



# Resident Selection Plan

Revision 1.2  
4/2025

## Contents

<b>THE PURPOSE OF THE RESIDENT SELECTION PLAN .....</b>	<b>4</b>
<b>STANDARD OF CONDUCT .....</b>	<b>4</b>
<b>SMOKE-FREE HOUSING .....</b>	<b>5</b>
<b>USE OF MARIJUANA – FEDERALLY FUNDED PROPERTY .....</b>	<b>5</b>
<b>SECURITY DEPOSIT REQUIREMENTS.....</b>	<b>5</b>
<b>PETS.....</b>	<b>5</b>
<b>HUDHOUSING VOUCHERS .....</b>	<b>5</b>
<b>ASSISTED LIVING.....</b>	<b>5</b>
<b>FAIR HOUSING POLICIES .....</b>	<b>6</b>
<b>ELIGIBILITY REQUIREMENTS.....</b>	<b>6</b>
PROPERTY ELIGIBILITY DEFINITION .....	6
PROGRAM ELIGIBILITY .....	7
<b>PROCEDURES FOR TAKING APPLICATIONS .....</b>	<b>7</b>
INCOMPLETE APPLICATIONS .....	8
PRELIMINARY DETERMINATION OF APPLICANT ELIGIBILITY .....	8
FINAL DETERMINATION OF ELIGIBILITY .....	8
<b>LIVE-IN ATTENDANTS .....</b>	<b>8</b>
<b>WAITING LISTS.....</b>	<b>9</b>
MAINTAINING WAITING LISTS .....	9
REMOVING APPLICANTS FROM THE WAITING LIST.....	9
SELECTING APPLICANTS FROM THE WAITING LIST .....	10
PREFERENCES.....	10
<b>PRIVACY POLICY .....</b>	<b>12</b>
<b>VERIFICATION.....</b>	<b>12</b>
INFORMATION TO BE VERIFIED .....	12
METHODS OF VERIFICATION .....	12
SOURCES OF INFORMATION.....	13
PERIOD FOR VERIFICATION .....	13
CONSENT AND VERIFICATION FORMS .....	13
PROVISIONS FOR REFUSAL TO SIGN REQUIRED VERIFICATION FORMS.....	13
MISREPRESENTATION.....	13
<b>APPLICANT SCREENING CRITERIA.....</b>	<b>13</b>
<b>SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY .....</b>	<b>14</b>
<b>Consideration of Extenuating Circumstances .....</b>	<b>15</b>
<b>Criminal Screening Discoveries .....</b>	<b>15</b>
<b>SCREENING CREDIT HISTORY .....</b>	<b>15</b>
<b>SCREENING RENTAL HISTORY .....</b>	<b>16</b>
<b>REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS .....</b>	<b>17</b>
REJECTION NOTICES .....	18
APPEALING THE DECISION TO REJECT.....	18



## ThirtyOne50 Management Resident Selection Plan

<b>OFFER TO LEASE.....</b>	<b>18</b>
<b>OFFERING ACCESSIBLE UNITS.....</b>	<b>19</b>
<b>OFFERING UNITS TO APPLICANTS WITH DISABILITIES REQUESTING ACCESSIBILITY .....</b>	<b>19</b>
<b>OFFERING UNITS TO APPLICANTS OR RESIDENTS WITH PREFERENCES .....</b>	<b>19</b>
<b>RIGHT TO REFUSAL .....</b>	<b>19</b>
<b>UNIT TRANSFER POLICIES.....</b>	<b>20</b>
<b>SECURITY DEPOSITS &amp; UNIT TRANSFERS .....</b>	<b>21</b>
<b>CHANGES IN HOUSEHOLD COMPOSITION .....</b>	<b>21</b>
ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY .....	21
REMOVING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY .....	21
<b>INSPECTIONS.....</b>	<b>21</b>
<b>APPENDIX A – REQUEST FOR REASONABLE ACCOMMODATION OR MODIFICATION .....</b>	<b>22</b>
<b>APPENDIX B – VERIFICATION OF HOUSEHOLD COMPOSITION .....</b>	<b>23</b>
<b>APPENDIX C – PROTECTIONS PROVIDED UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA).....</b>	<b>24</b>



### **THE PURPOSE OF THE RESIDENT SELECTION PLAN**

The resident selection plan helps to ensure that residents are selected for occupancy under established management policies and consistent with prevailing law.

Please contact the management office if you need help understanding this document.

- Contacte por favor la oficina de gestión si usted necesita ayuda a comprender este documento. (Spanish)
- Por favor contate o escritório de gerência se deve ajudar entendimento este documento. (Portuguese)
- Si vous avez besoin d'aide à la compréhension de ce document, veuillez communiquer avec le Bureau de gestion. (French)
- Souple kontakte Biwo jesyon a si w bezwen èd pou konprann dokiman sa a. (Haitian Creole)
- Xin liên lạc với văn phòng điều hành nếu bạn cần giúp đỡ sự hiểu biết tài liệu này. (Vietnamese)
- Пожалуйста свяжитесь с офисом управления, если Вам нужна помощь в понимании этого документа. (Russian)
- Bitte kontaktieren Sie das Leitungsbüro, wenn Sie helfen müssen, dieses Dokument zu verstehen. (German)
- 請聯絡管理辦公室, 如果你需要幫助理解這份文件。(Chinese)
- もしこの文書を理解しているための助けを必要とすれば、経営オフィスと連絡を取ってください。(Japanese)

### **STANDARD OF CONDUCT**

The relationship between a landlord (Management) and a resident or applicant is professional.

A courteous and businesslike attitude is required from both parties. The Management reserves the right to not conduct business with anyone who is verbally abusive, swears, is disrespectful, makes threats, uses discriminatory language, appears to be intoxicated or under the influence of alcohol or drugs, is argumentative, or in general displays an attitude, at any time, which causes the Management or the property staff to believe we would not have a positive business relationship.

If an applicant or any member of the applicant's family demonstrates unprofessional behavior in the presence of the management team or other residents/applicants, the applicant, the applicant's family, and other members of the applicant's entourage (if applicable) will be required to leave the property, and the application will be rejected.

If the applicant or any member of the applicant's family exhibits threatening behavior, appears to be intoxicated or under the influence of alcohol or illegal drugs or attempts to intimidate the staff, the applicant, the applicant's family, and other members of the applicant's entourage (if applicable) will be required to leave the property, and the application will be rejected.

If the applicant or any member of the applicant's family is not appropriately attired, when visiting the management office, the applicant will be asked to leave. Appropriate attire includes shoes, shirts and pants, shorts or skirts.

Unacceptable attire includes but is not limited to:

- Pajamas
- Bathing suits
- Clothing that allows the display of foundation garments (underwear)
- Clothing with inappropriate language or pictures

To ensure the privacy of property staff, property residents, and applicants, the use of cell phones or other electronic devices, except those necessary to alleviate the symptoms of a disability, by residents or applicants, is not allowed in the management office.



## ThirtyOne50 Management Resident Selection Plan

Animals, (other than assistance animals necessary to allow the applicant/resident to conduct business with the Management) are not allowed in the management office.

Children are always welcome. When in the management office, minors must be supervised. Property staff is not responsible for childcare or supervision.

Aside from standard property charges, property staff is not permitted to accept any money, gifts, services or favors connected with the application process or associated with any aspect of residency on this property. If property staff solicits any mandatory payment for any part of the application process, the applicant should notify the property staff or the Management at ThirtyOne50 Management (808) 466-0554 x143.

### **SMOKE-FREE HOUSING**

Smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, property staff, applicants, residents, guests, and servicepersons.

“Smoking” shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, cigar, pipe, hookah, other tobacco products, marijuana including medical marijuana, herbal smoking products “Legal Weed” or products known as “bath salts” or other legal or illegal substances.

### **USE OF MARIJUANA – FEDERALLY FUNDED PROPERTY**

Regardless of the purpose of legalization under state law, the use of marijuana in any form is illegal under the Controlled Substances Act (CSA) and, therefore, is an illegal controlled substance under Section 577 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Based on federal law, new admissions of any marijuana user – including people who use medical marijuana - are prohibited.

QHWRA requires that management establish lease standards that prohibit admission based on the illegal use of controlled substances, including state legalized marijuana. State laws that legalize medical marijuana directly conflict with QHWRA and, thus, are subject to federal preemption.

### **SECURITY DEPOSIT REQUIREMENTS**

Management must collect a security deposit at the time of the initial lease execution. Management will comply with applicable state and local laws governing the security deposit.

### **PETS**

Pets are not permitted.

If an applicant wishes to request approval for an assistance animal – necessary to alleviate the symptoms or side-effects of a disability, the applicant (or the applicant’s representative) must request a reasonable accommodation.

Please review the process to request a reasonable accommodation in Appendix A. The applicant should also review the Assistance Animal Policy which is available upon request.

### **HUD HOUSING VOUCHERS**

Management may accept applicants with Section 8 assistance. Please be sure to notify Management if you have a Section 8 voucher.

### **ASSISTED LIVING**

Management and property staff do not provide, nor have the authority to provide, any personal care or



## ThirtyOne50 Management Resident Selection Plan

personal supervision services. All care and supervision services must be provided by the resident or aides supervised by the resident or the resident's representative(s). Management and property staff do not aid with personal activities or daily living.

### **FAIR HOUSING POLICIES**

Information about civil rights protections provided through the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Limited English Proficiency Final Rule, the Equal Access Final Rule, and the Violence Against Women Reauthorization Act are all included as Appendix C of this Tenant Selection Plan.

In addition to the seven classes already protected under Federal Fair Housing, Hawaii offers legal protection [Hawaii Revised Statutes §§ 515.1- 515.20] based on the following six protected classes: gender identity or expression; sexual orientation; marital status; ancestry; age (over the age of majority or emancipated minors) and HIV.

The MANAGING AGENT's responsibility to market projects to those least likely to apply includes marketing to the Limited English proficiency population in the community. MANAGING AGENTS will take reasonable steps to ensure meaningful access to the information & services being provided to persons with limited English proficiency. This may include interpreter services and/or written materials translated into other languages.

### **ELIGIBILITY REQUIREMENTS**

#### **PROPERTY ELIGIBILITY DEFINITION**

##### **Household/Resident Type**

This property is designed to provide housing to low-income families who meet the eligibility and screening requirements outlined in this Resident Selection Plan. Eligibility requirements may change at any time when the Low-Income Housing Tax Credit or any other governing agency issues new guidance.

##### **Income Limits**

Income limits vary by household size and are updated annually. The Management will provide applicants with a copy of the income limits for the property area upon request.

##### **Occupancy Standards**

Occupancy standards serve to prevent the over-utilization or under-utilization of units that can result in inefficient use of housing funding. Occupancy standards also ensure that residents are treated fairly and consistently and receive adequate housing space.

Below, please find this property's occupancy standards.

Number of Bedrooms	Min. Household Members	Max. Household Members
1	1	3
2	2	5
3	3	7
4	4	8

##### **Verifying the Need for an Accessible Unit**

When an applicant requests an accessible unit or a unit preference, such as a first-floor unit, the Management will conduct inquiries to:

1. Verify that the applicant is qualified for the unit, which is only available to people with a disability or people with a particular type of disability
2. Verify that the applicant needs the features of the unit as accommodation to his or her disability
3. Verify that the applicant is qualified to receive priority on the waiting list available to people with a disability or people with a particular type of disability



## ThirtyOne50 Management Resident Selection Plan

### **PROGRAM ELIGIBILITY**

Based on federal regulations, the Management may admit only eligible applicants. In the selection of applicants for admission, eligibility criteria have been established in accordance with the Low-Income Housing Tax Credit or other governing agency guidelines.

The following eligibility standards will be applied.

1. The household's annual income must not exceed program income limits at move-in
2. The unit for which the household is applying must be the household's only residence
3. An applicant must agree to pay the rent required by the program under which the applicant will receive assistance
4. The household size must be appropriate for the available apartments (*See Occupancy Standards*)
5. All information reported by the household is subject to verification

### **Single Residence/Subsidy Criteria**

A household is eligible only if the unit is the household's only residence. The Management will not knowingly assist applicants who will maintain additional or secondary residence.

### **Eligibility of Students Enrolled at an Institute for Higher Education**

Student eligibility is determined at move-in/initial certification and at each annual certification.

A student who is otherwise eligible and meets screening requirements is eligible if the student meets the criteria indicated below.

1. Is living with his or her parents who are receiving Section 8 assistance
2. Is individually eligible to receive Section 8 assistance and have parents who are income eligible to receive Section 8 assistance.
3. Is a veteran of the United States military.
4. Is married.
5. Has a dependent other than a spouse (e.g. dependent child);
6. Is at least 24 years of age.

Some assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is more than the amount received for tuition and other fees are included in annual income, except:

1. If the student is over the age of 23 with dependent children or
2. If the student is living with his or her parents who are receiving Section 8 assistance

Financial assistance that is provided by people who do not live in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

The definition of tuition is consistent with the definition provided by the State Department of Education

### **PROCEDURES FOR TAKING APPLICATIONS**

It is ThirtyOne50 Management's policy to accept and process applications under this plan. ThirtyOne50 Management will make a reasonable accommodation to assist in the application process if the applicant or any member of the applicant's household is disabled.

Upon request, Management will provide interested parties with a copy of the application package.

All adults aged eighteen (18) years or older must execute and sign all documents that are included in the application package.

All applications can be submitted on-site at the property management office. Management will accept applications using alternative methods including mail or internet submission. Management will also accept the application in an equally effective format, as reasonable accommodation, if there is the presence of a disability.



## ThirtyOne50 Management Resident Selection Plan

All documents in the Application Package must be **completed in full**, signed, and dated to be accepted. Applicants **will not** be added to the waiting list until all application forms have been properly completed and signed as appropriate.

### **INCOMPLETE APPLICATIONS**

If the application is not complete, the Management will attempt to contact the applicant to obtain missing information. The applicant will have five (5) business days to respond and provide missing information. If the applicant fails to provide the required information within the five (5) day period, the Management will notify the applicant in writing that the application was not accepted.

### **PRELIMINARY DETERMINATION OF APPLICANT ELIGIBILITY**

Information needed to determine applicant eligibility shall be obtained and verified, and the determination of applicant eligibility performed in accordance with property eligibility requirements.

Upon receipt of the completed application, the Management will make a preliminary eligibility determination before adding a household to the waiting list or initiating final eligibility tasks. The Management will review the application to ensure that there are no obvious factors that would make the applicant ineligible.

If a preliminary eligibility review indicates that a household appears eligible for tenancy, but units of appropriate size are not available, the Management will place the household on the waiting list for the property and notify the household when a suitable unit becomes available.

If an applicant is otherwise eligible, but no appropriate unit exists on the property, the Management will reject the application.

### **FINAL DETERMINATION OF ELIGIBILITY**

All adult applicants will be subject to a certain screening based on landlord/rental history, credit history, and criminal history.

Criminal and credit screening is conducted before all other screenings and before Management begins the processes required to make a final determination of eligibility.

If criminal history or credit history is not acceptable, the Management will notify the applicant's head of household in writing and reject the application. Management will not conduct additional screening and will not take steps to determine applicant eligibility.

If criminal history and credit history are acceptable, the Management will conduct landlord screening. If landlord screening is not acceptable, the Management will notify the head of household in writing and reject the application. The Management will not take steps to determine applicant eligibility.

If landlord screening is acceptable, the Management will complete the tasks necessary to determine eligibility.

### **LIVE-IN ATTENDANTS**

Applicants must contact the management office staff if a live-in attendant is moving into the unit. If the family plans to include a live-in attendant, the live-in attendant is not required to complete the same application forms. Live-in attendants must complete the Live-in Attendant Application and participate in screening and other verifications that are required.

The live-in aide must meet HUD's definition of a live-in aide.

The live-in aide has no rights to the unit as a remaining family member and must agree to relinquish





## ThirtyOne50 Management Resident Selection Plan

possession of the unit within a reasonable time if the resident is absent for an extended period or if the resident leaves for any reason. The live-in aide will be required to sign an acknowledgment the live-in aide has no right of residency or occupancy if the resident is absent or if the resident moves out for any reason including death.

### **WAITING LISTS**

To ensure that applicants are appropriately and fairly selected for the next available unit (*when a unit of the appropriate size or type is not available at the time of application*), it is essential for the Management to maintain waiting lists. The Management will place the applicant's household on the waiting list after the preliminary eligibility determination is complete.

Applicants will have the option of specifying the desired unit size or multiple unit sizes when completing the application. The applicant will be placed on the waiting list for all indicated unit sizes/types as long as:

- The applicant household meets the Occupancy Standards described in this plan, and
- The waiting list for the unit size is open

The applicant (Head-of-Household (HOH)) will be contacted (in order of application receipt), based on the waiting list selection criteria, for the first unit that becomes available based on the selection guidelines described in this plan.

### **MAINTAINING WAITING LISTS**

It is the policy of ThirtyOne50 Management to administer its waiting list under the Tenant Selection Plan. Management will update the waiting list by removing the names of applicants based on the requirements outlined in this plan.

Management will contact each applicant household annually. The head of household (HOH) will be the only person contacted unless otherwise requested.

If the Head-of-Household (HOH) fails to respond to Management inquiries regarding the desire to remain on the waiting list, the application will be rejected, and the household will be removed from the waiting list. It is ThirtyOne50 Management's policy to attempt contact via phone and email.

In addition, an adult member of the applicant household must contact the property, in writing, if household information changes (i.e., number of household members, number of future household members, criminal history, income, etc.). If the household size or composition changes, the Management will:

1. Update the waiting list information and
2. Decide whether the household needs the same or a different unit

If, because of the household composition change, it is determined that the household will be on the waiting list for a different unit type/size than originally indicated, the household will maintain their place on the waiting list for the new unit based on the date and time of receipt of the original application.

If there are no units of the appropriate size on the property, the household will be rejected and will be removed from the waiting list.

### **REMOVING APPLICANTS FROM THE WAITING LIST**

The Management will remove an applicant's name from the waiting list when any of the following apply:

- Applicant requests that the household name be removed
- The unit that is needed – using household size as the basis – has changed, and no appropriate size/type unit exists in the property
- Applicant fails to meet eligibility requirements



## ThirtyOne50 Management Resident Selection Plan

- Applicants fail to meet occupancy standards
- Applicant is not within the established applicable income limits.
- Applicants fail to meet screening requirements
- Applicants are rejected for any reason described in this plan
- The applicant cannot be contacted by phone or email, or the applicant fails to respond to contacts.
- Applicant fails to keep application information up to date based on the requirements described in this plan
- Applicant was advised, in writing, of the requirement to tell Management of his/her continued interest in housing by a particular time and failed to do so
- Applicant refused the second offer of a unit (*See Right to Refusal Policy for additional information.*)

If an applicant is removed from the waiting list and later, the applicant's household feels that they are now qualified for assistance/tenancy, the applicant's household must submit a new application. The applicant will be placed on the waiting list, as necessary, based on the submission date and time of the **new** application.

In addition, if an applicant previously accepted a unit offered by the Management and the applicant failed to take possession of the unit on the agreed-upon date without notice to the Management, the Management reserves the right to refuse all future applications.

### **SELECTING APPLICANTS FROM THE WAITING LIST**

When a unit becomes available, Management will contact the next household on the waiting list (*based on the selection criteria described in this plan*) and the household members will be required to meet with management for an eligibility interview.

No decisions to offer the unit shall be made until all information presented by the applicant has been verified and the final eligibility determination is complete.

### **PREFERENCES**

Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based on household circumstances.

Preferences affect only the order applicants are selected from the waiting list. They do not make anyone eligible who was not otherwise eligible. Preferences are not permitted if they, in any way, interfere with affirmative marketing efforts or fair housing requirements.

Preferences (if any) are outlined in the approved Marketing Plan.

### **Management-Adopted Preferences – Imminent Threat**

**VAWA Emergency Transfer (Internal Transfer):** In some cases, families that qualify for a Violence Against Women Act (VAWA) Emergency Transfer may receive preference over other residents who have requested a unit transfer. Please see the VAWA Policy and/or contact property staff for additional information.

### **Weight of Preferences as Described**

When offering a unit, the Management will consider applicants and residents requesting unit transfers who qualify for preference over applicants and residents requesting unit transfers who do not qualify for



## ThirtyOne50 Management Resident Selection Plan

any of the preferences described above.

Residents who are requesting new units and who meet the qualifications listed below will be placed on the preferred waiting list based on the date and time of the request. These existing residents will be placed first. And priority will be given in the following order.

1. Eminent Threat – VAWA Emergency Transfer
2. Verified Need for an accessible unit (when an accessible unit is available)
3. Residents currently living in an accessible unit and no longer need the features.
4. Under-Housed – Household size exceeds the occupancy standard.
5. Over-Housed – Household size does not meet the minimum occupancy standard.

Unless otherwise specified in the published Marketing Plan, Applicants who qualify for the following preferences will be placed on the preferred waiting list based on the date and time the completed application is received.

1. Eminent Threat – VAWA Emergency Transfer
2. Verified Need for an accessible unit (when an accessible unit is available)
3. Residents currently living in an accessible unit and no longer need the features.
4. Under-Housed – Household size exceeds the occupancy standard.
5. Over-Housed – Household size does not meet the minimum occupancy standard.

Residents who are requesting new units and who do not qualify for the following preferences will be placed next based on the date and time the request is received and their eligibility for other preferences.

Applicants who do not qualify for the preferences listed above will be placed next based on the date and time the completed application is received and their eligibility for other preferences.

Accessible units will always be offered to residents and applicants who need the features of the accessible unit before they are offered to residents and applicants who do not need the features of an accessible unit.

### Verification of Preferences

All preferences will be verified using the verification methodology described in this resident selection or project Marketing Plan.

Special consideration applies when a VAWA Emergency Transfer Request is submitted by a victim of a VAWA crime. If this is your situation, please contact the property staff for additional information.

### When a Request for Preference is Denied

If it is determined that an applicant does not meet the criteria for receiving a preference, the applicant will receive written notice of this determination within ten (10) business days after all required verification and documentation is submitted to Management. The notice will contain the reasons for the determination. The applicant has the right to appeal the decision by contacting [info@thirtyone50.com](mailto:info@thirtyone50.com) within ten (10) days of notification of denial.

### Change in Preference Status While on the Waiting List

Occasionally households on the waiting list who did not qualify for a preference when they applied will experience a change in circumstances that qualifies them for a preference. In such cases, it is the responsibility of the applicant to contact the Management so that their change in status may be verified and the waiting list can be updated to reflect the preference as appropriate.

To the extent the verification determines the household does now qualify for a preference, they will be selected from the waiting list per the preference and the date the application was received.



## ThirtyOne50 Management Resident Selection Plan

### Exceptions to the Preference Rule

Management will give priority to current residents:

- Residing in a unit that has been determined uninhabitable due to flood, fire, or other natural disaster
- When a unit is designated for rehabilitation or repair

These situations represent extenuating circumstances, and the normal selection order may be adjusted to address the needs of these residents.

### **PRIVACY POLICY**

It is the policy of the Management 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 Management.

Neither the property owner nor its agents shall disclose any personal information contained in its records to any person or agency, other than the governing agency, its Contract Administrators, other federal/state entities, or investor auditing entities unless the individual about whom information is requested gives written consent to such disclosure.

Such consent may be provided in an equally effective manner, as reasonable accommodation, when there is the presence of a disability.

This Privacy Policy in no way limits the Management's ability to collect such information to determine eligibility, compute rent, or determine an applicant's suitability for tenancy.

### **VERIFICATION**

The Management shall obtain verifications in compliance with requirements set forth by the Department of Housing and Urban Development. After the preliminary eligibility determination, no decision to approve an application shall be made until information provided on the application form and during subsequent interviews has been collected and any necessary follow-up interviews have been performed.

All information relating to the following items must be verified as described in these procedures.

### **INFORMATION TO BE VERIFIED**

Information to be verified includes, but is not limited to:

1. Eligibility for Admission, such as
  - a. Income
  - b. Assets and Asset Income
  - c. Identification
  - d. Age
  - e. Household Composition
  - f. Social Security Numbers
  - g. Citizenship And/or Legal Status
  - h. Student Status
2. Preferences outlined in the Marketing Plan
3. Compliance with Resident Screening Guidelines, such as
  - a. Criminal History
  - b. Credit History
  - c. Rental/Residence History

### **METHODS OF VERIFICATION**

Verifications will be attempted in the following order:

1. Upfront Income Verification (UIV)
2. Applicant supplied documentation
3. Third-party written verification
4. In the absence of any of the above, notarized or witnessed statements from the household member (*Management is not required to accept family/self-certification*). Each file will be documented, when appropriate, to show that



## ThirtyOne50 Management Resident Selection Plan

staff attempted to obtain third-party verification before relying on family certification.

### **SOURCES OF INFORMATION**

The Management will be the final judge of the credibility of any verification submitted by an applicant. If the Management questions the validity of a document or the validity of the information provided, it will be reviewed by management staff for a ruling regarding acceptability.

### **PERIOD FOR VERIFICATION**

Only verified information that is less than 120 days (90 days for RHRF Program) old may be used for verification. Verified information not subject to change (such as a person's date of birth) will not be re-verified.

### **CONSENT AND VERIFICATION FORMS**

Regardless of age, the head of household (HOH), the co-head-of-household (HOH) the spouse of the Head-of-household (HOH), and all adult members of a household must sign release and consent forms so that the Management can verify eligibility.

When a minor living in the unit turns 18, he/she will have thirty (30) days to meet with the management staff and sign appropriate forms.

### **PROVISIONS FOR REFUSAL TO SIGN REQUIRED VERIFICATION FORMS**

If any member of the applicant's household does not sign and submit the consent forms as required, the Management must reject the application and deny tenancy.

### **MISREPRESENTATION**

Any information provided by the applicant that proves to be untrue may be used to disqualify the applicant because of misrepresentation or attempted fraud. The Management will not take any action to reduce or deny assistance based on inconsistent information received during the verification process until the Management has independently investigated the information. Management considers false information about the following to be grounds for rejecting an applicant:

- Identity
- Social Security Numbers/Information
- Income
- Assets/Income from Assets
- Household Composition
- Disability
- Birth Date/Age
- Citizenship, Naturalization, And/or Eligible Immigration Status
- Eviction History
- Criminal History
- Sexual Offender Status
- Eligibility for Preferences and Priorities
- Allowances
- Current/Previous Residence History
- Current Housing Assistance
- Status as a Student

### **APPLICANT SCREENING CRITERIA**

Screening is performed in a manner that is reasonable, consistent, and compliant with fair housing laws. Screening is used to help ensure that households admitted to a property will abide by the terms of the lease, pay rent on time, take care of the property and unit, and allow all residents to peacefully



enjoy their homes.

**Anyone who wishes to live on the property must be screened before moving in.** This includes, but is not limited to, live-in aides, security/police officers, or additional household members wishing to move in after the initial move-in. *Certain exceptions apply to children/minors.* The current screening guidelines in place at the time the new household member applies will be used to determine eligibility for admission.

### **SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY**

Management has established standards that prohibit the admission of:

1. Any household in which any member was evicted in the last five years.
2. A household in which any member is currently engaged in the illegal use of drugs or for which the Management has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.
3. Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse
4. Any household member who is subject to any state lifetime sex offender registration requirement (household member may be removed)

In addition, Management will reject applications if any household member's criminal history includes one or more of the following (for purposes of this section, any guilty or no contest plea made pursuant to Chapter 853, Hawaii Revised Statutes, as amended shall constitute a "conviction"):

1. Criminal activities resulting in felony conviction involving violence, potential violence, destruction of property, human trafficking, terrorist activities, weapons charges, or the illegal distribution or manufacture of a controlled substance. Applicants with this type of criminal history will be automatically denied.
2. Criminal activities resulting in other felony convictions if the conviction or exit from incarceration occurred within ten (10) years
3. A record of three or more separate instances where the applicant is involved in criminal activities resulting in a felony conviction.
4. Criminal activities resulting in misdemeanor convictions involving violence, potential violence, destruction of property, human trafficking, terrorist activities, weapons charges or the illegal distribution or manufacture of a controlled substance within seven (7) years of conviction or exit from incarceration, whichever is later
5. Criminal activities resulting in other misdemeanor convictions within three (3) years of conviction or exit from incarceration, whichever is later
6. A record of two (2) or more separate instances where the applicant is involved in criminal activities resulting in misdemeanor convictions where the last conviction or exit from incarceration is within three (3) years
7. Sex Offender Registration: Applicant is currently subject to registration under a state sex offender registration program. If the Management determines that a registered sex offender is part of the household, the Management will allow the household to remove the sex offender from the application. Removal must be documented using a signed, notarized copy of the owner's form. The household will have ten (10) business days to verify that the household member has alternative housing or that the household member has applied for alternative housing. Failure to provide such documentation will result in the rejection of the application for all household members. In this case, the Management reserves the right to monitor household composition after move-in. If the Management discovers that a sex offender has moved into the unit, the household will be evicted.





If the Management is unable to complete the required criminal or sexual offender screening due to the applicant's failure to provide required information or release forms, the application will be rejected.

If a resident or applicant has requested VAWA protections and such protections have been justified based on Management investigation, the abuser/perpetrator will not be approved to live on the property.

### **Consideration of Extenuating Circumstances**

In deciding whether to exercise discretion to admit an individual or household that has engaged in prohibited criminal activity, the Management will, upon request, consider all of the circumstances relevant to the particular admission or eviction decision, including but not limited to the seriousness of the offending action; the effect that denial of the entire household would have on family members not involved in the criminal activity; and the extent to which the applicant has taken all reasonable steps to prevent or mitigate the criminal activity.

Additionally, when specifically considering whether to deny admission for illegal drug use by a household member who is no longer engaged in such activity, the Management will, upon request, consider whether the household member is participating in or has completed a drug rehabilitation program, or has otherwise been determined by the Owner to have rehabilitated successfully.

### **Criminal Screening Discoveries**

If the criminal background investigation results indicate that the applicant does not meet the criminal screening criteria, the Management will reject the application.

Before rejecting the household, the Management will compare the information provided by the applicant with the criminal history report. If the information conflicts, the Management will:

- Notify the household of the proposed action based on the information.
- Provide the content of the criminal record and information about how to obtain a copy of the information.
- Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.
- Allow the household the opportunity to remove the household member.

In this situation, applicants will have ten (10) business days to contact the Management and provide documentation to refute the criminal history discovery. If the applicant fails to contact the Management within the required timeframe or indicates that he/she cannot provide documentation to refute the criminal history discovery, Management will reject the application and remove the household from the waiting list.

If, after moving in, the Management discovers that there was a criminal history that would have resulted in rejection, the Management will contact the resident to ascertain the accuracy of the criminal history report. If the resident would have been rejected had the information been known at the time of the eligibility determination, the Management will take appropriate action including termination of tenancy (eviction).

### **SCREENING CREDIT HISTORY**

The Management reviews each adult applicant's credit history.

The Management does not consider medical bills/expenses when reviewing credit history.

The Management does not consider student loans and/or expenses when reviewing credit history.



## ThirtyOne50 Management Resident Selection Plan

**Bankruptcy:** The Management will reject any applicant with a discharged bankruptcy (Chapter 7 or Chapter 13) within the last six (6) months. The Management will consider the applicant if the bankruptcy was dismissed, and other credit information is “acceptable”. In accordance with this Resident Selection Plan.

**Collections:** The Management will reject any applicant currently paying or being pursued to pay any collectible when such collections began within the preceding five (5) years. If the applicant is paying amounts due and such collections begin more than five (5) years before the eligibility determination, the collection status must be current (no outstanding balances more than ninety (90) days old). Management will use a screening company to assist with credit screening.

Credit history will be reviewed to determine if there is any debt owed to a prior landlord. Applicants owing prior landlords will be rejected unless:

- Such debt has been paid or
- The applicant has entered into a repayment agreement and can demonstrate that payments toward the principal amount(s) have been as agreed and on time for the most current six (6) months

If the applicant has no credit history, the credit screening will be considered “acceptable”.

\*Management reserves the right to determine what credit history may be considered “acceptable.” The criterion above is not a list of all considerations. Management will deny applicants that do not meet the minimum standards, however, applicants will be informed of their rights and given instructions to file an appeal. Appeals will be reviewed by a party that was not involved in the original denial of the application and will be determined on a case-by-case basis.

### **SCREENING RENTAL HISTORY**

If any member of the applicant household has been evicted from any property owned or managed by ThirtyOne50 Management for lease violations, that applicant household will be rejected.

Management will review the rental history with any landlord indicated in the past three (3) years. Management will also review information provided through automated databases, including eviction databases. If any member of the applicant household has been evicted from any property for lease violations within the last three (3) years, the application will be rejected.

If the applicant fails to identify one or more residences where he/she lived in the last three (3) years, the applicant will be rejected, and the household will be removed from the waiting list.

Management will contact the prior property management (as indicated above) and inquire about the following information:

- Adherence to the lease & community policies
- Compliance with certification reporting requirements
- Rental payment performance
- Compliance with requirements to fully and accurately disclose income information on time
- Requirement to return assistance paid in error due to under-reporting income or un-reported income
- Unit maintenance/damage
- Presence of bed bugs, head lice, roaches, or other parasitic infestation
- Record of disturbing neighbors
- Complaints
- Any other activity or omission which constitutes a material violation of the lease and community policies.





## ThirtyOne50 Management Resident Selection Plan

If the information obtained is negative, the applicant will be rejected. Negative responses include but are not limited to:

- Failure to comply with the lease
- Failure to comply with House Rules, Pet Rules, or Assistance Animal Rules
- Failure to fully and accurately report income, new employment, or changes in household composition in a timely manner
- Providing false information
- Slow or no response to requests to recertify
- Poor rental payment history (average more than two (2) late payments per year, record of bounced checks, any outstanding balance)
- Record of poor unit maintenance or damage to the unit beyond normal wear and tear
- Parasitic infestation unless the applicant agrees to have all unit contents treated before moving in (*Management will arrange for and pay for treatment*)
- Complaints from neighbors regarding actions that directly affect the peaceful and quiet comfort of others living in the community
- Record of actions that interfered with or prevented the previous landlord from effectively managing the property.
- A current outstanding balance owed by any household member to a prior landlord
- Failure to execute or pay repayment agreements
- Any other activity or omission which constituted a material violation of the lease and community policies.

If the prior landlord will not or cannot provide information about the applicant's landlord history, Management will consider such history positive unless there is other evidence supporting a negative rental performance. If an applicant is unable to provide a minimum of three (3) years of landlord history, Management will accept professional references from persons who are **not** related to the applicant who is a licensed business owner, an accredited professional, or an employee of an accredited education facility. Applicants will be allowed to substitute one professional reference for each missing landlord reference. Professional references shall not be used as a substitute for a negative landlord reference.

### **REJECTING INELIGIBLE OR UNQUALIFIED APPLICANTS**

The Management reserves the right to reject applicants for admission based on any of the following:

- No unit of the appropriate size exists on the property
- The household fails to meet the eligibility requirements for the program/property
- Any member of the household fails to meet the applicant screening requirements
- Any member of the household fails to sign appropriate verification documents
- Misrepresentation
- Fraud
- Any member of the household fails to respond to management inquiries for additional information during the application process.
- Any member of the household fails to provide changed household information to the management company as indicated
- The Management is unable to contact the applicant via US Mail (letters undeliverable or returned) and/or by phone (number disconnected or changed)
- Any member of the household has a record of eviction, for lease violations, from any property managed by ThirtyOne50 Management



## ThirtyOne50 Management Resident Selection Plan

- Any member of the household has a record of eviction, for lease violations, from any property within the last three years
- There is a record of outstanding or overdue payments to a previous landlord
- There is a record of outstanding or overdue payments to utility providers
- Any member of the household refused to allow treatment of unit contents, at the cost of the Management, when there is history of the presence of bed bugs, fleas, or other parasites
- The household is unable to establish utilities in the new unit
- The household is unable to pay the security deposit required
- The household is unable to take possession of the unit within 30 days
- The household is unable to pay the first month's rent (TTP)
- The household refuses two or more unit offers

### **REJECTION NOTICES**

The Management will promptly notify the household (Head-of-Household (HOH) (HOH)), in writing, of the denial of admission or assistance. The rejection letter will include the reason(s) for the rejection and if applicable any grievance or appeals procedures.

### **APPEALING THE DECISION TO REJECT**

Any applicant may request to appeal the denial in writing or under the current appeal process **within five (5) calendar days from the date of the rejection**.

The Management will accept the request in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability. Such requests are to be submitted to the appeals officer at [info@thirtyone50.com](mailto:info@thirtyone50.com).

If there is no appeal request **within five (5) days**, the rejection will be considered final. Reasons to appeal include:

- You believe the decision has been made in error
- You believe there are extenuating circumstances that should be considered
- You or a member of your household is a victim of abuse covered by the Violence Against Women Act and you feel your status as a victim contributes to the decision to deny
- You or a member of your household is a person with a disability, and you believe reasonable accommodation would allow us to continue processing the application
- Your household was rejected because the application includes someone who is a registered sex offender, and you wish to remove that household member

Any staff person engaged in the initial review will not be involved in the appeal review or decision. Management will provide written notification of a final decision.

### **OFFER TO LEASE**

When a unit becomes available and eligibility is determined, available units will be offered using one or more of the following methods:

- In writing
- Over the phone
- By email

If the Management is unable to contact the household (Head-of-Household (HOH) within five (5) business days, the offer will be canceled, and the apartment will be offered to the next applicant based on the selection criteria described in this plan.



## ThirtyOne50 Management Resident Selection Plan

Failure to respond to the Management will be considered a refusal of the unit offer. (See Right to Refusal policies.)

### **OFFERING ACCESSIBLE UNITS**

Units that have been made accessible in accordance with the Universal Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines will be offered to applicant households with disabled members first. In some cases, the Management may implement marketing efforts to ensure that disabled households occupy accessible units.

Units with communication-accessible features will be offered to households with a verified need for communication-accessible units first. Units with mobility-accessible features will be offered to households with a verified need for mobility-accessible units first.

After move-in, if the members of the household who required the special features of the accessible unit no longer reside in the unit, and where the lease permits, the owner may require the remaining members of the household to move to a unit without accessibility features when such a unit of the appropriate size becomes available.

If there is no household on the waiting list that has requested an accessible unit, the unit will then be offered to the next household based on the selection order.

Before the applicant can accept that accessible unit, all adult members of the applicant household must sign an agreement that includes a requirement to move, at the household's expense, to the first available non-accessible unit that meets the household's occupancy requirements as described in this plan. The resident household will not be required to move if:

1. No unit that meets the household's occupancy requirements is available
2. There is no applicant household on the waiting list requesting an accessible unit

In either of the cases above, the household will have a maximum of thirty (30) calendar days to complete the move. If the applicant fails to move in thirty (30) calendar days, assistance will be terminated.

### **OFFERING UNITS TO APPLICANTS WITH DISABILITIES REQUESTING ACCESSIBILITY FEATURES**

The household will be given the opportunity to benefit from the program and decide, in compliance with the Fair Housing Act and Section 504, whether a unit meets the needs of the disabled household member. The household may accept the unit and request some modification to the unit as a reasonable accommodation. See Appendix A for information about requesting reasonable modification.

### **OFFERING UNITS TO APPLICANTS OR RESIDENTS WITH PREFERENCES**

Applicants/residents with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

### **RIGHT TO REFUSAL**

The Right to Refusal Policy applies to applicants and existing residents who have requested a unit transfer and have been approved. Residents requesting unit transfers and applicants will be offered available units based on the information included in this resident selection plan. Residents will be required to verify and meet all income eligibility requirements.



## ThirtyOne50 Management Resident Selection Plan

Each household will be offered the opportunity to accept an apartment offered two (2) times. If a resident/applicant does not wish to accept an offered apartment, they have the right to refuse the offer.

Residents/applicants must notify the Management of their intent to refuse the unit offer by using one or more of the following methods:

- In writing (delivered by fax, mail, or other means)
- By email
- Over the phone

The first time an applicant or resident refuses a unit; the unit will be offered to the next qualified household based on the selection order described above. The applicant or resident will retain the same place on the waiting list.

The second time an applicant or resident refuses a unit offered, the application will be removed. The applicant may submit a new application and be placed at the bottom of the list if the waitlist is open.

Right-to-refusal policies will be modified in five cases:

1. If a disabled applicant or resident is at the top of the waiting list, they will be offered units as they become available regardless of whether they include accessible features. A disabled household has the right to refuse an unlimited number of non-accessible units or units that do not meet specific accessibility requirements. Note: *Certain restrictions apply to non-elderly disabled households when HUD's program eligibility requires the need for an accessible unit.*
2. If an applicant or resident household with no disabled members is at the top of the waiting list, and there are no disabled households on the waiting list, that household may be offered an accessible unit.
3. The applicant or resident qualifies for a VAWA Emergency Transfer and the person who is a victim of a VAWA crime or the person who is affiliated with the person who is a victim of a VAWA crime does not consider the unit "safe".

### **UNIT TRANSFER POLICIES**

The Management will accept requests for transfer based on the following:

1. There is a need for a unit transfer because of a change in household size and/or composition and the household does not meet the current occupancy guidelines.
2. There is a need for a unit transfer based on the verified need for an accessible unit
3. There is a verified need for reasonable accommodation or a verified medical need for a different unit
4. There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living
5. The resident has requested and qualifies for a VAWA Emergency Transfer

Except under specific circumstances, unit transfers will be granted only if they meet the criteria above, and all criteria listed below:

- The household has not given notice to move
- The residents are not being evicted
- The resident is current on all outstanding charges
- The resident has no record of more than one minor lease violation in the last 12 months
- The resident has no record of any major lease violations
- The resident complies with lease provisions regarding the decent, safe, and sanitary conditions of the current unit

A unit transfer request for a household whose size/composition has not changed since move-in (or most recent transfer) will not be considered for at least one year.



A household living in an apartment too large for its needs will not be required to move if no applicants are waiting for the bedroom size to be vacated by the transfer.

An appropriately sized unit will be available before the resident household is required to move. At that time, the household will have thirty (30) days to complete the transfer or face termination.

### **SECURITY DEPOSITS & UNIT TRANSFERS**

When a resident transfers to a new unit with all other household members, the Management will charge a new security deposit and refund the security deposit for the old unit less than any outstanding amounts for rent, fees, or damages.

### **CHANGES IN HOUSEHOLD COMPOSITION**

#### **ADDING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

The Management must approve any new adult household member **before** he/she moves into the unit. Eligibility criteria, screening criteria, and compliance with occupancy standards will be reviewed before the new household member is approved or denied.

The request to add a new household member will not be considered if the resident has provided notice to vacate the unit. Any new adult household member will be considered an applicant and must participate in the eligibility determination and screening processes described in the resident selection plan in place at the time of the eligibility determination.

This policy applies to live-in attendants as well. Screening criteria will also be applied to live-in attendants, **except for the criterion regarding credit performance or the ability to pay rent on time** because live-in attendants are not responsible for rental payments.

However, live-in attendants must meet other screening criteria established by the Management. Income and/or allowances received by live-in attendants will not be considered or included in the household income.

Information about new household members who are minors must be provided to the Management as quickly as possible but within no more than thirty (30) calendar days. This includes, as applicable, required eligibility information, including Social Security Numbers, age, guardianship, and other pertinent information.

#### **REMOVING HOUSEHOLD MEMBERS AFTER INITIAL OCCUPANCY**

Residents must notify the Management in writing if any household member listed on the lease or the Tenant Income Certification leaves the unit. This notification must occur as quickly as possible but within no more than thirty (30) calendar days.

Failure to notify the Management about changes in household composition may result in termination of tenancy for the entire household. Please contact Management if you have questions about this policy.

### **INSPECTIONS**

All apartments must undergo periodic inspection conducted by the on-site management team or representatives/agents. These inspections include not only interior, but also exterior inspections.



## ThirtyOne50 Management Resident Selection Plan

Residents have the right to be present and are encouraged to be present during the unit inspection.

**The move-in inspection** is an opportunity to familiarize the new resident with the property and the unit, as well as to document its current condition. By performing move-in inspections, Management and residents are assured that the unit is in livable condition and is free of damage. A move-in inspection allows the Management to familiarize residents with the operation of appliances and equipment in the unit.

**The move-out inspection** is conducted when a household vacates a unit. Management will list the damage on the Unit Inspection Form and compare it with the Unit Inspection Form completed at move-in to determine if there is any damage or excessive wear and tear.

In addition, Management will perform **unit inspections on at least a bi-annual basis** to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced. This is also an opportunity to determine whether any damage to the unit and, if so, make the necessary repairs. At this time, residents may be charged for damages to the unit so long as those damages are not the result of normal wear and tear.

Nothing in this section prevents the Management from conducting an inspection on an as-needed basis, upon complying with the applicable and prevailing state law regarding the providing of notice.

### **APPENDIX A – REQUEST FOR REASONABLE ACCOMMODATION OR MODIFICATION**

ThirtyOne50 Management is committed to complying with the Fair Housing Act and Section 504 of the Rehabilitation Act by ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities in connection with the operation of housing services or programs solely based on such disabilities.

If an individual with a disability requests accommodation or modification, Management will fulfill these requests, unless doing so would result in a fundamental alteration of the program or create an undue financial and administrative burden or hardship. In such a case, if possible, the Management will offer an alternative solution that would not result in a financial or administrative burden or hardship.

Management informs all applicants/residents that, at any time, the applicant/resident or a person acting on behalf of the applicant/resident may make a request for reasonable accommodation or modification for an individual with a disability.

At the time of application, all applicants are provided with a copy of the Reasonable Accommodation - Modification Policy. This is provided as part of the lease package or, upon the applicant's request.

All applicants/residents are provided with a Reasonable Accommodation/Modification Request Form when requesting reasonable accommodation or modification. The request will be accepted in an equally effective format, as reasonable accommodation, if there is the presence of a disability. A resident or applicant may submit the request in writing, orally, or use another equally effective means of communication to request accommodation or modification.

Residents and applicants may contact the management office located within their property for information about requests.

Management will provide an initial reply to requests as quickly as possible, but no more than ten (10) business days from the receipt of the request unless Management explains the delay. The response may include but is not limited to:





1. Request is approved
2. Request is denied
3. Management requests Additional Information or Verification of Need

Management will consent to or deny the request as quickly as possible in writing. Unless the Management explains the delay, the applicant/resident will be notified of the decision to consent or deny within no more than thirty (30) calendar days after receiving all necessary information and documentation from the resident and/or appropriate verification sources. All decisions to grant or deny reasonable accommodation will be communicated in writing.

Exceptions to the thirty (30) day period for notification of Management's decision on the request will be provided to the residents, setting forth the reasons for the delay.

If the request for reasonable accommodation or modification is denied, the requestor has the right to appeal the decision within ten (10) business days of the date of the written notification of denial.

### **APPENDIX B – VERIFICATION OF HOUSEHOLD COMPOSITION**

If an applicant household indicates that one or more members should be removed from the application, Management will accept such notification from the Head-of-Household (HOH) (HOH) if it is provided on a notarized form provided by the Management. The following rules apply.

If the household is being rejected because a member is registered as a sex offender in any state's lifetime sex offender registry, the Management will take extra steps to ensure that the sex offender is not housed in any unit on the property. The household will have to provide documentation to prove that the sex offender will live at another location. Acceptable documentation includes, but is not limited to:

- Confirmation from a landlord with a copy of an executed lease
- Confirmation from local police
- Confirmation from anyone who maintains sex offender registries including but not limited to:
  - Dru Sjodin Sex Offender Registry
  - Megan's List
  - State or Federal Sex Offender Registries
- New driver's license with new address

If it is discovered that the household allowed any registered sex offender to live in the unit, the applicant must understand that he/she is not qualified to live on the property. Because this is a material lease violation, all household members must vacate the unit within 45 days.

One of the key requirements, at application and during residency, is to disclose who will be living in the unit at any given time. It is important to understand the difference between a resident and a guest.

**Resident:** A resident is any person who is listed on the application.

**Guest:** A guest is a person who visits any resident and may stay overnight no more than thirty (14) consecutive nights in a one-year period and may stay overnight no more than ninety (30) non-consecutive nights in any one year without express written consent of the Management.

If the Management suspects that a guest should be classified as a resident, the Management will request a meeting with the head of household (HOH). The resident will have ten (10) days to meet with the Management.

Failure to respond to the request to meet will result in legal action to terminate tenancy.



## ThirtyOne50 Management Resident Selection Plan

If the Management suspects that a guest is living in the unit, the Management will ask for verification of alternative residence. Samples of such verification include one or more of the following:

- Verification with the United States Postal Service that no mail, for the guest, is delivered to the unit address
- \*A current driver's license for the "guest" with an alternative address
- \*A current lease indicating an alternative residence
- \*A current utility bill in the person's name showing an alternative address
- \*A current insurance policy or other such invoice/bill showing an alternative address

*\*Current means issued/created within the last thirty (90) days.*

In addition, the residents indicated on the lease must sign a notarized statement confirming that the guest does not violate the guest policy as indicated above and does not reside in the unit. **Live-in Attendants:** A live-in attendant must meet HUD's definition of a live-in attendant.: All of the following guidelines must be followed.

1. It is essential to the care and well-being of the residents.
2. Is not dependent on the resident for support
3. Is only living in the unit to provide essential support

If a resident or applicant requests a live-in attendant, Management is required to verify the need for a live-in attendant using third-party verification.

Live-in Attendants are required to complete the Live-in Attendant Application. The information on the Live-in Attendant application will be verified and the prospective live-in attendant will be screened in accordance with the resident selection plan in place at the time of review. The live-in attendant will not be screened for the "ability to pay rent" since the live-in aide is not responsible for rent payment.

The live-in attendant must be approved and must sign the House Rules and the Live-in Addendum before moving in. If a live-in attendant moves into the home before screening and before signing required forms, the Management will issue a notice of lease violation and may pursue other actions including, but not limited to eviction of the live-in attendant, and termination of tenancy.

- For children who are not part of a legal custody arrangement who will be living in the unit, the Management requires two forms of proof that the child resides with a member of the household such as; Verification from a government organization indicating that the unit will be the primary residence for the minor (examples include but are not limited to school records, children's services agencies, foster programs, etc.)
- Verification from a medical professional in the know indicating that the unit will be the primary residence for the minor
- Verification from a social service organization indicating that the unit will be the primary residence of the minor (examples include but are not limited to homeless shelters, shelters for victims of domestic violence, etc.)
- A signed, notarized statement from an adult household member claiming guardianship of the minor child

Management does not and will not establish policies intended to exclude children. If none of the household members can provide documentation for minors, as described above, Management will meet with the residents to discuss reasonable alternatives. Management will be the final judge of what is considered adequate documentation proving household composition/residency.

### **APPENDIX C – PROTECTIONS PROVIDED UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

*Please see the Property VAWA Policy for a more detailed explanation of the process used to assist you in exercising the protections provided under VAWA.*

The Violence Against Women Act (VAWA) provides protections to women or men who are applicants to or residents of any "covered housing program" and who are the victims of domestic violence, dating violence, sexual assault, and/or stalking – collectively referred to as VAWA crimes. The Management





## ThirtyOne50 Management Resident Selection Plan

understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated people, from being denied housing or from losing their housing because of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated people which are defined as follows:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, an affiliated individual is a person in care, custody, or control of the victim); or
2. Any individual, resident/applicant, or lawful occupant living in the household of that individual.

Other than what is described above, VAWA protections are not provided to guests, unauthorized residents, or service providers (including live-in aids) hired by the residents. VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of a VAWA crime.

Unless such requirements interfere with protections provided under the VAWA, being a victim of a VAWA crime is not a reason to change the screening requirements outlined in the Tenant Selection Plan.

*For example: Management may waive the requirement to review landlord history for an applicant if the victim has provided the necessary documentation to certify their status as a victim of a VAWA crime and if contacting a previous landlord would put the applicant's location at risk of exposure to the accused perpetrator or place the victim in imminent danger.*

Eligibility requirements for housing programs cannot be modified. Being a victim of a VAWA crime does not automatically make a person eligible for housing assistance.

Being a victim of VAWA crime is not a reason to waive requirements set forth in the Lease or in any lease attachment unless being a victim of a VAWA crime was the cause of the lease violation.

*For example: Management may waive the requirement for a 30-day notice to vacate if the victim has provided necessary documentation to certify their status as a victim of a VAWA crime and the resident wishes to move to elude the accused perpetrator.*

Where applicable, the resident will be required to work with the Management to reduce the likelihood of future lease violations.

The Management will not assume that any act is a result of abuse covered under the Violence Against Women Act. To receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the Management or the property staff immediately.

### **Confidentiality**

The Management is committed to ensuring that the Privacy Act is enforced in this and all other situations involving VAWA related offenses.

### **Requests & Certification**

The person seeking VAWA protection may request VAWA accommodation in any reasonable manner.



## ThirtyOne50 Management Resident Selection Plan

The resident/applicant may:

- Complete a VAWA Request Form provided by the Management or
- Submit a written request (*including email but not texting*)

Once a request is made, Management requires that the applicant certifies their status as a victim of a VAWA crime or as a person affiliated with a victim of a VAWA crime using one of the following methods.

1. Applicants and residents decide which method is used to certify their status as a victim of a VAWA crime or 2. as someone affiliated with a victim of a VAWA crime. (*See the property VAWA Policy for additional certification information*).

The victim is not required to name his/her accused perpetrator if doing so would result in an imminent threat or if the victim does not know the name of his/her accused perpetrator.

The person seeking VAWA protection will have thirty (30) calendar days from the date of the written request to provide certification.

This certification may be submitted in an equally effective manner, as reasonable accommodation, if there is the presence of a disability.

If Management receives documentation that contains conflicting information (*including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator*), Management will require an applicant or tenant to submit third-party documentation within thirty (30) calendar days of the date of the request for the third-party documentation.

To ensure that a person is not wrongly accused of committing an act under the VAWA, the Management will carefully evaluate abuse claims to avoid denial, termination of assistance, termination of tenancy, or eviction based on false or unsubstantiated accusations.

Management will review and respond to requests to exercise protections provided under the VAWA as quickly as possible. Management may respond in any manner acceptable to the victim and the Management. Responses include:

- Approval of the Request for specific VAWA accommodation
- Denial of the Request for specific VAWA accommodation
- Request for additional information or Request to Meet

If the request is denied, the person seeking VAWA protection will have the right to appeal. Requests to appeal must be received within ten (10) business days of the date of the denial in attention to the appeals officer at [info@thirtyone50.com](mailto:info@thirtyone50.com).

### Bifurcation

If the Management determines that physical abuse caused by a resident is clear and present, the law provides the Management with the authority to bifurcate a lease (*i.e., remove, evict, or terminate housing assistance to any accused perpetrator*), while allowing the victim, who lawfully occupies the home, to maintain tenancy.

Management may attempt to evict the accused perpetrator, but residents should know that state/local tenant/landlord laws prevail, and the Management must comply with such laws. Management cannot guarantee that a court will award or enforce an eviction.

The residents must keep in mind that the eviction or termination action must be under the procedures prescribed by federal, state, and local law. Management is committed to attempting to assist the victim and persons affiliated with the victim, however, evictions are generally carried out through the court system and Management cannot override or circumvent a legal decision.

### Legal Action



## ThirtyOne50 Management Resident Selection Plan

Victims are encouraged to seek police/legal protection from their accused perpetrator(s). In some cases, the Management staff may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the property. Management will also serve a trespass notice upon the perpetrator and will contact the police if the trespass order is violated.

The VAWA does not limit the authority of Management, when notified of a court order, to comply with a court order concerning:

- The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- The distribution or possession of property among members of a household.

### Termination of Tenancy

The VAWA does not limit a management's authority to deny or evict a resident/applicant for any violation that is not the result of an act of domestic violence, dating violence, sexual assault, or stalking.

Management will not subject the resident/applicant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other resident/applicants in determining whether to evict.

Management will take into account individual circumstances when deciding to terminate the tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

Any eviction will be initiated only when there are no other actions that could be taken to reduce or eliminate the threat. Examples of such action include, but are not limited to:

- Transferring the victim to a different unit when doing so would reduce or eliminate the threat – *Also see Addendum A for information about VAWA Emergency Transfers,*
- Barring the perpetrator from the property,
- Contacting law enforcement to increase police presence
- Develop other plans to keep the property safe, or
- Seeking other legal remedies to prevent the perpetrator from acting on a threat

