

# *The Housing Authority of Mayfield*

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## **DAVIS APARTMENTS**

### **TENANT SELECTION PLAN**

**2049 MARION CIRCLE**

**MAYFIELD, KY 42066**

#### **Fair Housing and Equal Opportunity Requirements and Statement of Non-discrimination:**

It is the policy of this Owner to comply fully with title vi of the civil rights act of 1964, title vii and section three of the civil rights act of 1968 (as amended by the community development act of 1974), executive order 11063, section 504 of 1973 rehabilitation act, the age discrimination act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted.

**The property shall not discriminate on the basis of race, color, sex, religion, sexual orientation, age handicap, disability, national origin, familial status or creed in the leasing, rental or other disposition of housing or related facilities under its jurisdiction thereof, in the following areas:**

1. Deny any family the opportunity to apply for housing, nor deny any eligible applicant the opportunity to lease housing suitable to its needs;
2. Provide housing which is different than that provided to others;
3. Subject a person to segregation or disparate treatment;
4. Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
5. Treat a person differently in determining eligibility or other requirement for admission;
6. Deny a person access to the same level of services; or,
7. Deny a person the opportunity to participate in planning or advisory group, which is an integral part of the housing program.

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.

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 and residents). 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.

In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals' with handicaps, the property is not required to:

- Make alterations that require the removal or alteration of a load bearing structural members;
- Provide an elevator for achieving accessibility;
- Provide support services that are not part of its housing programs;
- Take any action that would result in a fundamental alteration of the nature of the program service;
- Take any action that would result in an undue financial and administrative burden for the property.

#### **LIMITED ENGLISH PROFICIENCY**

The property will seek to eliminate situation which create a barrier to persons with limited English proficiency (LEP) in accordance with Executive Order 13166.



## PRIVACY POLICY

It is the policy of the property 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.

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 to such disclosure (as permitted in the Authorization for Release of information form).

This privacy policy in no way limits the property's ability to collect needed information to determine eligibility or compute rent.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on the handicapped or disability of an individual will be treated in a confidential manner.

## APPLICATIONS

Applications are available on line at <https://mayfieldhousing.applicationpi.com/> A computer located at the Housing Authority of Mayfield's Operations Center 312 Brookside DR, Mayfield, KY 42066 is available to applicants during office hours.

## ELIGIBILITY (PROGRAM) CRITERIA

In the selection of applicants for admission, Eligibility Criteria have been established in accordance with **HUD Guidelines**. All applicants will be screened carefully and the following eligibility standards will be applied:

1. **Provide Information:** All applicants must cooperate in completing the rental application and providing information necessary to determine their eligibility for HUD housing assistance.
2. **Elderly/Disabled:** Applicants must qualify as elderly (62 years of age or older) or disabled (18 years of age or older).
3. **Income Limits:** Applicants must qualify under the income guidelines established by the Department of Housing and Urban Development. The current, applicable income limits will be posted in the management office.
4. **Occupancy Standards:** Applicants must meet the established occupancy standards. As a general policy there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management shall take into consideration mitigating circumstances in cases where applicants or residents have a verifiable need for a larger unit.

Any family placed in a unit size different than that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit when one becomes available (in accordance with the Transfer Policy and Lease Addendum).

Dwelling units will be assigned in accordance with the following standards (**all units are one bedroom**):

<u>Bedroom Size</u>	<u>Persons Per Household</u>	
	<u>Minimum</u>	<u>Maximum</u>
1	1	2

5. **Social Security Numbers:** Applicants are not required to provide SSN verification in order to be placed on the waiting list; however applicants must provide SSN verification before they can be housed. If the top of the waiting list applicant has not provided SSN verification for all household members, when an available unit is offered, the next eligible applicant must be offered the unit. The top of the waiting list applicant, who has not provided SSN verification, for all household members, has 90 calendar days to provide it to management. Day one starts on the date the available unit was offered. After 90 calendar days, if the applicant is unable to provide SSN verification, the applicant should be determined ineligible and removed from the waiting list. Additionally, SSN requirements do not apply to those individuals who do not contend eligible immigration status or individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010. The eligibility determination is based on participation in either a PIH or HUD assisted program. The eligibility dated is based on the initial effective date of the HUD Form 50059.
6. **Birth Certificates:** Birth Certificates must be provided for all household members or proof of age from Social Security Administration, Veteran's Administration, Life Insurance Certification, driver's license, state ID cards or Company Pension.
7. **U.S. Citizenship:** Applicants must declare U.S. Citizenship, or submit evidence of eligible immigration status for each family member in accordance with Section 214 of the Housing and Community Development Act of 1980, as amended. Households that have no members with citizenship or eligible immigration status do not qualify for assistance. Pro-rated



assistance is available to families whose households include at least one member with citizenship or eligible immigration status that has been verified through the INS.

8. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are as follows:
  - a. **Eviction for Drug Related Criminal Activity:** If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected.
  - b. **Illegal Drug Use:** If the applicant or any household member is currently engaged in illegal use of a drug or shows a pattern of illegal use that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
  - c. **Alcohol Abuse:** If a determination is made that the applicant or any household member's abuse, or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
  - d. **Sex Offenders:** If the applicant or any household member has a conviction or adjudication other than acquittal, for any sexual offense, the application will be rejected.

### INCOME TARGETING

The owner is required to lease not less than 40% of new admissions in any given fiscal year to extremely low-income (30% of median income) applicants. Extremely low-income applicants will be selected until the 40% is met and a non extremely low-income applicant reaches the top of the waiting list. In the event of the number of units vacant exceeding the number of applicants on the waiting list any otherwise eligible applicant will be admitted regardless of income targeting.

### ACCEPTANCE CRITERIA

All Applicants must cooperate in completing the rental application and providing information necessary to determine an acceptable, rental and criminal history. For acceptance the applicant and all members of the household must demonstrate:

1. **Good Rental History:** A willingness and ability to:
  - Conform to rules and regulations and a respect for the rights of others;
  - Abide by the lease and house rules;
  - Pay rent and utilities on time
2. **Good Housekeeping:** Housekeeping habits at prior residences, which did not adversely affect the health, safety, or welfare of other residents or cause damage to the apartment or community.
3. **Good Criminal Record:** A history of the applicant, or any household member, which does not include any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; any criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residences by persons residing in the immediate vicinity of the premises; any criminal activity that would threaten the health or safety of any property management staff responsible for managing the premises.
4. **Record Matching:** The owner through the US Department of HUD will match/verify information provided by the applicant/resident using the Enterprise Income Verification system (/EIV) including Existing Tenant Search Report, which verifies that neither the applicant nor family members are currently receiving rental assistance through HUD's Multifamily or Public Housing programs. If the applicant and/or family member is currently receiving rental assistance the Applicant will be allowed to explain the situation to the owner. The will follow-up the entity listed in the Existing Tenant Search Report to confirm applicant and/or family members status before moving-in the applicant and family member.

### REJECTION CRITERIA

Management reserves the right to reject applicants for admission if it is determined that the applicant or any member of the household falls within any one or more of the following categories:

1. **Misrepresentation:** Willful or serious misrepresentation in the application procedure for the apartment or certification process for any government assisted dwelling unit.
2. **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility, which damages the equipment or premises in which the family resides, or which the family resides, or which is disturbing or dangerous to neighbors or disrupts the quiet and peaceful enjoyment of their home and community life.



3. **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors.
4. **Non-compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
5. **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.
6. **Unsanitary or Hazardous Housekeeping:** Includes generally creating any health or safety hazard through acts of neglect and causing or permitting any damage to or misuse of premises and equipment, if the family is responsible for such hazard, damage or misuse, including but not limited to, causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.
7. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are as follows:
  - a. Any conviction or adjudication other than acquittal within the last five (5) years, which involved injury to a person or property.
  - b. Any conviction or adjudication other than acquittal for the sale, distribution or manufacture of any controlled substance.
  - c. Any conviction or adjudication other than acquittal within the last ten (10) years involving illegal use or possession of any controlled or illegal substance.
  - d. Any current illegal user or addict of a controlled or illegal substance.
  - e. Any act which results in the person's tenancy constituting a threat to the health or safety of other individuals, result in substantial physical damage to the property of others, or interfere with the peaceful and quiet enjoyment of the premises.
  - f. Any conviction or adjudication other than acquittal, for any sexual offense.
  - g. Any conviction or adjudication other than acquittal, which involved bodily harm to a child.
  - h. Eviction for Drug Related Criminal Activity: If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected.
  - i. Alcohol Abuse: If a determination is made that the applicant or any household member's abuse, or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
  - j. **Management reserves the right to require criminal background checks at each recertification. Management will do criminal background checks at re-certifications if in receipts of credible and verifiable information.**
8. **Grievance Procedure:** Management will follow the grievance process in compliance with the requirements set forth in the HUD Handbook 4350.3 when rejecting an application, management will:
  1. Provide Notification in writing for reason of rejection;
  2. Inform the applicant they have 14 days to request in writing a meeting to discuss the rejection;
  3. Participate through a representative in an informal meeting;
  4. Provide written determination to the applicant within a reasonable time after the meeting.
9. **Reasonable Accommodation:** If the applicant requests an additional interview to determine whether mitigating circumstances or reasonable accommodations would make it possible to accept his/her application, Management will do so on Sections 504 of the Rehabilitation Act of 1973.

## **PREFERENCES & PRIORITIES**

It is likely that there will be more applicants for housing that can be assisted. In order to select those families most in need of housing, HUD had established the following priority and statutory categories that will be the basis of selecting residents from among all



applicants: Statutory Preferences are given to applicants who have been displaced by government action or because of presidentially declared disaster. NO other preferences will be given.

### **WAITING LIST PROCEDURES**

In the event that the property is on a waiting list the following procedures will be applied:

- Applicants will be informed upon application if there is a waiting list.
- Applicants who wish to be admitted to the property's waiting list must complete an application. The application must include a signature from the applicant certifying the accuracy and completeness of information provided. The application must be completed in full and all requested information must be provided (refer to ELIGIBILITY (PROGRAM) CRITERIA).
- Owners' records must indicate the date and time the applicant submitted an application.
- Owners must collect information about the preferences, which the applicant qualifies (refer to PREFERENCES & PRIORITIES).
- If the waiting list is excessive the owner may close the waiting list and provide notice of the closing.
- When the owner agrees to open the waiting list and accepts applications again, the notice of this action must be announced in the Mayfield Messenger, posted in the Davis Apartment's office and Housing Authority central office.
- Whenever a change is made in the waiting list, an action is taken, or an activity specific to an applicant occurs, a notation must be made on the waiting list.

### **UNIT TRANSFERS**

1. Transfers because of family size will not be allowed, as all units are one bedroom.
2. Transfers because of change in family composition will not be allowed, as all units are one bedroom
3. Transfers because of a verified medical necessity will be allowed, the owner will pay for the move
4. Transfers because of a resident needing an accessible unit will be allowed, the owner will pay for the move
5. Transfers because of a resident occupying an accessible unit but not needing an accessible unit will be required to move if an applicant or resident have a need for the accessible unit, the owner will pay for the move.
6. Transfers because a unit has become uninhabitable or is to undergo modernization requiring a vacant unit, the owner will pay for the move.
7. Transfers because of resident's desire will be allowed, provide the resident pays a \$500.00 fee.

### **STUDENT**

1. Applicants who are students (post secondary) are eligible if the any of the follow is true:
  - a. Is at least 24 years old by December 31 of the award year for which aide is sought
  - b. Is an orphan or a ward of the court through the age of 18.
  - c. Is a veteran of the US Armed Forces.
  - d. Have legal dependents other than a spouse.
  - e. Is a graduate or professional student.
  - f. Is married.
  - g. Has established a household separate form parents/guardians and has not been claimed as a dependent by the parents/guardians tax returns for at least one year prior to applicant for occupancy.
  - h. Is a person already receiving Section 8 assistance as of November 30, 2005 and are disabled.
2. The student applicant whose parents/guardians are income eligible, meeting the low income limit, for the county of the parents/guardians residence than the student applicant's parent's income is not considered and the student applicant exclusion does not apply.
3. Financial aide in excess of tuition is counted as income.

### **DEFINITIONS**

1. **Adult** – An individual who is 18 years of age or older, or a minor under the age of 18 who has been emancipated to act on his/her own behalf, including the ability to execute a contract or lease.

2. **Head of Household** – the adult member of the family who is the head of the household for purposes of determining eligibility and rent.
3. **Co-Head of Household** – An adult member of the family who is treated the same as head of the household for purposes of determining income, eligibility, and rent.
4. **Disability** – Any condition or characteristic that renders an individual a *person with disabilities* (handicaps).
5. **Elderly Person** – A person at least 62 years of age.
6. **Extremely Low-Income** – A person or family whose income does not exceed 30% of the median income for the area, as determined by HUD.
7. **Disabled Person** – Is defined as an individual with a physical or mental impairment that is expected to be of long-continued and indefinite duration; substantially impedes the person’s ability to live independently; and is such that the person’s ability to live independently could be improved by more suitable housing conditions.
8. **Live-in Aide** – A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:
  - a. Is determined to be essential to the care and well being of the persons;
  - b. Is not obligated for the support of the persons; and
  - c. Would not be living in the unit except to provide the necessary supportive services.

**Note: The live-in aid must apply and be processed pursuant to the guidelines set forth in the tenant selection plan, as any other applicant.**

## **VIOLENCE AGAINST WOMEN (Domestic Violence)**

### **Introduction:**

The VAWA protections apply to families applying for or receiving rental assistance at Davis Apartments. The law protects victims of domestic violence, dating violence or stalking, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence that is reported and confirmed. The VAWA also provides that an incident of actual or threatened domestic violence, dating violence or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim. Furthermore, criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim’s tenancy. The owner may bifurcate a lease in order to evict, remove, who is a tenant or lawful occupant, to remain in the unit.

### **Definitions:**

Domestic Violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any person’s acts under the domestic or family violence laws of the jurisdiction.

Dating Violence – means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Stalking – means (A)(i) to follow, pursue, or repeatedly commits acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts to place a person in reasonable fear of the death of , or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

Immediate family Member – means, with respect to a person: (A) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

Bifurcate – means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain.

### **Protections:**

The law offers the following protections against eviction or denial of housing based on domestic violence, dating violence or stalking:

An applicant’s or program participant’s status as a victim of domestic violence, dating violence 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.

An incident or incidents of actual or threatened domestic violence, dating violence 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.

Criminal activity directly related to domestic violence, dating violence 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.

Assistance may be terminated or a lease bifurcated in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.

The provisions protecting victims of domestic violence, dating violence or stalking engaged in by a member of the household, may not be construed to limit the owner, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.

The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an owner can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, owners may not subject victims to more demanding standards than other tenants.

The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.

#### **Owners Rights and Responsibilities:**

1. Owner must provide tenants the option to complete the Certification form. The certification form will be made available to all eligible families at the time of admission or, in the event of a termination or start of an eviction for cause proceeding, the certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) business days.
2. Owners responding to an incident of actual or threatened domestic violence, dating violence or stalking that could potentially have an impact on a tenant's participation in the housing program may request in writing that an individual complete, sign, and submit within fourteen (14) business days of the request, the HUD-approved certification form (HUD-91066). The owner may extend this time period at their discretion.
3. Alternatively, in lieu of the certification form or in addition to it, owners may accept (a) a federal, state, tribal, territorial, or local police record or court record or (b) documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse. The signatory attests under penalty of perjury to their belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.
4. Owners are not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence or stalking in order to receive the protections of the VAWA. Owners, at their, discretion, may provide assistance to an individual based upon the individual's statement or other corroborating evidence.
5. The identity of the victim and all information provided to the owner relating to the incident(s) of domestic violence will be retained in confidence by the owner and in a file separate from other tenant files..

#### **Tenants Rights and Responsibilities:**

1. Tenants and family members of tenants who are victims of domestic violence, dating violence or stalking are protected by the VAWA from being evicted or from housing assistance being terminated because of the acts of violence against them.
2. If requested, tenants are required to submit a completed Certification of Domestic Violence, Form HUD-91066, or other supporting documentation within 14 business days to the owner. If the certification or other supporting documentation is not provided within the specified time frame, the owner may begin eviction proceedings.
3. If the tenant has sought assistance in addressing, domestic violence, dating violence or stalking from federal, state, tribal, territorial jurisdiction, local police or court, the tenant may submit written proof of this outreach.

**I/We have been given the opportunity to ask any questions that pertain to the Resident Selection Guidelines. By signing below I/We certify that I/We have read and received a copy of these guidelines.**

\_\_\_\_\_  
Signature of Head of Household

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Co-head of Household

\_\_\_\_\_  
Date

