

Reviewed &
Approved
5/2/2018
by: Jill Chapman

RuralEdge
Property Resident Selection Plan
Revised 04/2018

1) Scope of Resident Selection Plan

This Resident Selection Plan governs the assignment of applicants for apartments managed by RuralEdge in Vermont. The scope of this Resident Selection Plan extends to the properties listed in Exhibit A, which are owned or controlled, by Gilman Housing Trust, Housing Vermont or by others. The properties include a variety of unit types including market-rate, subsidized and otherwise assisted housing.

2) Equal Housing Opportunity

RURALEEDGE is committed to Equal Housing Opportunity as well as Affirmative Marketing of units with the goal of obtaining a diverse pool of qualified applicants. Applicants and residents of RURALEEDGE-managed properties will not be discriminated against for reasons of race, color, religion, age, sex, creed, national origin, marital/familial status, disability status, gender identity, their receipt of public assistance or sexual orientation.

Additionally, RuralEdge will comply with all provisions of Section 504 of the Rehabilitation Act of 1973 and of the Fair Housing Act.

- i) "This Tenant Selection Policy complies with the Violence Against Women Reauthorization Act of 2013 (Pub. L. 113-4, 127 Stat. 54)(VAWA 2013). VAWA 2013, among other things, enhances judicial and law enforcement tools to combat violence against women; improves tools and services for victims; enhances services, protection, and justice for young victims of violence; strengthens the health care system's response to violence against women; and expands protections for Native American women and immigrants. The provisions of VAWA 2013 that are applicable to HUD programs are found in title VI of VAWA 2013 which is entitled "Safe Homes for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking." Section 601 of VAWA 2013 amends subtitle N of VAWA (42 u.s.c. 14043e et seq.) to add a new chapter entitled "Housing Rights".

An applicant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of admission if the applicant otherwise qualifies for admission.

- ii) *Management will not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other "good cause" for termination of tenancy or occupancy rights of the victim of abuse.*
- iii) *Management will not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, cause for termination of tenancy or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of the abuse.*
- iv) *Management may request in writing that the victim, or a family member on the victim's behalf certify that the individual is a victim of abuse and that a Certification of Domestic*

Violence, Dating Violence or Stalking or other documentation be completed and submitted within 14 business days, or an agreed upon extension date to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

3) Accessibility

RURALEEDGE is committed to ensuring that accessible apartments are properly assigned and will follow the steps below when placing qualified applicant(s):

- a) Accessible units shall be offered first to existing resident(s) and then to qualified applicants on the waiting list who require accessibility features.
- b) If an accessible unit is leased to a resident or applicant who does not require the accessible features, the lease shall include language requiring the resident to move to the first available comparable non-accessible unit if an existing resident or a qualified applicant requires the special features of the accessible unit.

4) Application, Interview and Notification

a) Acceptance of Applications

Unless the waiting list is closed in total or for specific properties and unit sizes, as outlined in section #5b, all persons will be allowed to submit an application.

Applications for RURALEEDGE-managed housing will be distributed from all RURALEEDGE offices and will be mailed to potential applicants who request an application by telephone, mail or in person.

Applications will be accepted during regular business hours unless otherwise indicated by RuralEdge. Special application procedures (expanded hours, satellite distribution, etc.) will be posted in the each office. Applications will be stamped with date and time of receipt to ensure proper placement on waiting list. Applications received on the same day will be numbered in order of their receipt on that day.

b) Applications

The application will assist RURALEEDGE in making an initial determination of applicant's income/ program eligibility and likely apartment size. Additionally, the application may solicit other information necessary to comply with program requirements.

i) The application will include the following information from a potential applicant:

- (1) All information necessary to determine specific income/program eligibility.
- (2) The opportunity for the applicant to state whether s/he requires an accessible apartment.

(3) Notice of the applicant's right to request a reasonable accommodation due to their status as an individual with a disability.

(4) The Equal Opportunity Housing logo and slogan and the accessibility logo.

(5) A notice that management will communicate with the applicant in the manner or format requested by the applicant as a reasonable accommodation due to their status as an individual with a disability.

c) Self-Assessment, Choice and Release

In filling out the application, the applicant will "self assess" his/her household's income and household size. Third party verification of income and program eligibility information will be accepted if offered, but will not be required at the time of application. All information will be verified through third parties during final screening. Additionally, the applicant will sign a release allowing RURALEDGE to obtain information necessary to conduct comprehensive background screening to determine applicant's suitability for housing.

RURALEDGE staff will obtain a landlord reference and credit report for each applicant once the applicant has passed the initial income and program eligibility screening and a unit is available that meets the applicants needs.

All applicants that meet initial income eligibility requirements will be placed on a waiting list and assigned to apartments based on their chronological order on the waiting list and availability of desired units.

d) Initial Application Screening and Notification to Eligible and Non-Eligible Applicant

Applications are reviewed for completeness and income eligibility for each property which applicant is applying. A qualified applicant will be placed on the waiting list in chronological order and notified immediately in writing. An unqualified applicant will also be notified in writing immediately. In the event an application is incomplete the applicant will be notified by phone whenever possible and in writing if there is no contact number provided or if the applicant is not reachable by phone.

e) Request for Missing Information

Applicants will be asked to provide missing or incomplete information within 14 days of receipt of the request. The request will inform applicants that if the requested information is not provided within 14 days, the application will be considered withdrawn.

If all information is delivered to RURALEDGE within the 14-day follow up period, staff will process the application, determine eligibility and inform the applicant in writing of the application's status within 10 calendar days.

5) Waiting List

This section describes how waiting lists are managed and outlines how applicants and transfers of existing residents will be prioritized and assigned to available units.

a) Open Waiting List

The Waiting List will remain open for all apartments, regardless of availability, to ensure that every site has sufficient applicants to fill all vacant apartments for at least twelve months.

b) Closed Waiting List

Upon the prior approval of the property owner(s), the Waiting List may be closed for all or specific properties, or for specific apartment sizes, when the number of applicants on the waiting list exceeds a supply sufficient to fill all vacancies for more than twelve months. In such a case, applications will be taken for only the apartment types for which the waiting list is open. RURALEDGE staff will post a notice in a conspicuous location at the management office when the Waiting List is closed in total or for any specific size or type of apartment. RuralEdge will also place notification in any publications and send notifications to any agencies or contacts that are listed in the Affirmative Fair Housing Marketing Plan for the specific property whose waitlist will be closed. Further, when the waitlist is re-opened, notices will be posted and sent in the same manner as was done upon closing of the waitlist.

**** Waitlists for Properties with USDA Rural Development funding do not close their waitlists.**

- c) All applicants will be assigned in chronological order based on the date and time that application was received as well as by income level and priorities as described below.
- d) Waiting lists will be maintained for each individual property and apartment size.
- e) Preferences and Set-asides
 - i) In the event that a funding program requires the assignment of homeless applicants or contains other set-asides or preferences for particular property assignments, these requirements will take precedence over chronological assignments.
 - (1) State of Vermont Executive Order #03-16 requires that owners of publicly funded housing make 15% of their portfolio available to homeless families and individuals, including those with special needs who require service support and rental assistance to secure and maintain their housing.
 - (a) In order to meet this directive, RuralEdge will provide a “preference” to households who meet the attached definition of homeless. The preference will be considered in selecting applicants for 15% of the total units in all RuralEdge-owned properties. This preference will allow homeless households to be considered in this 15% of the units before other applicants whose applications pre-date theirs.
 - (i) It is understood that no unit may be held for longer than a “normal” turnaround time in order to “find” a homeless applicant. A “normal” turnaround time is considered to be 14 calendar days.
 - (ii) It is understood that no applicant may be moved into a USDA Rural Development unit with “zero income” unless the household has verified income that is exempt from RD consideration.
 - (iii) Households receiving a “Homeless Preference” will execute or provide to RuralEdge the appropriate documentation proving their homeless status, as attached.
 - (iv) On a portfolio-wide basis, once the 15% homeless criteria has been met, applicants will be selected from the waitlist in chronological order based on their application date (following all applicable HUD/USDA RD requirements).
 - (2) At properties with Project-Based Section 8 subsidies, applicants with incomes of less than 30% of the area median income will be given assignment preference until the number of applicants in that property with incomes below 30% AMI equals 40% of the number of anticipated move-ins in that year for project based section 8 units. **This does NOT apply to properties with HUD 202 PRAC’s.** The 202 PRAC’s that we manage are: Passumpsic View Apartments, Clark’s Landing (Groton Village Housing) and Newport Senior Housing.
 - (3) At properties with Rural Development funding, very low-income applicants will be selected before low and moderate-income applicants. Low income applicants will be selected before moderate income applicants.
 - (4) Tenants residing in one property who are either under-housed or over-housed will receive priority on the waitlist for the same property for an appropriately sized apartment.
- ii) RURALEDGE will continually update its waiting list by promptly adding new applicant information and by contacting applicants at least every six months to ensure that they wish to

remain on the active waitlist. Applicants who do not respond to our notification or who notify RuralEdge that they are no longer interested in remaining on the waitlist, will be removed.

- g) RuralEdge GRIEVANCE PROCEDURE- An applicant/resident wishing to formally grieve a tenant selection/eligibility decision will be handled according to the **Appeals Procedure outlined in the Section 8) Appeals Procedure** on Page 9-10 of this Resident Selection Plan. Prior to a “Formal Grievance Hearing” the applicant/resident will be offered a chance to informally discuss their concern with members of RuralEdge staff, who were not involved in the decision or action being grieved. This informal meeting will be scheduled within one week of the request from the resident/applicant. During this meeting the applicant will be provided with a copy of the RuralEdge Grievance Procedure, as well as written contact information for the staff members conducting the informal meeting. If no satisfactory resolution can be reached informally, the attached grievance procedure is followed. **For USDA Rural Development properties, the “RD Grievance Procedure” §3560.160 will be provided at any time upon request.**

6) **Transfer(s)**

This policy allows for the following types of transfers listed below in order of priority:

a) **Capital Renovations**

The owners of a property may require resident(s) to transfer if it is necessary in order to complete capital improvements to a property. The resident(s) displaced by this kind of action will have first choice of available vacancies, for which they meet program eligibility requirements. The owners of the property will pay for the connection and disconnection of utilities and moving expenses. These transfers shall comply with requirements of the Uniform Relocation Act, if applicable.

b) **Accessible Units**

Before offering a vacant handicap accessible unit to a non-disabled applicant, RURALEDGE will offer the unit:

- 1) First, to a current resident of the same RuralEdge property, who has a disability that requires the use of the special features of the vacant accessible unit; and
- 2) Secondly, to an eligible qualified applicant on the same property’s waiting list, who has a disability that requires the use of the special features of the vacant accessible unit, in the order of their completed application/eligibility date.
- 3) When offering a handicap accessible unit to a non-disabled resident or applicant, RURALEDGE will require the resident or applicant to sign an Agreement, in the form of a dated Lease Addendum, that states that they agree to move to an available non-accessible unit, upon written notification by RURALEDGE, in the event that either a current resident or applicant, with a disability, needs the special features of the handicap accessible unit. Such notification will be made in writing 30 days prior to the effective date of a required move to an available non-accessible unit. The

Lease Addendum will also include the non-disabled resident's or applicant's agreement that:

- a. RURALEDGE will transfer the vacating non-disabled resident to an available non-accessible unit within the same RURALEDGE property; and that
- b. The property at which the resident lives will pay for the transfer/moving expenses of the vacating non-disabled resident, who is being required to transfer by RURALEDGE, which will also include any utility disconnection and reconnection fees.
- c. The property at which the resident lives will also pay for the transfer/moving expenses of a disabled resident who requested the transfer in order to utilize the special features of the handicap accessible unit, as a reasonable accommodation for his/her disability. These transfer/moving expenses will also include any other expenses specifically associated with accommodating the disability.

c) Medical Reasons

RURALEDGE may transfer a resident(s) to another unit for medical reasons which are verified by a health professional. RURALEDGE may check with the health professional. No reimbursements will be made for medical transfers initiated by the tenant. Such transfers will only be accommodated insofar as an appropriate unit(s) is available.

d) Appropriate Size Apartment for Number of Family Members

RURALEEDGE may elect to transfer a resident's family because a unit size may not be sufficient for the size of the family or the family size has decreased and the unit is too large for the size of the family. RuralEdge will consider the following guidelines when making these determinations:

<u>Bedrooms</u>	<u>Minimum Persons</u>	<u>Maximum Persons</u>
1	1	2
2	2	4
3	3	6
4	4	8

- (1) Priority will be given to the family who are the most "over-housed" or "under-housed", the longest tenancy, and the families that will move voluntarily.
- (2) Households will not be required to transfer to a unit that will increase their rent burden due to changes in subsidy rules. Subsidized households who are in need of a subsidized unit can wait for the next available apartment at their property that meets their needs.

**** Households that reside in units regulated by USDA Rural Development that become over-housed will be required to move to the next available appropriately sized unit that becomes available within the same property.**

e) Change in Program Income Guidelines

With the prior approval of the property owner, RURALEEDGE may elect to transfer a household due to change in the income guidelines of a property.

f) Tenant Request

RURALEEDGE will consider requests from existing residents for a transfer to another unit and/or another property if the following conditions are met:

1. The household has been in compliance with all aspects of lease agreement for no less than a full year.
2. The household must have completed its first year lease.
3. The household must meet all program eligibility requirements for the unit/property s/he is requesting to transfer.
4. A household requesting a transfer will be charged for any damages to the unit, which they are vacating.

5. All requests for transfers must be in writing, the priority classification requested, date stamped by RURALEDGE staff when received, and fully documented.
6. It is understood that a transfer/move between properties will require a new application, screening for eligibility for the new property and chronological placement on the waitlist of the property to which the household wishes to move.

7) Final Screening Process

- a) When an applicant(s) name approaches the top of the waiting list, the final screening process begins. During this process RURALEDGE will verify income information, landlord reference(s) and complete a comprehensive background check which includes obtaining a credit report, sex offender registry report, Vermont Courts Online report and criminal record.
 - 1) For HUD regulated properties, RURALEDGE will obtain an "Existing Tenant Search" report from HUD's Secure Systems-EIV. This report will show if the applicant is currently receiving a HUD subsidy at another property. If it is found that the applicant is receiving a subsidy elsewhere, RURALEDGE will enter into a dialogue with the applicant and the owner/manager of their current home to monitor the situation. RURALEDGE will arrange to schedule the applicant's move-in after the termination date of the current subsidy.
- b) RURALEDGE staff will ensure that an adequate number of applicants are placed in the final eligibility and screening to promptly fill all upcoming vacancies.
(Verification information for HUD and LIHTC programs is only valid for 120 days!)
- c) Below is an outline by which income, rental, credit, and criminal history will be evaluated in order to determine if an applicant demonstrates a positive rental history.

1) Eligibility Thresholds

RURALEDGE will review and verify an applicant's income information to determine if an applicant meets the income eligibility requirements for the property for which they are applying. The income information will also be used to determine if an applicant has the financial resources to cover their portion of the required monthly rent.

a) Maximum Allowable Household Income

If an applicant's combined household income exceeds program limits the applicant will be deemed ineligible for residency at that particular property.

b) Minimum Allowable Household Income (non-subsidized units)

An applicant would be deemed ineligible for residency at the property for which they are applying if their portion of the monthly rent exceeded 40% of their gross household income. However, if an applicant has a documented history of an ability to pay the required rent or an amount that exceeds the required rent, the property manager has

the authority to approve the applicant for residency.

c) Regulated Age Requirement

For HUD 202 PRAC properties, the head or co-head of the applicant household must be of age 62 years or older to qualify.

For properties restricted by USDA Rural Development, elderly households must contain a head or co-head who is age 62 or older OR is an individual of any age with a disability.

d) Student Status Requirement

Households containing students must meet student eligibility requirements of the Low Income Housing Tax Credit Program, as well as all Section 8 student status

2) Rental History

RURALEEDGE will use landlord references and/or other sources (personal, neighbor, community and professional references) to determine an applicant's ability to meet lease obligations.

Below is a list of behaviors exhibited by the applicant(s) and/or household member(s) that would disqualify them for residency within any RURALEEDGE-managed property(s):

- a) Non-payment of Rent/Eviction activity
- b) Damage and/or deliberate destruction of previous residence
- c) History of housekeeping habits which posed a substantial health and safety threat to members of the applicant's family, neighbors, and/or employees of previous residence
- d) Criminal Activity (see Conviction History)
- e) History of lease violations in previous rental situations
- f) History of verbal and/or physical abuse of landlord, landlord's staff and or other contractors or personnel hired by the landlord to assist with the maintenance/management of the rental property

3) Credit History

RURALEEDGE will obtain a credit report from the credit reporting agency. The credit report will be used to determine an applicant's ability to meet their financial obligations.

Below is a list of credit report findings that would disqualify them for residency within any RURALEEDGE-managed property(s):

a) Eviction

b) Credit deficiencies which indicate an inability to pay and/or track record of non-payment of housing related expenses within the last five (5) years.

4) Criminal History

RURALEEDGE will obtain criminal record report, a National Sex Offender Registry report, a Vermont Courts Online Report and/or obtain other available information such as newspaper articles, police/court logs etc.) for each member of the applicant's household who is 18 years of age and older.

A criminal record will be obtained from each state in which an applicant and/or household member(s) has resided since reaching the age of eighteen (18).

The criminal record will be reviewed to determine an applicant's ability to live peacefully within a multi-family property.

Below is a list of offenses and/or convictions and/or open case(s) continued without a finding, suspended sentence(s), and plea(s) of no contest) that would disqualify an applicant and/or household member(s) for residency within any RURALEEDGE-managed property(s):

- a) Violence and/or Assault and Battery
- b) Sexual Offenses
- c) Weapons
- d) Possession and/or sale of illegal substances and/or narcotics
- e) Damage and/or Destruction of Property
- f) Other felony charges
- g) Felony/misdemeanor charges showing a habitual disregard for the law

5) Other Reasons for Disqualification

- (a) The applicant has failed to provide information reasonably necessary for RuralEdge staff to fully process the application.
- (b) The applicant has a history of disturbances and/or destruction on RuralEdge properties
- (c) The applicant has misrepresented or falsified any information provided in their application and fails to establish that the misrepresentation or falsification was unintentional.

8) Appeals Procedure

Any applicant deemed ineligible or unsuitable for residency based on the selection criteria outlined in this policy will be notified immediately in writing explaining the reason(s) for denial. The notification will also describe the steps required to request an appeal of the denial.

- a) Applicant has a right to request an appeal. HUD regulations require that we give an applicant 14 days from the date of the original written decision to make a request for appeal and RD requires only 10 calendar days.
- b) Upon receiving a request for appeal a member of RuralEdge Staff, who was not involved in the initial decision to deny, will hold a meeting with the applicant to review all applicable information used in the decision making process.
- c) Applicant is welcome to be accompanied and/or represented by an advocate.
- d) Applicant is encouraged to bring and present any information which supports their position and would assist RuralEdge in making a final determination of eligibility and/or suitability for residency.
- e) RuralEdge will make a final determination of eligibility and/or suitability for residency within 5 business days of meeting with the applicant. The applicant will be notified immediately in writing.
- f) The outline below describes circumstances in which RuralEdge has the authority to overturn the original denial for residency:
 - 1) RURALEDGE staff did not follow the resident selection criteria outlined in this policy;
 - 2) Information with which RURALEDGE staff made their decision (such as credit information) was inaccurate and corrected by the applicant; or
 - 3) The applicant has documented proof a significant extenuating circumstance existed, which indicates that the reasons for denial were both beyond their control and are not likely to be repeated in RURALEDGE-managed properties.
 - a) Extenuating Circumstance
An example of an extenuating circumstance would be;
 - 1) An applicant's hours at work are cut, leaving their take-home pay at \$1000
 - 2) They are currently paying \$900 a month in rent
 - 3) Therefore, they only have \$100 a month to pay for food, electricity, etc.
 - 4) This was an unexpected occurrence that was not planned and was beyond the control of the applicant, therefore, it was an extenuating circumstance
- g) If the final determination of eligibility and/or suitability is made in favor of the applicant the applicant will be placed on the waiting list based on the date of original completed application.
- ii) If the final determination of eligibility and/or suitability is not made in favor of the applicant, the applicant has the right to request a formal appeal, as stated in the RuralEdge Grievance

Policy and, for USDA Rural Development-regulated properties, in the "RD Grievance Procedure" §3560-160.

Exhibit A: List of Properties Managed

ELDERLY and/or DISABLED PROPERTIES MANAGED

ELDERLY ONLY (Denotes Subsidized Property)**

Clarks Landing – Groton, VT **
Newport Senior Housing- Newport, VT **
Passumpsic View Apts. – St. Johnsbury, VT**

ELDERLY and/or DISABLED – UNSUBSIDIZED

Coventry Senior Housing-Coventry, VT

ELDERLY and/or DISABLED SUBSIDIZED

Darling Inn- Lyndonville, VT
Gilman Senior Housing-Gilman, VT
Governor Prouty Apts. - Newport, VT
Governor's Mansion Apts.-Newport, VT
Marigold Apts.-Lyndonville, VT
Rainbow Apartments- Orleans, VT
Derby Line Gardens- Derby Line, VT
Glover Housing- Glover, VT
The Meadows- Irasburg, VT

FAMILY PROPERTIES MANAGED

FAMILY SUBSIDIZED

Crystal Lake Housing – Barton, VT
Groton Community Housing – Groton, VT
Lakeview Housing – Newport, VT
Moose River Housing – St. Johnsbury, VT
Mountain View St. Jay Housing – St. Johnsbury, VT
Hilltop Family Housing- St. Johnsbury, VT
Lakebridge- Newport, VT
Parkview- Newport VT

Exhibit A: List of Properties Managed Continued...

FAMILY PROPERTIES MANAGED CONTINUED...

FAMILY UNSUBSIDIZED

1867 Building- St. Johnsbury, VT
84 Elm St. – Island Pond, VT
86 Raymond St. – Lyndonville, VT
599 Main St. – Lyndonville, VT
Caledonia Housing-St. Johnsbury, VT
Hotel & Kidder- Derby Center, VT
190 Derby Housing-Derby Line, VT
Groton Commercial Housing – General Store – Groton, VT
216 Hill Street-Newport, VT
Lyndon Housing Partnership-Lyndonville, VT
74 Mountain Street.-Island Pond, VT
St. Johnsbury Housing-St. Johnsbury, VT
19 Walnut Street- Island Pond, VT
Lind Homes- South Ryegate, VT

