

Tenant Selection Plan – September 2019 Update



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I. GENERAL INFORMATION

Council Gardens is a HUD (*U.S. Department of Housing and Urban Development*) subsidized independent living community for older adults. Founded in 1963 by the National Council of Jewish Women-Cleveland Section, Council Gardens provides quality affordable housing. Located on 7 ½ park-like acres in Cleveland Heights, the complex consists of a mid-rise building with 38 one bedroom units, eight garden buildings with 84 studios, one and two bedroom apartments, and an administration building which houses our offices and common use spaces.

As a HUD 202 senior community, admission to Council Gardens is restricted to persons aged sixty-two (62) or older, a family or couple with at least one member who is aged sixty-two or older, and to mobility disabled individuals between the ages of 18 and 62, because all areas at Council Gardens are wheelchair accessible. To process an application from adults under 62, we require a letter from medical personnel stating that the applicant is mobility impaired. Housing preference is given to lower income seniors 62 and older, and to prospective tenants who qualify under the Violence Against Women Act – see IV-G.

A live-in aide is permitted, if the need to provide tenant care to the tenant is documented. The aide is not considered an applicant, is not listed on the lease and is not entitled to survivor tenancy benefits. Criminal and credit background checks are completed on tenants and aides before occupancy. Tenants are responsible for notifying us in advance, if they will require a live in aide.

All potentially qualified applicants will be considered in accordance with Council Gardens' Tenant Selection Plan, the HUD approved Fair Housing Marketing Plan (HUD form 935.2), and all applicable admissions requirements in HUD handbook 4350.3 and in subsequent HUD bulletins. Applicants are accepted without regard to race, color, sex, creed, gender, sexual orientation, familial status, source of income, national origin, religion, or disability. Rent subsidies through the section 8 programs are available to those who meet government criteria.

Council Gardens' policies comply with Section 504 of the Rehabilitation Act of 1973, The Fair Housing Act Amendments of 1988 and Title VI of the Civil Rights Act of 1964. Specifically: (a) Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance from HUD; (b) The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. It applies to housing, regardless of the presence of federal financial assistance, and (c) Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance from HUD.

Council Gardens has a long history of providing quality affordable housing. We are committed to enabling older adults to age in place in the community with comfort and dignity.

As of January 1, 2016 Council Gardens became totally smoke free. Smoking is not permitted anywhere on our property.

II. GENERAL APPLICATION PROCEDURES

Applications along with our Tenant Selection Plan may be picked up at Council Gardens Monday through Friday between 9:00 A.M. and 5:00 P.M. or upon request will be faxed or emailed. Our application and Tenant Selection Plan are also available on our website: www.councilgardens.org. Appointments can be made with Council Gardens' staff for assistance in completing applications and for tours of the property. Staff is available to answer questions relating to the application, tenant selection process, or life at Council Gardens.

Applications are used to determine initial eligibility as it relates to age, disability status, household composition and income/assets. Acceptance of the application does not constitute acceptance for admission. Acceptance for admission requires verification of application information, a face-to-face interview, and additional information and documents required by HUD. All completed applications returned to Council Gardens are stamped according to the time and date received, and placed on the appropriate waiting list in chronological order. All preliminary eligibility requirements must be met and all sections of the application must be completed and signed before the applicant's name is placed on the wait list. An incomplete application will be returned.

If the application is rejected for any reason, it will be returned within 14 days with a written explanation from the Executive Director. This Tenant Selection Plan details eligibility for tenancy. The applicant has 14 days to respond in writing or request a meeting with the Executive Director to discuss the rejection. Appeal of rejection will follow the guidelines contained in HUD Handbook 4350.3 and other applicable sources.

Applicants must designate the size apartment they are requesting (*efficiency, one-bedroom or two-bedroom*) on the application. (See Section VII.) Only one size unit may be designated. Once an application has been accepted, the applicant will be placed on the waiting list for the specific apartment size designated on the application, if a unit is not available.

Final admission and apartment placement is subject to an admissions interview and the verification of all information and documentation as required by Council Gardens and all applicable federal and state laws regulations.

III. WAITING LIST PROCEDURES

A. Placement on the Waiting List

Applicants are placed on the appropriate waiting list according to the apartment size stipulated on their application. Applicants may not move from one waiting list to another without withdrawing their original application. If there is a permanent and verifiable change in household size, which requires a larger or smaller size apartment, the original dated application is moved to the appropriate list.

B. Confirmation/Time of Wait

Once placed on a wait list, the applicant is notified by mail. Considerations affecting waiting time may include: existence of an in-house transfer waiting list, availability of a (wheelchair) modified apartment for a mobility disabled applicant, existence of individuals on the waiting list who have made a first refusal, and HUD

Income Targeting requirements.

C. Update Letter

Each applicant is required to confirm his/ her desire to remain on the waitlist each year by responding to a waitlist update letter. The update letter is mailed to the applicant's most current recorded address. It is the responsibility of the applicant to keep Council Gardens informed of any changes in address, phone number or other pertinent information. Applicants are required to respond by returning the completed update letter within 30 days of the send date on the letter. Failure to respond will result in Council Gardens issuing a second letter. Failure to respond to the second (reminder) letter within 30 days of the send date of that letter will result in the applicant's name being removed from the wait list. If removed from the list, an applicant may reapply by submitting a new application. Position date of the new application will be based on the date it is received.

D. Opening and Closing the Waiting List

The waiting list may be closed for one or more unit sizes when the average wait is in excess of 3 years. Council Gardens will advise potential applicants that the waiting list is closed and we will refuse to take additional applications. If we decide to no longer accept applications, we will publish a notice to that effect in the SUN Newspapers. The notice will state the length of wait time for each sized unit and will explain that we are not accepting applications.

When the number on the wait list decreases and the wait time is less than 2 years, we will again accept applications and will publish a notice to this effect in the SUN Newspapers. The notice will state that interested potential tenants should apply at our office at 2501 N. Taylor. The notice will give a specific time and date when applications will again be accepted. The wait list order will be dictated by the order in which people apply on and after the specific stated date and time.

IV. INTAKE AND ADMISSIONS PROCESS

A. Initial eligibility for tenancy

When an apartment becomes available, for which there is no in-house application pending, the individual at the top of the wait list is contacted by phone to schedule an intake interview. Reasonable efforts are made to contact applicants who do not respond to the initial call. Following reasonable, unsuccessful attempts to inform an applicant of apartment availability, the applicant will remain on the list in the same chronological order allowing staff to proceed to the next eligible applicant. Efforts to contact applicants are documented in their file. Failure to respond to reasonable efforts to make contact is considered a "refusal" (see below)

B. Income Limits

Council Gardens can accept families whose annual income is at or less than 80% of the area median. These limits are published annually by HUD and change each year. Please call the office for the exact income limits.

C. Income Targeting

The Department of Housing and Urban Development (HUD) has established Income Targeting requirements for all units with HUD subsidies. These requirements apply to projects receiving Section 8 rental assistance through a project based Housing

Assistance Contract. The Income Targeting requirements for HUD subsidized units stipulate that 40% of the units must be rented to Extremely Low Income (ELI) households, earning 30% or less of the median income. Once the requirement is met, and in chronological order, management is permitted to go to the other applicants on the Waiting List. As a result of this regulation, management is required by HUD to temporarily bypass higher income applicants until the Income Targeting requirement is fulfilled.

Applications submitted, indicating that household income is 30% or less of the median income will be designated as “ELI (extremely low income)” and placed on the waiting list in chronological order, based on the date the application was received.

It is the intent of the management to put forth a reasonable effort into marketing to households earning 30% or less of the median. After a reasonable marketing effort, if management is unable to meet the income targeting requirement, apartments subsidized by HUD may be rented to other eligible tenants.

D. Relocating from a Nursing Home/ Assisted Living Residence, Group Home

To move to Council Gardens after signing a long term agreement with a nursing home, the prospective tenant must provide us with a letter from the medical team asserting that he/she can live independently. If the tenant needs full or part-time assistance, we require the sponsor or family to provide us with the plan for assistance.

When relocating to Council Gardens from a Group Home or Assisted Living Residence, the prospective tenant must provide us with a letter from his/her medical team or case worker asserting that he/she can live independently.

E. Screening for Criminal Activity and Drug Abuse

Council Gardens follows strict guidelines regarding renting to tenants who are involved or have been involved in drug-related or criminal activity. In our screening process, we carefully consider patterns of behavior and eliminate prospective tenants who exhibit repeated drug violations and repeated criminal activities. Our guidelines prohibit admitting the following:

1. A household in which any member is subject to a state sex offender lifetime registration requirement
2. A household in which any member is currently engaged in illegal activity
3. Any household containing a member who was evicted in the last ten years from federally assisted housing for criminal activity.

Council Gardens’ screening standards are based solely on behavior. In the case of alcohol abuse, the member’s behavior, not the condition of alcoholism or alcohol abuse, is considered.

Council Gardens prohibits admission for at least 10 years from the date of conviction to any household in which a member has engaged in the following: (1) drug-related criminal activity; (2) violent criminal behavior; (3) activity that threatens the health, safety, and right to peaceful enjoyment of the property by other residents; (4) criminal activity that threatens the health and safety of the owner, employees, contractors, subcontractors, or agents; or (5) criminal behavior that results in substantial physical damage to the property of others.

F. Violence Against Women Act (VAWA)

Council Gardens’ Lease includes provisions of the Violence Against Women

and Justice Department Reauthorization Act of 2005 (VAWA). Council Gardens:

1. Does not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of our lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. Does not consider criminal activity relating to abuse, engaged in by a member of a tenant’s household or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate family member is the victim of that abuse.
3. Will request in writing that the victim certify that he/ she is a victim of abuse and that the Certification of Domestic, Dating Violence, or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

G. Admissions Preferences for VAWA –

VAWA provides protections to victims of domestic violence, dating violence, sexual assault, and staking. An applicant is eligible for this preference by completing HUD form 5382 or alternative documentation as described in the HUD Final Rule and the emergency Transfer Request (if applicable) HUD form 5383. That applicant must also qualify for tenancy based on all of our other criteria as listed in this Plan.

H. Refusals by Prospective Tenants

Once contact is made, and the applicant is invited to proceed with the intake process, he/she has until the end of the following business day to schedule an intake appointment. If the applicant declines to proceed with the process or decides not to accept an apartment after completing the process, this is considered a “refusal.” The first time an applicant declines, (or is unreachable following reasonable efforts) he/ she shall remain in the same chronological order on the waitlist and be designated as a “first refusal.” A letter is sent to the applicant, confirming/ advising of this “refusal status.” The second time an applicant declines an apartment, that household will be removed from the wait list completely, and must re-apply for future admissions consideration.

I. Admissions Interview: The admissions interview is used primarily to verify all application information, to complete appropriate documentation, and to consider the applicant for admission. In addition, the applicant is given a tour of the complex, shown the apartment, and provided the opportunity to ask questions and address any concerns.

1. **General:** Prior to the admissions interview the applicant must complete and sign a release of information form allowing us to order a credit and criminal background check. The applicant is advised of items to bring to the interview, including, but not limited to: a) information/ documentation about the applicant’s identity, income, assets and medical expenses; b) proof of his/ her social security number, c) information about family/household composition; and d) verification of citizenship or legal immigrant status. Per HUD requirements, applicants are required to sign a statement relating to disposal of assets and penalties for providing false information. Applicants are also assessed for ability to safely live independently (with or without supportive services). Whenever possible, we will conduct a home visit. When all

items are verified according to HUD regulations and to the satisfaction of Council Gardens, the applicant is then advised of whether he/ she is eligible for admission.

2. **HUD Requirement for Verification of Citizenship:** Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits HUD from making financial assistance available to persons other than United States Citizens, Nationals, or certain categories of eligible non-citizens. Anyone applying for assistance is required to declare U.S. Citizenship or submit evidence of eligible immigration status for each family applicant. During the interview we will provide all necessary forms for completion. Failure to complete the required forms or providing false information will result in rejection of the application.
3. **HUD Requirement for a Criminal Background Check:** In keeping with HUD requirements, all applicants (and live-in aids) must allow Council Gardens to conduct a criminal background check and to check that the applicant's name is not on the sex offender registry. See Section E above, *Screening for Criminal Activity and Drug Abuse*.

J. Acceptance of an Apartment

1. Upon completion of the intake interview, the applicant will be offered a specific apartment, if all HUD and Council Gardens' requirements have been met. Final acceptance for admission is subject to the outcome of the criminal background check.
2. Once an apartment is offered, the applicant has until the end of the following business day to accept or decline the apartment. Declining the offer of an apartment constitutes a "refusal" (see above). Rent begins upon the day the lease is signed and executed.
3. An "orientation" meeting will be scheduled to coincide with the date that the apartment is ready for occupancy. The orientation meeting is used to finalize and sign all required closing documents, meet with key staff, and inspect the apartment. Upon completion of the inspection and signing of the inspection report, the new tenant will receive keys and may move into the apartment any time thereafter. Please Note: the Maintenance Director must be notified in advance of the actual move-in date.

V. REASONABLE ACCOMMODATION and MODIFICATIONS

Council Gardens will allow reasonable accommodations for tenants, when necessary. The financial burden of the accommodations will be handled by Council Gardens, unless they result in an undue administrative or financial burden. If that is the case, the tenant must pay for the accommodations.

VI. SCREENING/ REJECTION CRITERIA

Management may reject an applicant, whose background indicates that he/she will not satisfy the legitimate and uniformly applied requirements of tenancy.

A. Reasons for rejection include:

- The applicant fails to meet eligibility requirements- age, income, mobility disability.
- Criminal background check identifies any of the defined criteria listed for rejection
- Credit history indicates that this tenant will not pay his/her obligated rent.
- Any household member has been evicted from federally assisted housing.

- Any household member is currently engaging in illegal drug use.
- Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.
- The applicant submitted false information on the admissions application or failed to cooperate in providing support or documentation as required.
- Failure to provide current address and/or phone number.
- Failure to provide social security card
- Failure to sign designated or required forms and/or documents.
- Household size (including live in aides) is not appropriate for the unit size
- Applicant has pet and will not conform to pet rules/lease policy.
- **Applicant is not independent in Activities of Daily Living (ADL) including:**
 - o Personal hygiene and grooming
 - o Dressing and undressing
 - o Feeding oneself
 - o Functional transfers, e.g. Getting out of bed
 - o Voluntarily controlling body functions
 - o Ambulation (walking or using a wheelchair)

AND

does not have appropriate supportive services necessary to ensure health, safety, and security for him/ herself and for our community

B. Notification of Rejection: If rejected for any of the above reasons, the applicant will be notified by the Executive Director in writing. The applicant has 14 days to respond in writing or request a meeting with the Executive Director to discuss the rejection. Following a meeting with the Executive Director (or after 14 days), a written response indicating Council Gardens’ position will be mailed within five (5) working days. Appeal of rejection will follow the guidelines contained in HUD Handbook 4350.3 and other applicable sources.

VII. OCCUPANCY STANDARDS/ APARTMENT SIZE AND CAPACITY

The following occupancy standards are used by Council Gardens to ensure eligible applicants and current tenants are provided with housing in an environment conducive to independent living, and in compliance with all applicable state and local laws and HUD regulations.

- A. Uniform Occupancy Guidelines:** Determining apartment-size options available to an applicant is based upon the number of persons in the applicant’s household (as reflected on the application), and mobility disability status (if applicable). While not listed on the lease, a “live-in aide” is counted in determining household size. Applicants indicating the need for full-time live-in aides will be required to provide a statement verifying the need; they must complete Council Gardens’ required documentation. The aides need to provide proof of residency elsewhere.
- B. Apartment Size Requirements – Note that reasonable accommodations may affect the size of the unit available to the specific tenant**
 - a. **No more than one person may occupy an efficiency unit.**
 - b. **No more than two persons may occupy a one-bedroom unit.**
 - c. **No more than three persons may occupy a two-bedroom unit.**
 - d. **No less than two persons may occupy a two-bedroom unit.**
- C. Apartment Location:** The location of the apartment offered to the applicant is based

upon availability. While applicants specify apartment size (on their application), they may not specify a location within the complex.

- D. Changes in Household Composition:** Any change in an applicant's household composition must be reported to the management within three (3) days of such change. Changes that must be reported may include death or divorce of a spouse, death of a qualifying child, hiring or firing of a full-time live-in aide, or any other increase or decrease in household size.

Please note: Permitting a non-authorized individual to live with you in your apartment is a lease violation.

VIII. IN-HOUSE TRANSFERS:

When an apartment becomes available, Council Gardens gives first priority to present tenants who may be in need of a different apartment due to medical needs, reasonable accommodation requests, a deeper subsidy, or a change in the household composition. This list consists of present tenants requesting or needing a new unit for one of the following reasons:

1. A verifiable medical need.
2. The need for a live-in aide, requiring a change in unit size.
3. A verifiable change in family composition or life circumstances.

Moving from one size apartment to a different size unit is permitted for present tenants without special needs. After moving into an apartment, the tenant may request another size apartment. The tenants' name will go to the bottom of the general waiting list.

A. DETERMINING ELIGIBILITY OF STUDENTS FOR ASSISTANCE

Council Gardens will determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.

Section 8 assistance shall not be provided to any individual who:

1. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential;
2. Is under the age of 24;
3. Is not married;
4. Is not a veteran of the United States Military;
5. Does not have a dependent child;
6. Is not a person with disabilities & wasn't receiving section 8 as of 11/30/06?
7. Is not living with his or her parents who are receiving Section 8 assistance;
8. Is not individually eligible to receive Section 8 assistance and has parents who are not income eligible to receive Section 8 assistance.

- B.** For a student to be eligible independent of his or her parents, the student must demonstrate his or her independence from parents. To determine the student's independence from parents, the student must meet all of the following criteria to be eligible for Section 8 assistance. The student must:

1. Be of legal contract age under state law;

2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, or Meet the U.S. Department of Education's definition of an independent student.
 3. Not be claimed as a dependent by parents or legal guardians and
 4. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
- C. Any financial 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 in excess of amounts received for tuition is included in annual income, except if the student is over 23 with dependent children or is living with parents who are receiving Section 8 assistance.
- D. If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with guidance in par. 8-6 A.

A. TEMPORARY DEFERRAL OF TERMINATION OF ASSISTANCE

- B. Families that were receiving assistance on June 19, 1995 under one of the programs covered by the non-citizen rules are eligible for temporary deferral of termination of assistance. If the following applies:
- Family has no eligible members; or*
Mixed family qualifies for prorated assistance (and does not qualify for continued assistance) and chooses not to accept the partial assistance
- C. The deferral allows the family time to find other suitable housing before HUD terminates assistance. During the deferral period, the family continues to receive its current assistance.
- D. The initial deferral period is for six months & may be extended for two additional six-month periods. Before the end of each deferral period, Council Gardens, using HUD guidelines, will determine whether affordable housing is available to the family and whether to extend the termination deferral. *(If the family receiving assistance on June 19, 1995 includes a refugee under section 207 of the Immigration and Nationality Act or an individual seeking asylum, a deferral can be given to the family; there is no time limitation on the deferral period.)*

IX. INFORMATION FROM HUD'S EIV SYSTEM - Council Gardens will use the EIV system to gather information about applicants. The EIV report identifies applicants applying for assisted housing that may be receiving rental assistance at another location.

- A. We will use this report when processing an applicant for admission to determine if the applicant or any applicant household member is currently being assisted at another subsidized location.
- B. If the report identifies that the applicant or a member of the applicant's household is receiving assistance elsewhere, we will discuss the situation with the applicant. (This may be a case where the applicant wants to move from present location.)
- C. We will follow up with the respective property agent to confirm the individual's program participation status before admission, if necessary, depending on the outcome of the

discussion with the applicant. The report gives us the ability to coordinate move-out and move-in dates with the other property.

- D. We will retain the search results with the application along with any documentation obtained as a result of contacts with the applicant and the agent at the other location.

X. MISCELLANEOUS

- A. Compliance with Laws: Council Gardens complies with all federal, state and local laws, including, but not limited to, civil rights laws, tenants-landlord laws and zoning restrictions, in order to provide both current tenants and eligible applicants with a safe, comfortable and appropriate living environment in accordance with the mission of Council Gardens.
- B. Tenants are permitted to keep a pet in their apartment providing a Pet Agreement has been signed, the required deposit paid, and all appropriate provisions of the Pet Policy followed. (Service animals are not subject to these regulations.) Pets must be kept in the owner's apartment. Pets should not be in common areas - the activity rooms, lobby, hallways, dining room and kitchen, breezeways, laundry rooms, offices. Dogs and cats on leashes may be led through the hallways and common areas on their way outside.