



TENANT SELECTION PLAN

I. **POLICY STATEMENT:** Fair Housing and Equal Opportunity Requirements and Statement of Nondiscrimination:

It is the policy of Miles City Eagles Manor to comply fully with Title VI of the Civil Rights Act of 1964, Title VII and Section 3 of the Civil rights Act of 1968 (as amended by the Community Development Act of 1974), Fair Housing Amendments Act of 1988, Executive Order 11063, Section 504 of the 1973 Rehabilitation Act of 1973, the Age Discrimination Act of 1974, and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted.

II. **PROJECT REQUIREMENTS** – Miles City Eagles Manor is a Section 236 program, established by HUD in 1968. Under this program all households pay at least the Section 236 basic rent and depending upon their income level, may pay up to the 236 market rent. The head of household must be 62 years of age or older, or under 62 years of age and disabled or handicapped to reside in the Section 236 units. Miles City Eagles Manor also has a few Section 8 units available where the rent is based upon the income of the household; The head of household must be 62 years of age or older, or under 62 years of age and disabled or handicapped to reside in the Section 8 units.

Miles City Eagles Manor participates in HUD's mandatory meals program. All residents are required to participate in the meals program at least two meals per day. Three meals per day are offered. Residents may be exempt from the mandatory meals program if we are unable or unwilling to meet your dietary requirements as set forth by the resident's medical provider.

III. **APPLICATION SUBMISSION** – Applications are accepted during posted business hours in person at the Miles City Eagles Manor office, or they may be faxed to 406-234-3206, any time of day or via U.S. Mail to Miles City Eagles Manor, 1000 Palmer Street, Miles City, MT 59301.

IV. **INCOME REQUIREMENTS** – Applicants will be admitted in accordance with the income limits as defined by the Department of Housing and Urban Development for the area. The income limits presently applicable are attached to this document. HUD establishes income limits annually based upon the areas median income. Eagles Manor is required to move in applicants to the Section 8 units whose income is at or below the very low income limit. Additionally, in order to meet requirements set forth by HUD, some applicants for Section 8 units, whose income is at or below the extremely low income limit will be moved in before those whose income exceeds the extremely low income limit. For applicants to the 236 units, the income must be below the low income limit.

- V. **SCREENING CRITERIA** – Once eligibility has been determined based on the criteria set forth by HUD regulations management will evaluate each applicant to determine eligibility utilizing the resident screening criteria. The following criteria will apply to all persons desiring housing at Miles City Eagles Manor:

An applicant will be rejected for falsifying any information on the application

PRESENT AND PAST CREDIT HISTORY

- a. Any applicant will be rejected for any three (3) of the following:
 - i. Any judgment not remedied;
 - ii. Any personal bankruptcy. (Bankruptcy for outstanding medical bills will be examined for extenuating circumstances);
 - iii. Any one (single account) credit obligation which is three (3) months or more delinquent during the past 48 months;
 - iv. Any one foreclosure of real estate;
 - v. Any one repossession of personal property;
 - vi. Any write off greater than \$500 in the past 48 months.

- b. Any applicant will be rejected for any one of the following:
 - i. Owing a prior landlord an outstanding balance;
 - ii. Owing any utility company an outstanding balance

- c. Any applicant may be rejected for any one of the following:
 - i. Owing any cable company an outstanding balance;
 - ii. Owing a cell phone company an outstanding balance;
 - iii. Owing a telephone company an outstanding balance.

PAST AND PRESENT RENTAL HISTORY

- a. Any applicant will be rejected for any one (1) of the following:
 - i. Being evicted from a federally assisted housing unit for drug related criminal activity in the last three years;
 - ii. the use of drugs in a housing community that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - iii. reasonable cause to believe that a household member's behavior or pattern of abuse of drugs or alcohol may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;

- iv. the use of alcohol by a household member in a housing community that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- v. any household member is currently engaged in illegal use of drugs or the owner has reasonable cause to believe a household member is currently engaged in illegal use of drugs;
- vi. having "skipped" a previous housing unit, without giving required notice;
- vii. having "skipped" a previous housing unit owing rent;
- viii. being evicted from or vacating a previous housing unit for non payment of rent, property damage or lease violations;
- ix. having three (3) late payments of rent within a twelve (12) month period at the current or any previous housing unit;
- x. having made unauthorized alterations or caused damage to any rental unit;
- xi. having done any act or allowed any act to occur which would create an insurance risk or fire hazard;
- xii. having made any unauthorized decoration, (painting, wallpapering, etc.) in a rental unit;
- xiii. having left any wall damage caused or created by any occupant, ie; graffiti, crayon, painting, writing or coloring of any walls in the apartment unit;
- xiv. having left excessive trash or garbage in the apartment when vacated or keeping excessive trash or garbage in the unit during residency;
- xv. having any instance where the tenant failed to notify the management when maintenance was needed;
- xvi. having any damage to interior or exterior doors, or windows broken or cracked upon move out or during occupancy which was not paid for, and
- xvii. having any gas driven machinery housed within the apartment unit. Examples are: motorcycles, lawnmowers, etc.
- xviii. having propane cylinders, barbeque grills or propane heaters in the unit.

PRESENT AND PAST CHARACTER HISTORY

- a. An applicant will be rejected for any one (1) of the following:
 - i. member of the household is required to register as a sex offender;
 - ii. a felony conviction;
 - iii. an arrest which involves any one of the following:
 - 1. the use or distribution of a controlled substance
 - 2. the use of any weapon;
 - 3. prostitution.
 - iv. disturbing the peace or quiet enjoyment of a neighbor;
 - v. having visitors who have done any of the above while visiting the

applicant:

- vi. failing to respect the property or rights of others, including those of the management or owners of current or previous housing.

VI. OCCUPANCY REQUIREMENTS – Units will be assigned in accordance with Miles City Eagles Manor occupancy policy. That policy is as follows:

- a. No more than two (2) persons per bedroom. Units will be assigned according to the number of persons in the household.
- b. Persons in the household include:
 - i. all household members currently residing with the family;
 - ii. children in the process of being adopted;
 - iii. children whose custody is being obtained by an adult family member;
 - iv. foster children and foster adults who will reside in the unit;
 - v. children who are temporarily in a foster home who will return to the family;
 - vi. children in joint custody arrangements who are present in the household 50% or more of the time;
 - vii. children who are away at school and who live at home during recess.
- c. A single person will not be allowed to occupy a two bedroom unit under the Section 8 program unless:
 - i. the extra bedroom is necessary to accommodate a reasonable accommodation for a person with a disability;
 - ii. the person is a displaced person as defined by HUD, and no one bedroom unit is available;
 - iii. an elderly person who has a verifiable need for a larger unit, and
 - iv. a remaining family member of a resident family when no appropriately sized unit is available
- d. A family may be allowed to occupy a unit that will result in more than (2) two persons per bedroom, if doing so will reduce the families rent, (236 only). The number of persons in the unit must not be in excess of the local housing requirements.

VII. NONDISCRIMINATION STATEMENT: Miles City Eagles Manor will not discriminate because of race, color, sex, religion, age, familial status, handicap, disability, or national origin in leasing, rental or other disposition of housing or related facilities under its jurisdiction thereof, in the following areas:

- A. Deny any family the opportunity to apply for housing, nor deny any eligible applicant the opportunity to lease housing suitable to its needs;
- B. Provide housing which is different than that provided others;
- C. Subject a person to segregation or disparate treatment;

- D. Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- E. Treat a person differently in determining eligibility or other requirements for admission;
- F. Deny a person access to the same level of services; or
- G. Deny a person the opportunity to participate in a planning or advisory group which is an integral part of the housing program.
- H. The property shall not automatically deny admission to a particular group of otherwise eligible applicants. Each applicant shall be treated on an individual basis in the normal processing routine.
- I. The property will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504, the property will make reasonable accommodations for individuals with handicaps or disabilities (applicants, residents and their families, and guests).
 - 1. Such accommodations may include changes in the administration of policies, procedures, or services. In addition, the property may perform structural modifications to housing and non-housing facilities where such modifications would be necessary to afford full access to the housing program for qualified individuals with handicaps.
- J. In reaching a reasonable accommodation with, or performing structural modifications for, otherwise qualified individuals with handicaps, the property is not required to:
 - 1. make alterations that require the removal or alteration of a load-bearing structural member;
 - 2. provide an elevator for achieving accessibility;
 - 3. provide support services that are not already part of its housing programs;
 - 4. take any action that would result in a fundamental alteration of the nature of the program or service;
 - 5. take any action that would result in an undue financial and administrative burden for the property.

VIII. **PRIVACY POLICY** - It is the policy of Miles City Eagles Manor 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 property.

- A. Therefore, the property shall not disclose any personal information contained in its records to any person or agency unless the individual about whom such information is requested shall give written consent.

- B. This privacy policy in no way limits the property's ability to collect needed information to determine eligibility or compute rent.
- C. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on the handicap or disability of an individual will be treated in a confidential manner.

IX. **PREFERENCES-** There are no preferences other than Income Targeting in place at Miles City Eagles Manor.

X. **INCOME TARGETING-** Consistent with the Quality Housing and Work Responsibility Act of 1998, Miles City Eagles Manor will assure that not less than 40% of new admissions within any fiscal year have incomes at or below 30% of the area median income. Income Targeting applies only to the Section 8 applicants. Property managers will maintain a list of new admissions showing gross annual income for each household and stating whether the income falls at or below 30% of area median income. Waiting list maintenance is outlined below.

XI. **ENTERPRISE INCOME VERIFICATION (EIV)**

We will verify, using HUD's Enterprise Income Verification system (EIV), information about each applicant's current status as a HUD housing assistance recipient. The owner will use the system to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. Applicants are not prohibited from applying at this property if they are currently receiving assistance elsewhere, however; the applicant must move out of the current property or forfeit any voucher before HUD assistance on this property will begin. Special consideration applies to minor children where both parents share 50% custody.

We will verify, using HUD'S Enterprise Income Verification System (EIV), the income reported and included on the HUD form 50059 is accurate. If the income verified differs from what was reported, an investigation will commence and, if necessary, a new Move/In Form 50059 will be completed.

We will verify, using HUD'S Enterprise Income Verification System (EIV) the social security number provided to determine the correct identity of each individual household member. The social security number will be taken directly from the social security card provided by the applicant and all member of the applicant household.

If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's misrepresentation of information.

XII. **VERIFICATION OF CITIZENSHIP AND IMMIGRATION STATUS-** Only U.S. citizens and eligible noncitizens may benefit from the federal rental assistance program at Miles City Eagles Manor. Miles City Eagles Manor will require all applicants to

complete the necessary paperwork required by HUD to determine citizenship. The required INS forms obtained from DHS will be obtained for all noncitizens wishing to become residents of Miles City Eagles Manor. A complete listing of acceptable documents is available in the rental office for your review when applicants are claiming eligible non citizen status.

Applicants stating they are a citizen or national must provide a birth certificate, Passport, or other document verifying citizenship.

Applicants 62 years of age and older must sign a declaration of eligible non-citizen status and proof of age to be eligible for occupancy.

Non citizen applicants claiming non citizen eligibility must submit required documentation prior to moving in. If the applicant cannot supply the documentation prior to move in; an extension of 30 days may be granted providing the applicant certifies the documentation is temporarily unavailable and the additional time is needed to collect the required documentation. This will allow the applicant family to keep their place on the waiting list while the additional 30 days is granted

Owners are required to verify with the Department of Homeland Security the validity of all documents provided by applicants claiming to be eligible non-citizens.

Non eligible citizens wishing to reside at Miles City Eagles Manor will not be admitted for occupancy. Non citizens that are a member of a household that includes eligible citizens will be admitted for occupancy at Miles City Eagles Manor; however, the rental rate for the unit will be prorated according to the number of citizens and non citizens in the household. Households consisting of all non citizens who have submitted all required documentation and DHS has delayed the approval process will be allowed to move in as long as one member of the household is a qualified non citizen. The family will receive full assistance until a determination is made as to the number of eligible household members. Once the determination is made, the family will receive prorated or full assistance depending upon the family eligibility.

XIII. SOCIAL SECURITY NUMBER – Applicants must disclose social security numbers in order to qualify for residency at Miles City Eagles Manor. The following key requirements apply.

- a. The head of household/spouse/co-head must disclose SSNs for all family members. A copy of the Social Security Card or other acceptable documentation as prescribed by HUD regulations must be provided prior to admission.
- b. Applicants may be placed on the waiting list but will not be allowed to move in without verification of Social Security number for all household members.
 - i. If all non-exempt household members have not disclosed and/or provided verification of SSN's at the time a unit becomes available, the next eligible applicant will be offered the available unit.

- c. The applicants who have not disclosed and/or provided verification of SSN's for all non-exempt household members have 90 days from the date they are first offered an available unit to disclose and/or verify the SSN's. During this 90 day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSN's of all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list.

XIV. UNIT TRANSFERS

- A. Unit transfers will be permitted if the tenant requires a reasonable accommodation, the household becomes too small or too large for the current unit based upon the occupancy standards, or if the owner determines that another unit will be more conducive to a tenant's lifestyle and will better serve the needs of the tenant and the building.
 1. Tenants may request a transfer. The owner will evaluate the request and determine whether or not the need for the unit transfer will be necessary. If the owner determines the request is valid and the tenant will be better served or the property will benefit by allowing the transfer, the tenant will be placed on the in house waiting list. As described in XV below, in house residents will be given priority when a unit comes available.
- B. If there is a change in the household composition, the owner will determine; based upon the occupancy standards described in VII above, whether the unit the household presently occupies is still the appropriate size for the household.
- C. If there is a unit of appropriate size available in the property, the household will be required to move to the unit that is of appropriate size for the family within 30 days after the owner notification.
- D. If the owner determines that there is no market for the unit the family is currently residing in, the family will be allowed to stay in the unit not appropriately sized until the market for that size unit improves. However; if the family size is too large for the unit based upon fire, safety or housing codes in the city or community the household will be required to move to a unit appropriate to the family size.
- E. If a unit transfer is required due to the size of the household, a 30 day notice will be provided. The tenant/household will be required to pay for the costs associated with the move.
- F. If the unit transfer is due to the request of the tenant, all costs associated with the move will be the responsibility of the tenant.
- G. If a unit transfer is necessary due to a reasonable accommodation, the owner will pay for the costs associated with the move, unless doing so will become an administrative or financial burden to the property.
- H. If the household determines they want to remain in their current unit after receiving notification of the need to transfer to a unit of appropriate size they may do so by paying the current market rent. However, if local fire

or safety codes prohibit occupancy based upon the number in the household, the family must still transfer to an appropriately sized unit.

XV. WAITING LISTS

A. Resident Waiting Lists:

1. Preferences will be given first to current residents in a project who require a transfer of units within the project, after which applicant will be selected from the applicant waiting list according to current Occupancy Standards.
 - a. First-come-first-served basis;
 - b. According to size and type of unit needed.

B. Applicant Waiting Lists:

1. If applicant is eligible, his/her name will be placed on the appropriate waiting list of the project he/she has applied for according to the date and time the application is received at the project and on a first-come, first-served basis. This does not mean the applicant has passed the screening criteria.
2. In an effort to comply with Income Targeting as specified in the Quality Housing and Work Responsibility Act of 1998, waiting lists will be maintained according to family size, the percentage of area median income the annual income is, and type of unit for applicant households. Applicants whose income is 30% or below the area median income will be given preference over applicants whose incomes exceed 30% of area median income. Once the required percentage of 40% of all new move ins at or below 30% of the area median income is reached applicants will be moved in according to place on the waiting list.
3. When an applicant reaches the top of the waiting list and has passed the project screening criteria, he/she will be offered the next available unit that fits the family size and any special needs (such as mobility accessible units).
4. If applicant declines the available unit, the following procedures apply:
 - a. The applicant declines an available unit the first time, the applicant will remain on the waiting list in original position.
 - b. If the applicant declines an available unit the second time, the application will then be moved to the bottom of the waiting list.
 - c. If the applicant declines an available a third time the applicant will be removed from the waiting list.

C. Closure of Waiting Lists:

1. The project waiting list may be closed when an adequate pool of eligible applicants is sufficient to establish a waiting period of 18 months.
2. Potential applicants will be notified when the waiting list is closed, additional applications will not be taken.
3. There will be a publication made when applications are no longer being taken, to advise potential applicants of the reasons the new applications are being refused.

D. Re-opening of Waiting List:

1. There will be a publication made when the waiting list is re-opened to inform potential applicants of the opening of the waiting list and the process in which to apply.
2. The publication will include where and when to apply.
3. The publication will conform with the advertising plan described in the Affirmative Fair Housing Marketing Plan.

XVI. WAITING LIST CRITERIA

- A. When management determines necessary the entire list of applicants for a project will be sent a letter inquiring as to their continued interest in remaining on the waiting list and requesting a response within ten days.
 1. If an applicant does not respond within 10 days, he/she will be removed from the waiting list.
 2. A new waiting list will be formed from the list of responding applicants who wish to remain on the list.

XVII. REJECTING APPLICANTS

- A. If an applicant is unable to satisfy the project's selection standards, he/she will be promptly notified, in writing:
 1. The reason(s) for the rejection.
 - a. If one of the reasons for rejection is due to a negative credit report, the following information as stipulated in the Fair Credit Reporting Act, must be included in the rejection letter:
 1. The name, address and phone number of the consumer reporting agency used.
 2. The agency did not take part in making the decision to reject the applicant
 3. Applicants have a right to obtain a free copy of their consumer report; dispute its accuracy provided the applicant requests the information within 60 days after the receipt of the rejection letter.
 4. Applicants have a right to dispute directly with the credit agency the accuracy or completeness of the information they provided.
 2. The applicant is entitled to consideration, which could accommodate any special needs or circumstances.
 - a. Applicant has 14 days to respond in writing or to request a follow-up interview. The purpose of this interview is to determine whether it is possible to admit the applicant through consideration of mitigating circumstances or by applying a reasonable Accommodation;
 - b. Mitigating circumstances would be verifiable facts that would outweigh information already gathered in the screening process. Staff must document the improvement in the specific screening

standard before giving further consideration to the applicant. The verifier must corroborate the reason given by the applicant for the past unsuitable behavior and indicate that the behavior has improved.

If the evidence of mitigating circumstances presented by the applicant relates to a change in medical condition or course of treatment, management shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstances. Staff shall also have the right to request further information reasonably needed to verify the mitigating circumstances, even if it is of a medically confidential nature. If the applicant refuses to give access to such further information, management will give no further consideration to the mitigating circumstance.

- c. Reasonable accommodation, according to HUD definition, involves changes in rules, policies, or services but must not:
 1. Result in a fundamental alteration in the nature of the housing program; or
 2. Create an undue financial or administrative burden.

Staff will keep in mind that applicants with a handicap or disability who may, for example, be unable to care for a current apartment alone, may still qualify as able to comply with the Lease if he or she can demonstrate that assistance with caring for the unit has been secured. Such assistance can include a Live-In Attendant, friend or family member, chore service, etc. It is the responsibility of management to determine whether the assistance will enable the applicant to meet the screening criteria.

If some form of assistance is necessary, staff shall verify that a reasonable accommodation has been secured with the provider. Other reasonable accommodations management may consider in appropriate situations shall include adjusting the location of services to an accessible location, modifying policies or practices. Where necessary and verified, management may perform structural modifications to housing or non-housing facilities for applicants with a verified handicap or disability.

Such accommodations must not cause an undue financial and administrative burden to the housing program nor result in a fundamental alteration of the nature of the housing program, such as individually prescribed devices or services.

- d. Any meeting with the applicant, or review of the applicant's written response, must be conducted by a member of the staff who did not make the initial decision to reject the applicant.
- e. The reviewer must give the applicant a written final decision within 5 days of the meeting.

XVIII. STUDENT CERTIFICATION

- A. Miles City Eagles Manor does not typically rent to students. However, all applicants and residents must complete a screening form certifying whether they are a student at an institution of higher education. If the applicant or tenant is a student additional screening questions on the form must be answered to determine whether the student is eligible for housing based on HUD's current regulations.
- B. Owners must determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in place tenant begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.
- C. Section 8 assistance shall not be provided to any individual who:
 - a. 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;
 - b. Is under the age of 24;
 - c. Is not married;
 - d. Is not a veteran of the United States Military;
 - e. Does not have a dependent child;
 - f. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of United States Housing Act of 1937 (42 U.S.C. 1437 a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005).
 - g. Is not living with his or her parents who are receiving Section 8 assistance; and
 - h. Is not individually eligible to receive Section 8 assistance and has parents (the parent individually or jointly) who are not income eligible to receive Section 8 assistance.
- D. For a student to be eligible independent of his/her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his/her absence from parents. For determining the student's independence from parents, owners must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. The student must:
 - a. Be of legal contract age under state law;
 - b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or meet the U.S. Department of Education's definition of an independent student.
 - c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - d. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support.

This certification is required even if no assistance will be provided.

XIX. DOMESTIC VIOLENCE

The Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA) protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking (collectively “domestic violence”).

If you feel you are a victim of domestic violence and are protected by the Violence Against Women’s Act (VAWA) it is your responsibility to notify us.

If you are victim of domestic violence which causes you to lose your housing or relocate without proper notice which could result in a negative landlord reference, we will review documents provided by you from federal, state, tribal, territorial or local police or court records which will explain the need for you to move without notice or the loss of your HUD housing. Or you may provide a copy of HUD Form 91066 completed by you and provided to your current landlord. In lieu of the HUD Form 91066 you may provide documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from who the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or, the effects of the abuse in which the professional attests under penalty of perjury under 29 U.S.C. 1746 to the professionals belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

If the relocation must be kept confidential for the safety of you or your family member due to the domestic violence we will agree not to disclose your new location when completing the application/verification process.