

## Project Name

### Tenant Selection Plan – Template for Community Integration Integrated PSH

#### SECTION I – RESIDENT SELECTION

##### 1.1 PROJECT DESCRIPTION:

**Project Name** is an integrated permanent supportive housing property consisting of (**# of units**) of (**# of bedrooms**) apartments. (**#units**) are set aside for vulnerable individuals as defined below.

##### The Development Team

Owner: **OWNER**

Service Provider: **SERVICE PROVIDER**

Property Management: **PROPERTY MANAGEMENT**

##### 1.2 TARGET POPULATION:

##### Persons with an Intellectual or Developmental Disability (Only Applies to PSH)

All households will contain at least one member who is a person with an intellectual or developmental disability based on the definition found in Indiana Code 12-7-2-61:

Sec. 61. (a) Except as provided in subsection (b), "developmental disability" means a severe, chronic disability of an individual that meets all of the following conditions:

- (1) Is attributable to: (A) intellectual disability, cerebral palsy, epilepsy, or autism; or (B) any other condition (other than a sole diagnosis of mental illness) found to be closely related to intellectual disability, because this condition results in similar impairment of general intellectual functioning or adaptive behavior or requires treatment or services similar to those required for a person with an intellectual disability.
- (2) Is manifested before the individual is twenty-two (22) years of age (except in the case of traumatic brain injury).
- (3) Is likely to continue indefinitely.
- (4) Results in substantial functional limitations in at least three (3) of the following areas of major life activities: (A) Self-care. (B) Understanding and use of language. (C) Learning. (D) Mobility. (E) Self-direction. (F) Capacity for independent living. (G) Economic self-sufficiency.

Updated 6-8-23



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### 1.3 ELIGIBILITY AND SCREENING CRITERIA

#### Income Limits

**Project Name** will house individuals based on the following unit sizes and income levels:

AMI Level	0 BR	1 BR	2 BR	3 BR	4+ BR
20%	# of units				
30 %					
40%					
50%					
60%					
70%					
80%					

#### Student Status

**\*IF HOME FUNDED\*** All applicants must meet the eligible student status definition applicable to the HOME Investment Partnerships Program per 24 CFR 92.2 and 24 CFR 5.612.

**\*IF LIHTC FUNDED\*** All applicants must meet the eligible student status definition applicable to the Low Income Housing Tax Credit Program per Internal Revenue Code Section 42(i)(3)(D).

**\*IF PROJECT BASED VOUCHER PROJECT\*** All applicants must meet the eligible student status definition applicable to the Section 8 Project Based Voucher Program per 24 CFR 5.612.

#### Occupancy Standards

Please include occupancy standard (number of people per unit) information in this section subject to any local ordinances.

#### Minimum Income Requirements (Not allowable on PSH units)

If your project will require minimum income, please include the information in this section.

#### Citizenship Requirements

If your project will require citizenship requirements, please include the information in this section.

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**\*IF PROJECT BASED VOUCHER PROJECT\*** All applicants must be a citizen or a noncitizen who has eligible immigration status as determined in accordance with 24 CFR part 5, subpart E.

### Credit Check Requirements (Not allowable on PSH units)

If your project will require a credit check, please include the information in this section.

### Criminal Background Check Requirements

[PROPERTY NAME] will conduct a limited criminal history screening for the applicant and household members who are 18 years of age or older. The screening will consider the following items:

Programmatic Criteria [This list includes criteria for Project-Based Housing Choice Vouchers. Modify as needed for your property]

- a. Convictions for manufacturing methamphetamine on the premises of federally assisted housing.
- b. Applicant cannot be subject to a lifetime registration requirement under a State sex offender registration program.

### Property Specific Criteria

- c. Felony convictions in the last three years that fall into the following categories:
  - i. [list the types of felony convictions you will screen for (e.g., violent crimes, sex offenses, arson, etc.). Be as specific as possible and use appropriate terminology derived from the Indiana Criminal Code.]

The screening **will not** consider arrests, pending charges, expunged convictions, convictions reversed on appeal, vacated convictions, offenses where adjudication was withheld or deferred, pardoned convictions, sealed juvenile records, or convictions for offenses not outlined above. Additionally, the screening **will not** consider an applicant's probation or parole status.

All criminal records will be reviewed on a case-by-case basis for approval, except for convictions that violate the programmatic criteria, which will be automatically denied. Potential denials will be reviewed by a designated screening committee made up of housing management and supportive services staff [you may further define membership here].

### Individualized Assessment

If an applicant has a conviction which could exclude them from renting, the screening committee will conduct an individualized assessment of their criminal history to determine

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whether the applicant will be able to fulfill their obligations of tenancy at the property. The individualized assessment will consider the following:

- 1) The circumstances surrounding the crime.
- 2) Whether the nature of the criminal offense was violent against a person or property or adversely affected the health, safety, and welfare of other people.
- 3) Whether a re-offense would impact the safety of other residents or the property
- 4) The amount of time that has passed since the criminal offense.
- 5) The age of the individual at the time the crime was committed.
- 6) The amount of time that has lapsed since exit from incarceration.
- 7) The amount and nature of convictions, if any, since the criminal record in question.
- 8) Evidence of satisfactory tenant history or references since the commission of the crime.
- 9) Evidence of constructive community involvement.
- 10) Evidence of rehabilitation efforts (including during incarceration) and/or agency support to maintain stability.
- 11) Recommendation from the veteran's court program.
- 12) Whether the criminal conduct arose from the applicant's status as a survivor of domestic violence, sexual assault, stalking or dating violence, or from the applicant's disability, including mental illness.

Applicants will be given an opportunity to provide information to allow the committee to consider any circumstances which would serve to mitigate the criminal convictions within the applicant's criminal history. Applicants will be notified in writing the specific items of concern from the criminal history screening and given five business days to provide mitigating information.

If the evidence indicates that the applicant does not present a threat to the current residents, employees, or the property, the applicant will be approved for tenancy.

In the event the screening committee determines the applicant poses a significant risk to other residents, employees, or the property, the manager will add a note to the file indicating the factors which were considered to make the denial and notify the applicant in writing that the application is denied.

#### **1.4 REFERRAL PROCESS**

##### **Supportive Housing Units**

**Project Name** will review referrals that show proof of meeting the disability requirements defined in section 1.2 (Target Population) through the following means:

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- A referral from the identified MOU provider, one of the independent I/DD case management organizations contracted by the Division of Disability and Rehabilitative Services, or another qualified I/DD service provider who has documented the individual's I/DD diagnosis will serve as documentation that the individual has a qualifying disability, and property management will not inquire further into the nature of the disability during the application process and tenant screening.
- If an individual receives a Home and Community Based Services Waiver through the Indiana Division of Disability and Rehabilitative Services, or is on the waitlist for such a waiver, waiver or waitlist status shall be deemed proof of eligibility.
- If the individual with I/DD is a student, referral or documentation from the school or educational system demonstrating that the student is eligible for special education services under one or more of the following areas of eligibility: Autism Spectrum Disorder, Intellectual Disability, Developmental Delay, Multiple Disabilities, Specific Learning Disability, or Traumatic Brain Injury.
- An applicant who was not referred by the identified provider and does not have a Home and Community Based Services Waiver must provide third-party verification demonstrating an intellectual or developmental disability. Third-party verification could come from sources such as a physician, physician's assistant, nurse practitioner, doctor of osteopathy, psychiatrist, or psychologist. This verification must follow the Fair Housing Act requirements for verification of disability and cannot inquire into the nature of the disability.

**Management Agent will be responsible for ensuring that applicants meet project eligibility criteria.**

### **The Waiting List:**

**Project Name** will maintain a waiting list for the PSH units using the same referral and eligibility criteria described above.

**Project Name** will maintain a waiting list for the **(# of non-supportive housing units)** non-supportive housing units.

**Applications:** Applications will be accepted until the building is fully leased. For the supportive housing units, management agent will coordinate with identified MOU providers and other sources for referrals. Those candidates will complete applications for the supportive housing units. Marketing of the non-supportive housing units will be the responsibility of the **Management Agent** and marketing of the supportive housing units will be the joint responsibility of the management agency and the MOU referral providers.

### **Ongoing Rental as units become available**

1. Opening the Application Process: When a supportive housing unit becomes available, **Management Agent** will ask the MOU providers to refer an applicant.
2. **Management Agent** will maintain a waiting list for the non-supportive housing units.
3. When a Supportive Housing unit becomes available, **Management Agent** will attempt to contact the individual who is referred, or contact their referral provider/caseworker, by

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telephone or in person at least three times and record those attempts in the individual's file. On the same date that first contact is attempted by telephone or in person, a letter will be sent to the individual, requesting they contact **Service Provider** within ten business days. If **Management Agent** does not receive a response to the contact attempts within ten business days from the date the letter was mailed, the individual will forfeit the opportunity to move into the available unit. If contact is made, an application interview will be scheduled.

**Management Agent** will try to be as accommodating as possible in scheduling interviews, including walk-in interviews, for those willing to wait for an available time slot. Caseworkers, family members, and support staff may accompany a prospective tenant to any interview for additional support. Every attempt will be made to assist those most in need in obtaining an available unit. It is recognized that this may take several attempts for an application and an interview.

When an appointment is missed, **Management Agent** will attempt to contact individuals or their caseworker by telephone or in person at least two times during the next 48-hour period, and record those attempts in the file.

If **Management Agent** is able to contact the applicant, another appointment will be scheduled. **Management Agent** will attempt to schedule up to two appointments. If the applicant misses the second appointment, the individual will forfeit the opportunity to move into the available unit and will not be enrolled in the program at this time. **Management Agent** will ask the MOU providers for a new referral.

### Non-Supportive Housing Units

*\*Add property referral, marketing, and waitlist procedures for non-supportive housing units.\**

## 1.5 THE APPLICATION PROCESS

### Application Requirements

A complete application includes the following information:

1. A written application submitted by the applicant household;
2. Verification of identification;
3. Verification of income and assets, as applicable for each applicant household; and
4. Verification of disability if not receiving SSI or SSDI.
5. ***\*Other requirements imposed by a rental assistance source (e.g. Social Security Number) or by the property\****

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## Completion of Application Process

All applications will be processed within 15 days of the date received, or within five business days of receipt of all required documentation, whichever is later (excluding weekends and designated Federal holidays).

### 1.6 REJECTING APPLICANTS

Applicants may be rejected if:

1. They do not meet the eligibility and screening requirements outlined in Section 1.3.
2. Household characteristics are not appropriate for the type of apartment available. For example, available accessible units must be first offered to households who necessarily require, but currently do not have the accessibility features, ahead of households with earlier application dates in accordance with Section 4.1.
3. Household size is not within occupancy standards for an available unit. If the property offers apartments that would be appropriate for the household size, the applicant is placed on a waiting list as defined in Section 1.4.

**Management Agent** will promptly notify the applicant of the rejection of the application for residency in writing and provide the applicant with an explanation including:

1. The steps to be taken to inquire as to the nature of the rejection; and
2. That the applicant has 14 days to respond in writing to request a meeting to appeal the rejection.

Any meeting with the applicant to review the applicant's written response will be conducted by **Service Provider** and a member of **Management Agent** staff who did not make the decision to reject the applicant. In the event **Management Agent** recommends rejection and **Service Provider** does not agree, **Owner** would make the final decision and document the decision in writing. Persons with disabilities have the right to request reasonable accommodations to participate in the review process.

### Disposal of Applicant or Resident Files

Applicant and resident files will be disposed of in a manner that will prevent any unauthorized access to personal information (e.g., burn, pulverize, or shred). Files must be maintained for the duration and in the format required by the applicable funding programs.

## SECTION II – FAIR HOUSING AND EQUAL OPPORTUNITY

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**Project Name** must comply with all federal, state, and local Fair Housing and civil rights laws and with all Equal Opportunity requirements in regard to rental of housing. These requirements apply to:

1. Accepting and processing applications;
2. Selecting residents from among eligible applicants on the waiting list;
3. Assigning apartments; and
4. Certifying and recertifying eligibility for assistance.

## **2.1 FEDERAL AND STATE LAWS**

Discrimination is prohibited based on race, color, religion, sex, national origin, handicap, familial status, gender identity, sexual orientation, marital status, and ancestry.

## **2.2 VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT (VAWA)**

The Violence Against Women and Justice Department Reauthorization Act offers the following protections against eviction or denial of housing based on domestic violence, dating violence, Sexual Assault or stalking:

1. An applicant's status as a victim of domestic violence, dating violence, sexual assault, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
2. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
3. Criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.

## **2.3 AFFIRMATIVE FAIR HOUSING MARKETING PLAN (AFHMP)**

**Project Name** will comply with its approved Affirmative Fair Housing Marketing Plan (AFHMP). This plan outlines the marketing strategies the property must utilize to further Fair Housing. Management must update the AFHMP at least once every five years.

## **SECTION III - PRIORITIES CONCERNING APARTMENT TRANSFERS**

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An apartment transfer will be given to residents requesting or requiring a transfer to a different apartment due to change in household composition, or size; domestic abuse in accordance with VAWA; need for a deeper subsidy associated with a different unit; or an accommodation for a disability. Transfers will be made to current residents who meet the transfer criteria as stated above, and requested transfers will be prioritized in the following order:

1. Emergency Transfer request for Victims of Domestic Abuse in accordance with VAWA protections.
2. Transfer requested based on the need for an accessible apartment to accommodate a disability.
3. Transfer requested for medical reasons as certified by a doctor.
4. Transfer requested due to change in household composition or size.
5. Transfers requested due to the need for deeper subsidy.

Depending on the circumstances of the transfer, the resident may be obligated to pay all costs associated with the move. A transfer for a program covered household must be handled in accordance with all regulatory guidelines.

***\*Insert any information regarding management policy on transfer fees, security deposits, etc. for voluntary transfers not covered by Fair Housing or VAWA protections.***

## SECTION IV – ACCESSIBLE APARTMENTS

### 4.1 ACCESSIBLE APARTMENTS

To ensure that eligible persons with disabilities benefit from the particular accessibility feature of a specific apartment, a special priority approach to leasing accessible units will be utilized. When accessible apartments become available, the apartment will be offered in the following order:

1. To current residents having disabilities who would benefit from the available apartment's accessibility features, but whose current apartment does not have such features.
2. To eligible and qualified households on the waiting list having disabilities that would benefit from the available apartment's accessibility features.
3. To other eligible and qualified households on the waiting list (i.e., without disabilities), in which case **Management Agent** will require the household to agree, in writing, to transfer to a non-accessible apartment at the landlord's request should another household need the accessible features of the apartment.

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## SECTION V – REASONABLE ACCOMMODATION AND MODIFICATION

### 5.1 REASONABLE ACCOMMODATION/MODIFICATION OF APARTMENTS AND COMMON AREAS

1. Fair Housing Amendments Act of 1988: Reasonable accommodation of physical aspects of property. The Fair Housing Amendments Act of 1988 covers all properties with regard to the protection of households with children and persons with disabilities against discrimination. It mandates persons with disabilities be allowed to reasonably modify their apartment or project common area at their expense if it is necessary for the disabled person to fully enjoy it. It is advised to accept the applicant's or resident's own assessment of what is needed to allow accessibility. The Resident may be required to restore the interior of the apartment to the condition that existed before, if it will interfere with a future Resident's use of the premises (grab bars and widened door entrances are determined not to be an interference with a future Resident's use of premises).
2. Section 504 is a provision of the Rehabilitation Act of 1973 that covers all federally assisted properties with regard to discrimination against qualified persons with disabilities. It mandates that properties receiving federal assistance, if requested by an applicant or resident with disabilities, the housing provider must make a dwelling apartment (and common area) accessible, at the property's expense, unless to do so would result in a fundamental alteration or in an undue financial/administrative burden. Additionally, if a resident is being moved to a different apartment as reasonable accommodation to a household member's disability, then the property must pay for the move unless doing so would constitute an undue financial/administrative burden. If an accessibility modification is unreasonable, would result in a fundamental alteration or would result in an undue burden, Section 504 does not apply. However, the FHAA of 1988 provisions continue to be applicable specifically the housing provider must allow the modification to be made at the expense of the person with disabilities.

### 5.2 REASONABLE ACCOMMODATION/MODIFICATIONS OF POLICIES AND PRACTICES

The Fair Housing Amendment Act of 1988 makes it illegal, on all properties, to refuse to make reasonable accommodations in rules, policies, practices, or services necessary to provide a disabled person equal opportunity to use and enjoy a dwelling. Housing providers are not required to provide individually prescribed items (i.e., hearing aids, etc.) or personal items (i.e., wheelchairs, etc.).

If a tenant's request for an accommodation or modifications to their unit or common area is denied, the **Management Agent** will promptly notify the tenant of the rejection of the request for the modification in writing and provide the tenant with an explanation including:

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1. The steps to be taken to inquire about the reason for the rejection; and
2. That the tenant has 10 days to respond in writing to request a meeting to discuss the rejection and appeal.

Any meeting with the tenant to review the applicant's written response will be conducted by **Service Provider** and a member of the **Management Agent** staff who did not make the decision to reject the resident's request. Persons with disabilities have the right to request reasonable accommodations to participate in the review process. **Management Agent** will give the applicant a written final decision within five business days of the response or meeting.

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