

RESIDENT SELECTION CRITERIA

FAIR HOUSING

All staff members must obey all applicable fair housing laws (specifically Title VIII of the Civil Rights Act of 1986 and the New York State Fair Housing Law); they must refrain from discrimination regarding any application for housing on the basis of race, color, religion, national origin, sex or marital status, disability, source of income, age, familial status, sexual orientation as well as those who are transgender, and they must affirmatively promote fair housing. A fair housing poster is posted in the Rental Office.

PROSPECTIVE APPLICANTS

All Prospects that come into the office or call on the phone are:

1. Encouraged to tour the property and visit a vacant apartment or model.
2. Explained the various affordable housing program in place.
3. Explained the occupancy standards.
4. Explained the application procedures.
5. Encouraged to apply for an available unit or position on the waiting list.
6. Explained the lease requirements.

Applications, brochures and informational material can also be mailed to interested parties.

AFFORDABLE HOUSING PROGRAM

Lawrence Avenue Apartments Rental Criteria is based on meeting the requirements of Project-Based Section 8 program.

PROJECT ELIGIBILITY

To qualify for residency at Lawrence Avenue Apartments:

1. Lawrence Avenue Apartments is designated family housing, with 60 units designated for persons 62 years of age or older or a disabled young adult. The project is designed to accommodate the elderly in which the head of household or co-head is age 62 or older.
2. Individuals applying for residency must be capable of caring for their daily responsibilities and adhering to the requirements of the Lease Agreement with its Rules and Regulations, **since no direct supervision or medical care/supportive services are provided by Lawrence Avenue Apartments** “capability” of an applicant is to be defined as the ability, either in conjunction with the supportive services or otherwise to:
 - a) Maintain both person and apartment in a manner which is not detrimental to either the applicant’s safety or personal well-being or to the safety and well-being of other residents.

- b) Maintain person and apartment in a manner which would not adversely affect the decent, safe and sanitary condition of the apartment or all or part of the property.
- c) Maintain person, personal behavior, apartment, common areas and property in a manner which would not interfere with the rights of other tenants to peaceful enjoyment of their units, common areas and property.

OCCUPANCY STANDARDS

Applicants are housed in accordance to family size (1 person/1 bedroom; 1-2 Adult). Applicants must constitute a family according to law. Family is defined as two or more people sharing residency whose income and resources meet the family needs, and who are related by blood, marriage or operation of law.

A maximum of two persons per bedroom is acceptable. The household must comprise of at least one person 18 years of age or older. The US Department of Housing and Urban Development has stated that households shall receive Section 8 rental assistance based on a standard of no less than 2 persons per bedroom but also must take into consideration the sex and relationship of household members. Therefore, residents will be allowed to live in a unit that provides more than one bedroom for every 2 persons if the household wishes to separate unmarried members of the opposite sex or allow parents and children to have separate bedrooms.

INCOME LIMITS

Income eligibility is determined by comparing the household's annual income to the income limits applicable to the property which are available upon request in the office. The household's annual income may not exceed the annually published applicable income limits as set forth by the U.S. Department of Housing and Urban Development (HUD). The income limits for Lawrence Avenue Apartments are Very Low and Low. The applicant must be willing and able to pay the rent calculated and be willing to sign and abide by Lawrence Avenue Apartments lease.

PREFERENCES

The following preferences are given to applicants:

First: Government Action or Presidential Declared Disaster

The following is a list of verifications that are accepted as proof:

Third-party written verification from the appropriate unit or agency of government certifying that the Applicant has been displaced or will be displaced in the next ninety days as a result of action by that agency; **and** the precise reason(s) for such displacement.

Second: Disabled American Veterans.

The following is a list of verifications that are accepted as proof:

State issued Veterans ID Card, Department of Veteran Affairs ID Card (VIC), the form DD214 Certificate of Release or Discharge from Active Duty.

Every effort is made to rent handicap units to applicants with handicaps requiring the use of walkers or wheelchairs. Current residents who are on the unit transfer list will be given preference over any applicant on the waiting list. Unit transfers are considered for medical reasons or occupancy standards.

INCOME TARGETING REQUIREMENTS

HUD requires that 40% of new move-ins in a given fiscal year be at or below 30% of the areas median income. If an applicant is skipped over by someone of very low income, their name remains in the same spot on the waiting list. Should we need to give preference to meet this requirement, management will alternate between the first extremely low-income applicant on the waiting list and the applicant at the top of the waiting list.

In order to meet HUD's income-targeting requirements that 40% of the units are rented to extremely low-income families, an applicant may be skipped over for a person who meets the extremely low-income requirements. Lawrence Avenue will retrieve the income targeting report from their company software showing if they have met the 40% requirement. They will pick an extremely low-income applicant from the waitlist. If at this time they do not have any applicants on the waitlist to meet this requirement, they will do marketing. Each time this happens, the skipped over applicant will receive a letter notifying them that they have been skipped over due to income-targeting requirements, but that they will remain on the waitlist in the order they applied.

SMOKE FREE POLICY

Lawrence Avenue is becoming a smoke free property. Applicants moving into Lawrence Avenue Apartments, their families or their guests are not allowed to smoke in their apartments. Smoking MUST be 25 feet from the building. As existing residents vacate the property, apartments will be filled with non-smokers.

ACCEPTING AND DENYING APPLICATIONS

When a prospective resident wishes to apply, the application is reviewed with them by the Leasing Agent taking the application, before and after they fill it out. All applicants over the age of 18 must fill out a separate application. All applications must be date stamped as soon as the agent receives them. After all household members 18 and older have turned in an application, the applicant information will be recorded on the Waiting List. The unit for which the family is applying must be the family's only residence. A Landlord Reference and if the applicant is under 62 the Mobility Impaired Verification will be sent out first. Then a credit check, criminal and registered sex offender checks are run. The Existing Tenant Search will be completed when a unit is offered to the applicant. The application may be approved or denied at this time based on the criteria stated in the Qualifying Applicants section of this policy. If denied the denied status date and time is recorded on the Waiting List. A letter is sent to the applicant(s) informing them that they are approved or denied for the Waiting List. The date of this letter is also recorded on the Waiting List. The reason for a denial will be included in the letter and it will be stated that they

have 14 days to appeal this decision. *If the application is denied due to rental, credit or criminal history, the applicant must wait six months before re-applying.*

QUALIFYING APPLICANTS

Applicants are placed on a waiting list with the assumption that the information on their application is accurate. When an apartment becomes available for an applicant any of the criteria, which has not been previously verified, will be verified.

1. Credit – After a prospective resident accepts an available unit a credit check will be run again if the credit check will be over 6 months old at the time of move in. Lawrence Avenue Apartments uses a national credit reporting agency which produces a credit score based on statistical data. The acceptable score is adjusted occasionally based on market conditions. Approval is based on the Approval/Denial results as received through the credit reporting agency on the last credit check run.
2. Criminal Background / Registered sex offender status - US Department of Housing & Urban Development requires that criminal background checks be performed on applicants applying for Section 8 Housing. A criminal history and registered sex offender background check will be performed in the state where the housing is located and in other states where the household members are known to have resided. The results of these reports and inquiries will be used to determine the applicant's eligibility. After a prospective resident accepts an available unit a criminal/sex offender check will be run again if it will be over 6 months old at the time of move in. Applicants with a criminal record within the last 10 years will not be accepted without further investigation.
3. One Strike Rule – In an effort to protect all our residents we will deny occupancy based on the following:
 - a. Any household containing a member who was evicted in the last three years from federally assisted housing for drug related criminal activity.
 - b. A household in which any member is currently engaged in illegal drug related activities or alcohol abuse when such abuse leads to behavior that interferes with the health, safety, and right to peaceful enjoyment of the property by other residents.
 - c. Any household member who is subject to a state sex offender lifetime registration requirement.
 - d. Any household in which a member has been convicted of a drug related theft or violent crime as defined by Realpage OneSite Criminal Background check criteria. This criteria is available upon request in the office.
4. Previous Rental History – A landlord reference is obtained from the information provided on the application. If the applicant owns their own home or lives with someone else, consequently has no landlord reference, no Landlord reference will be sent out. Reasons for denial based on Previous Rental History are: if there is unpaid rent, consecutive late rent payments, eviction, inability to keep the unit clean, damage to the unit, if the tenant

allowed a non-tenant to reside in the residence, providing false information to the current landlord, and/or interfering with the right and enjoyment of other residents.

5. Upon a unit becoming available all members moving into the upcoming unit will be ran through an Existing Tenant Search in the Enterprise Income Verification System (EIV). The purpose of running everyone in the household through EIV is to check for double subsidy. No applicant/resident can receive a subsidy on more than one property. If an applicant is ran through EIV and it states they are currently receiving a subsidy at their current residency the applicant will be notified of this finding by a phone call and/or in writing. After notification to the applicant their current Landlord will be notified as well by a phone call and/or in writing. The new household cannot be moved in until after the finding is cleared.
6. Social Security Number/Card - Applicants must disclose social security numbers for all family members before move in. Those who have not been assigned a social security number (SSN) must sign a certification that no SSN has been assigned.
 - a. Social security numbers must be verified with the original Social Security Card or a formal document that contains the SSN such as a driver's license, a payroll stub, bank statements, Form 1099, a benefit award letter, a retirement benefit award letter, a life insurance policy, court records, or an identification card issued by a government agency, medical insurance provider or employer.
 - b. When an application has a SSN but cannot provide documentation, the applicant has 90 days from the date of certification to provide documentation. If the applicant is otherwise eligible they will retain their place on the waiting list for those 90 days. After 90 days, the applicant would be determined ineligible and will be removed from the waiting list.
 - c. If a child under the age of 6 years was added to the applicants household within the 6 month period to the household's date of admission, proof of child's social security number shall be provided within 90 calendar days from the admission into the program. An extension of an additional 90 days shall be granted if the processing entity determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. Failure of the participant to disclose a SSN by the deadline specified will result in termination of the assistance or tenancy, or both, of the participant and the participant's household.
 - d. Individuals who have applied for legalization under the Immigration and Reform control Act of 1986 must provide a letter from the Department of Homeland Security (DHS) reporting that a social security number has been assigned but no SSN card will be issued until legalization is completed.
7. Citizenship – All family members regardless of age must complete a “Declaration of 214 Status”. This form will aid management in determining if the applicant is eligible to receive Section 8 Assistance. Only U.S. citizens or eligible non-citizens may receive assistance under Section 8.
 - a. Applicants must provide documentation of U.S. citizenship such as a U.S. passport, a U.S. birth certificate or a certification of naturalization.

- b. All non-citizens who are 62 years of age or older must sign a declaration of eligible immigration status and provide a proof of age document.
- c. All other non-citizens will need to provide documentation for management use to obtain a third party verification of eligibility to receive Section 8 assistance and must sign a verification consent form.
- d. All non-citizens that have student visas are ineligible for assistance.

If an applicant declares they are an Eligible Non-Citizen or a Non-Eligible Non-Citizen, they must be run through the Systematic Alien Verification for Entitlements (SAVE) for a third party verification and verify their eligibility status.

8. Student Status – All Section 8 units are restricted with regards to students. However, many exceptions do apply. Section 8 assistance will not be provided to any individual who is enrolled as either a part time or full time student at an institute of higher education (*institutes of higher education include post-secondary vocational institutions; “proprietary institutions of higher education” which prepare students for gainful employment in a recognized occupation,” and accredited post-secondary colleges and universities*), unless they meet one of the following exceptions:

- a) A student that is at least 24 years of age.
- b) A student who is married.
- c) A student who is a US veteran.
- d) A student who has a dependent child.
- e) A student who is disabled and was receiving Section 8 as of Nov. 30, 2005.
- f) A student applying to live with his or her parents on the property.
- g) Individually eligible

Students must provide written verification of their student status and third party verification will be required to make sure that they meet one of the exceptions for Section 8 assistance.

WAITING LISTS

Lawrence Avenue Apartments will keep four individual Waiting Lists in its process of meeting the property’s requirements of HUD regulations:

1-bedroom apartments

1-bedroom handicap apartment

2-bedroom apartment

3- bedroom apartment

The procedure for using the Waiting List to fill available units is as follows:

1. Approved applicants on a Waiting List will be contacted in the order which they applied. When an appropriate unit becomes available both in writing and by phone and given 48 hours from the date the letter is mailed to respond. Telephone contact will be attempted at least three times at least 6 hours apart.
2. Once the applicant responds within the allotted time that they are interested in the apartment, they will be given an additional 48 hours to come in and verify all of their

- application information regardless of whether it has changed or not since the date of application.
3. Applicants who do not respond within 48 hours after a unit is offered will be removed from the Waiting List until they reapply.
 4. Applicants who do not take a unit that meets their needs that is offered to them will be removed from the Waiting List until they reapply.
 5. Applicants who are removed from a Waiting List for any reason will be informed in writing and encouraged to reapply.
 6. Lawrence Avenue Apartments supports a smoke-free living environment.

VERIFICATION PROCEDURES

Prior to admission for an available unit the next applicant from the waiting list will be notified to complete an applicant interview. Application information will be updated if necessary. All applicants will be required to disclose social security numbers and documentation as well as declare citizenship and documentation. Applicants will also be offered the opportunity to “self-certify” ethnicity and race.

Program requirements are explained and verification procedures are started for verification of age, income, all assets and anticipated medical expenses. All adult household members must sign applicable consent and verification forms authorizing Lawrence Avenue Apartments to verify income and other eligibility factors. Admission will be refused to any applicant who does not sign and submit consent forms. Eligibility is determined after all verifications have been completed and received from the appropriate third parties (i.e. social security, pension, banks, physician, pharmacy, etc).

Eligibility is determined by comparing the household’s annual income to the income limits applicable to the property. The most current income limits are available upon request in the office. The household’s annual income may not exceed the annually published applicable income limits as set forth by the U.S. Department of Housing and Urban Development (HUD). Income eligible families must meet the income limits of extremely low, very low or low and must also need the assistance. The applicant must be willing and able to pay the rent calculated and is willing to sign and abide by the Lawrence Avenue lease.

Applicants are notified in writing of their eligibility once the process is complete.

OPENING AND CLOSING THE WAITING LIST

Closing waiting lists - the waiting list may be closed for one or more unit sizes when the average wait is excessive (e.g., one year or more). When the list is closed, we will advise potential applicants that the waiting list is closed and refuse to take additional applications. When the decision is made to no longer accept applications, we will publish a notice to that effect in a publication likely to be read by potential applicants. The notice must state the reasons for our refusal to accept additional applications.

Opening waiting lists – when our waiting list has less than 20 applications on it, we will re-open it to accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same publications) as the notification that the waiting list was closed. The notifications should be extensive, and the rules for applying and the order in which applications will be processed should be stated. Advertisements should include where and when to apply, and should conform to the advertising and outreach activities described in the Affirmative Fair Housing Marketing Plan.

Opening waiting lists - when we agree to accept applications again, the notice of this action will be announced in a publication likely to be read by potential applicants in the same manner (if possible, in the same publications) as the notification that the waiting list was closed. The notifications should be extensive, and the rules for applying and the order in which applications will be processed should be stated. Advertisements should include where and when to apply, and should conform to the advertising and outreach activities described in the Affirmative Fair Housing Marketing Plan.

CHANGES IN HOUSEHOLD COMPOSITION

The Head of Household who wishes to add an additional family member must complete a new application listing all proposed household members in advance of moving the proposed household member into the unit. If the additional member is 18 years of age or older they must also complete an application. A criminal/registered sex offender check is performed and income, assets and expenses will be verified. The On-Site Manager must approve the change prior to the additional person moving into the unit.

TRANSFER POLICY

Transfers for current Lawrence Avenue Apartments residents are given precedence over new applicants applying for an apartment at Lawrence Avenue Apartments. Transfers will be approved and placed on an in-house Waiting List based on the date of written request. Residents found to be in need of a transfer by management will be informed in writing. Current residents in need of a transfer are considered for the following reasons:

1. Unit is over-occupied as defined by the occupancy standards listed in the Resident Selection Criteria (more people than allowable space)
2. Unit is under-occupied as defined by the occupancy standards listed in the Resident Selection Criteria (less people than allowable space)
3. Need for a different unit type for medical reasons (Section 504 request) that are verified in writing by a physician.

Residents who are informed that a unit is ready for them to transfer into are required to move within 30 days. If the resident has given a written notice to vacate the transfer will not be required. Residents who do not wish to move from a unit that is under occupied will be required to pay market rent. Pursuant to HUD regulations a resident will be informed of whether they are responsible for the cost of the transfer at the time that they are informed that their household is placed on the in-house Waiting List.

LIVE-IN AIDE

A live-in aide is defined as a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:

1. Is determined to be essential to the care and well-being of the person(s);
2. Is not obligated for the support of the person(s); and
3. Would not be living in the unit except to provide the necessary supportive services.

The live-in aide must qualify as a resident on the property in regards to all criteria except income and their income is not included in the household income certification, which determines rent and eligibility for any of the affordable housing programs. They also are not required to undergo a credit check. They must pass the criminal/sex offender screening. The live-in aide must not sign the lease but must sign a separate Line-In Aide Agreement.

UTILITY CONSUMPTION REPORT

Upon move-in, all new residents will be asked to sign a Utility Consumption Report form allowing Lawrence Avenue Apartments access to their electric bills for the remainder of their residency. The Utility Allowance makes it necessary for Lawrence Avenue Apartments to compare average electricity consumption for a percentage of the residents that live at Lawrence Avenue Apartments. This form will be kept in the residents file.

SECTION 504 OF THE REHABILITATION ACT OF 1973

In accordance with Section 504 of the Rehabilitation Act of 1973 Lawrence Avenue apartments does not discriminate on the basis of disability. Applicant/Resident may make request to the property owners for reasonable accommodations in relation to their disabilities. That would include a change, adaptation or modification to the program, service, building, apartment unit or workplace that will allow a qualified person with a disability to:

- Participate fully in the program
- Take advantage of a service
- Live in an apartment
- Perform a job

Requests for reasonable accommodations can be submitted in writing to the rental office or a meeting with management can be requested to explain the request. The 504 program coordinator will review the request and discuss it with the owner. The owner will provide the request unless doing so would create undue financial or administrative burden in which case, the owner would try to suggest alternatives that would be more manageable and work with the resident to resolve the issue.

If the request that was denied was for modification to a rental unit or common area, the resident may be permitted to proceed with the modification at his/her expense if necessary to obtain full enjoyment of the unit or building.

The owner will permit the resident to proceed with the modification contingent on: resident must agree in writing to restore the interior to its previous condition. Owner may ask for payments from

the resident over a 12-month period, which will be placed in an interest bearing account for the purpose escrowing the necessary amount of money needed to complete restoration. Total payment will not exceed the projected cost for interior restoration.

VIOLENCE AGAINST WOMEN ACT OF 2005

The federal Violence Against Women Act of 2005 (VAWA 2005) (Public Law 109-162) signed into law on January 5, 2006, includes important new housing legal protections and programs for victims of domestic violence, dating violence, sexual assault, and stalking. Out of recognition that domestic violence is a leading cause of homelessness nationally and that victims of domestic violence around the country are discriminated against in housing because of the acts of their abusers against them, congress and the President agreed to remedy these barriers for the first time. Tenants and applicants will be provided with a copy of the Act upon request. Baldwin Acres has not established a preference based on victims of domestic violence.

Lawrence Avenue Apartments will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the resident must specify that he/she wishes to exercise these protections. When Lawrence Avenue Apartments responds to a claim of protected status under the VAWA, Lawrence Avenue Apartments will request, in writing, that an individual document the occurrence of the domestic violence, dating violence, sexual assault or stalking. The individual claiming rights under the VAWA has the option to complete, sign and submit the Certification of Domestic Violence, Dating Violence or Stalking for HUD-91066. The resident will have fourteen (14) calendar days to submit the form of documentation. Baldwin Acres will retain all documentation relating to an individual's domestic violence, rape, dating violence, sexual assault or stalking in a separate file that is kept in a separate secure location from other resident files.

AFFIRMATIVE ACTION

In order to help protect the civil rights of all people, the United States Government has required a program of Outreach of Affirmative Action in marketing HUD assisted housing programs. This Affirmative Action policy requires the On-Site Manager reach out to those individuals who might not otherwise be aware of their eligibility for the program or who may be insecure about applying for residency. These persons are often, but not always, members of groups who have traditionally experienced discrimination of one kind or another, and they are therefore often reluctant to apply for programs for which they are indeed eligible. It is the On-Site Manager's responsibility to help seek out these individuals within your community and make them aware of their eligibility. Contacts are to be made to a number of outreach contact people and agencies. These contacts are to be given information about the apartments and request assistance in reaching those individuals who may not otherwise apply for residency. A record of who or which agency and when contacted is required to be completed and maintained. Very early on in the development phase of all HUD assisted housing, the project's Owner and Management Company completes an Affirmative Fair Housing Marketing Plan. This plan is then approved by the appropriate governing agency for use

in the proposed housing development. It is required that this plan be strictly adhered to. Any questions you may have in this regard can be directed to Affinity Property Management LLC. The Equal Housing Opportunity logo should appear on all marketing literature and in all printed advertising. Fair Housing Statement signage should be obviously displayed at or near the entrance to the rental office.

PETS AND ASSISTANCE ANIMALS

Lawrence Avenue Apartments does not allow pets. Assisted animals require proper documentation.