond, that household will be deemed ineligible and removed from the waiting list.

The Tenant Selection Plan in place at time of pre-application will be applied for final eligibility determination. In general, policies addressing credit, criminal history, and occupancy standards will not be applied retroactively. Tenants on the unit transfer waiting list or applicants on the waiting list at the time new or revised tenant selection criteria are applied will not be passed over on the waiting list, rejected, or receive notices of termination based solely on their failure to meet the new or revised tenant selection criteria. However, criteria related to program eligibility may be applied retroactively when a development receives a new award of tax credits, federal funds, or state funds and a household is not eligible under the new program requirements. Criteria may also be applied retroactively if it is determined that prior criteria violated federal or state law.