



DOMUS
MANAGEMENT
C O M P A N Y

Tenant Selection Plan Cherry Creek Village Cloverdale



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I. MARKETING PROCEDURES

This Tenant Selection Plan sets forth the policies and procedures that will be used to determine the eligibility of and to qualify persons and families for occupancy at *Cherry Creek Village Apartments*. The guidelines contained herein are designed to be consistent with the United States Department of Housing and Urban Development (HUD); the Fair Housing Amendments Act of 1988; Section 504 of the Rehabilitation Act of 1973; and state and local housing and government agencies. Management will follow the guidelines as set forth in the Cherry Creek Village Affirmative Marketing Plan.

A. Fair Housing Amendments Act of 1988

Cherry Creek Village Apartments is pledged to the letter and spirit of Title VII of the Civil Rights Act of 1968 and Fair Housing Amendments Act of 1988, which make it unlawful to discriminate in the rental of a dwelling or in the provision of services and facilities on the basis of race, color, religion, sex, national origin, disability, or familial status.

B. Selection Criteria Applied Equally

1. All applicants will be asked whether need a unit with accessible features.
2. All applicants will be asked whether any member of the household has been convicted of illegal manufacture or distribution of a controlled substance.
3. All applicants will be asked whether any member of the household is engaged in the current illegal use of a controlled substance.
4. All applicants will be asked if any member of their household is required to register as a sex offender in any state.
5. All applicants will be furnished with a copy of this selection plan upon request which outlines the criteria used in the determination of their acceptability as residents.

C. Section 504 of the Rehabilitation Act of 1973

Cherry Creek Village is pledged to uphold the requirements of Section 504 which provide that “No otherwise qualified individual with disabilities shall, solely by reason of their disability, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Housing & Urban Development”.

1. Outreach materials and the application process will be open to persons with disabilities. The application intake site will be accessible unless modifications would impose an undue financial or administrative hardship for the property.
2. Accessible communication will be available to the hearing impaired through the use of TDD upon request.
3. Informational materials and legal documents will be provided on taped recordings for the visually impaired upon request.
4. All applicants will be asked whether they qualify for a dwelling unit designed with accessible features for persons with physical disabilities.
 - i. Applicants who so qualify will be given priority for accessible units when they become available.
5. A 504 Review Committee has been established by Domus Management Company, P.O. Box 379, Lodi, CA 95241 (managing Agent for *Cherry Creek Village Apartments* to ensure 504 Compliance and to review requests for reasonable accommodation.

II. WAITING LIST PROCEDURE

A. Application

An application packet including an instruction sheet and a race and ethnicity questionnaire form will be given to any applicant that requests a packet.

B. Priority Given to Current Residents

When a vacancy occurs, current residents who are in need of a transfer to a more suitable unit due to over-crowding, under-utilization or physical conditions that could be better accommodated in a different size or type of unit will be offered a transfer to the vacant unit, if the unit is appropriate to their needs, prior to the unit being offered to an applicant on the waiting list.

C. Definition of the Waiting List

Cherry Creek Village Apartments will not maintain a waiting list, as units in the project have a Project Based Voucher administered by the Sonoma County Housing Authority (“SHA”).

Applications are distributed by the Sonoma County Housing Authority. Once the application is accepted by the SHA will place the applicant on the waiting list.

D. Contacting Persons on the Waiting List

When a vacancy occurs at the project, the site staff will notify the SHA and they will send out notices to persons on the SHA waiting list. The applicants will be informed to contact the site staff at the project to begin the occupancy and income qualification process.

- i. It is the responsibility of the applicant to keep SHA informed of any changes to contact information e.g., phone number, address, etc.
1. When an interview with the applicant has been scheduled and the applicant fails to attend, they must contact management within one (1) business day from the missed interview to reschedule. If the applicant contacts management after the one (1) business day has passed, the applicant will be placed back on the waiting list effective the date they contacted management. When the applicant fails to show up for the interview appointment two (2) times, management will place their application in the inactive file. A notice will be sent to inform the applicant that their application has been placed in the inactive file due to their failure two (2) times to attend the interview.

G. Opening and Closing the Waiting List

The waiting list will be opened and closed as the SHA policies and procedures. For additional information on this topic, please contact the SHA .

III. THE INTERVIEW PROCESS

A. Interview Procedures

The application interview checklist will be used when applicant interviews are conducted by the *Cherry Creek Village Apartments* Rental Manager to ensure income information on the application has not changed while the applicant was on the waiting list.

1. The program requirements, verification procedures and penalties for submission of false and/or incomplete information will be

explained to each applicant during the application interview. Such penalties include eviction, loss of assistance, fines up to \$10,000 and imprisonment for up to five (5) years.

- i. All adult members of the household (age eighteen (18) years or older) must attend at least one interview session.
 - ii. All adult household members must present a current valid photographic identification card from an active government agency at the time of interview. The copy of identification will be maintained in the resident file.
2. The head of household, spouse or co-tenant and all household members aged eighteen (18) and over will be required to sign the release of information consent portion of any verification request forms required to verify the household income.
3. Applicants to housing for the elderly or disabled will be advised regarding the rules of pet ownership as per continuing occupancy policies.
 - i. Assistive Animals (e.g., Guide dogs for persons with vision impairment, hearing dogs for persons with hearing impairments and emotional support animals for persons with chronic mental illness) are not considered pets, however, applicants will be required to provide the following prior to their admission to the complex:
 - a. Verifications from a medical professional that the assistive animal is needed in order that the applicants have equal opportunity to use and enjoy the premises.
 - b. Verification from the assistive animal's veterinarian that the animal has had all locally required shots.
 - c. Verification the assistive animal is certified and trained as an assistance animal (when applicable).
 - d. Applicants who require a comfort pet will be requested to complete a reasonable accommodation form. Approval of a "comfort" pet will only be considered for elderly persons (62+) and disabled persons. A third-party verification from a medical professional will be required.

- e. Applicants must sign a Pet Agreement that indicates they understand and will abide by all pet rules.
4. Applicants will be informed of the complexes' policies of non-discrimination and the Federal laws prohibiting discrimination against individuals with disabilities.
5. Applicants will be informed they must provide data needed to verify income and assets.
6. Applicants will be advised they must complete a certification regarding the disposal of assets for less than fair market value within the last two (2) years preceding the effective date of the certification.
7. Applicants will be informed that they must cooperate fully in all aspects of the application process and that submission of false information will be grounds for rejection.
8. All applicants will be informed that a final decision on their eligibility cannot be made until all verifications are complete.
9. Applicants will be informed that the unit they are applying for must be their only residence.

B. Verification of Information on Application

With respect to all written applications, the following actions will be taken simultaneously:

1. Requests for verification of income, assets, disability, and previous rental history will be mailed or faxed by management.
2. A written credit report and criminal search will be ordered by management via a criminal and credit reporting service.

IV. ELIGIBILITY REQUIREMENTS

A. Program Eligibility Criteria

1. All program eligibility requirements will comply with the Uniform Multifamily Regulations Title 25 section 8300-8316 as well as any other funding sources received by the project. To be eligible for the project, these criteria must be met: income eligible households

must have income that is less than or equal to the appropriate income limit for the program and household size

B. Income

The annual income of the applicant household must comply with limits set forth by the U.S. Department of Housing & Urban Development for appropriate household size and project location published annually.

C. Definition of a Household

1. A household consists of a single person, two or more persons sharing residency; a single pregnant woman; an individual who is the process of securing legal custody of a child or children under the age of eighteen (18) years; or a parent who shares “joint custody” of a minor, where residence of the minor is with them at least every other weekend and whose income and resources are available to the household’s needs.
 - i. An applicant in the process of securing legal custody must provide evidence of a “reasonable likelihood of success.”
 - ii. An applicant sharing “joint custody” of a minor must provide evidence of the minor’s residence, e.g., a court ordered Decree of Divorce or a Joint Custody agreement stating how often and with whom the minor is to reside.

D. Definition of a Disability

1. *Cherry Creek Village Apartments* will utilize the current definition of disability or handicap as provided by 42 U.S.C. 423, including any changes to these definitions that may be published.
2. Individuals engaged in the current illegal use of a controlled substance will not be considered as an individual with a disability.
3. Accessible units will be offered to applicant households whose head of household, spouse or co-tenant are disabled. Should there not be a qualified household to occupy a vacant disabled unit, the next person on the waiting list with the appropriate household size and income will be offered unit and asked to sign an agreement that they will transfer to another suitable unit should a household with disabled persons come up on the waiting list in the future.

V. HOUSEHOLD UNIT SIZE LIMITATIONS

A. Unit Size

The unit applied for must have enough bedroom space to accommodate the applicant’s household. No more than two (2) persons per bedroom plus one (1) additional person will be permitted to occupy a unit. In selecting a unit size for an applicant, management will balance the need to avoid overcrowding with the objective of maximum utilization of space, as per the minimum occupancy standard illustrated below and in accordance with the Uniform Multifamily Regulations section 8305(b).

Number of Bedrooms	Minimum	Maximum
1	1	3
2	2	5
3	3	7

The applicant household may select any size unit for which the household qualifies on the basis of legitimate need (including considerations of age, privacy or relationship of household members and medical need). Approval of a unit size that does not match the minimum occupancy will be reviewed on a case-by-case basis.

B. Household Size for Occupancy Purposes

For purposes of determining unit size at move-in, management will count all full-time household members, all children anticipated to reside in the unit, live-in attendants and children who are away at school but live at home during school breaks.

1. Management will not provide additional bedroom space for adult children on active military duty, permanently institutionalized family members or visitors.

C. Elderly or Disabled Household Members

Elderly or disabled persons of the same gender may occupy either a one or two-bedroom apartment. An elderly or disabled person(s) may also occupy a two-bedroom apartment with a person who is not disabled provided the person is determined by a physician to be essential to the applicant’s care or well being or medical apparatus necessary for the disabled person requires an additional bedroom in the unit.

D. Units with Accessibility Features

Accessible units will be offered first to current occupants in need of accessible units who are residing presently in a non-accessible unit in the complex. If no current resident has a need for an accessible unit, the unit will be offered to a qualified applicant on the waiting list who requires an accessible unit. If there are no applicants on the waiting list who require an accessible unit, the unit will be offered to the next available applicant on the waiting list.

1. If an accessible unit is rented to an applicant not having a disability; that applicant will be required to agree in writing to move to a non-accessible unit at managements request at the tenant's expense.

E. Units without Accessibility Features

Non-accessible units will be offered to applicants with disabilities if that applicant's name is next on the waiting list for the appropriate unit size and they agree to a unit without accessible features.

1. Management will review any reasonable accommodations requested by the applicant and if modifications can be made that would not result in undue financial or administrative hardship or change the character of the complex, the approved accessible features will be added after the applicant has moved into the unit.
 - i. If the requested modifications would impose an undue financial or administrative burden on the complex, the applicant will be asked to wait for the next available unit with accessibility features.

VI. SELECTION AND REJECTION CRITERIA

The fact that an applicant is eligible for an assisted unit does not mean that the applicant is acceptable and will be a suitable resident. Resident selection criteria may relate to the ability of the applicant to fulfill lease obligations but may not automatically deny residency to a particular group or category of otherwise eligible applicants. In determining whether the applicant will be selected, management will consider various criteria along with any related explanations offered by the applicant concerning the facts involved, this includes changing circumstances. Rejection of an applicant may be based on one or more of the following criteria:

A. Insufficient/Inaccurate Information on the Application

Management will consider whether the applicant has refused to cooperate fully in all aspects of the application process, or if the information supplied is incomplete or intentionally falsified. If any of the above are found to have occurred, the applicant will not be selected. If misrepresentations are found after a lease has been executed, management reserves the right to exercise all administrative and legal remedies available.

B. Applicants Who Have Demonstrated Disregard

Applicants will not be selected if they:

- Demonstrate disregard for *Cherry Creek Village Apartments* policies
- As a visitor to the complex or during the application process:
 1. Generally behave in such a manner that they adversely affect resident's health or safety
 2. Disturb resident's rights and quiet enjoyment of the property and/or
 3. Interfere with management of the property
 4. Aggressive behavior toward staff including verbal insults and abuse
 5. Obviously under the influence of drugs or alcohol who interferes with management

C. Credit and Financial Standing

1. Management will consider whether the applicant has a satisfactory history of meeting their financial obligations, including timely payment of rent. Outstanding judgments, collections and/or negative credit history exceeding \$2,000.00 (excluding medical collections) in the past five (5) years and/or a history of late payment of bills may be cause for rejection. If management rejects an applicant based upon the credit report, the applicants will be provided with the name of the credit bureau that performed the credit check. Applicants will also be given the opportunity to have corrections made to the credit report Management may consider special circumstances with regard to negative credit over the \$2,000.00 limit, if the applicant requests a review in writing. Management will review these requests on a case-by-case basis.
2. Management's inability to verify credit reference is a factor for rejection. Special consideration will be given to special

circumstance in which credit has not yet been established (income, age, marital status, etc.). Lack of credit history will not cause an applicant to be rejected. A foreclosure on a previous primary residence will not be a sole factor for rejection of the application.

D. Rental History

Management will consider whether the applicant or any other person who will be living in the unit who has a history of physical violence and/or threats of violence to persons or property, or who has exhibited living habits at prior residences that could adversely affect the health, safety and/or quiet enjoyment of the other residents of the complex. An applicant or household member with such history will not be selected. Management will consider the period when this activity occurred prior to rendering a decision. The previous three (3) years of rental history will be considered which includes applicants who were homeowners and/or lived with parents or relatives.

1. An applicant who fails to disclose prior residency and/or provides false landlord references will not be selected.
2. An applicant with an unpaid balance owing to a prior landlord for rent, damages or other charges will not be considered unless previous arrangements for repayment have been made by the applicant and regular payments can be verified.
3. An applicant with a history of permitting person(s) not on the lease to reside in previous residences without prior written approval of the owner or agent will not be selected.
4. An applicant with a history of reported gambling, prostitution, sale, or manufacture of illegal substances at prior residences will not be selected.
5. An applicant with a history of failure to cooperate with the recertification process or whose assistance had been terminated for fraud (where applicable) will not be selected.
6. An applicant evicted from a prior residence for non-payment of rent or violations of the lease and/or occupancy rules in the past five (5) years will not be selected.
7. An applicant with a history of repeated late payments of rent (rent paid late three (3) or more times in any given twelve (12) month period) will not be selected.

8. An applicant whose criminal history falls under the unacceptable column on the Domus Management Company criminal chart which is available upon request.

E. Housekeeping Practices

Management will consider unsanitary housekeeping by the applicant as a reason for rejection of the application. This criterion is not intended to exclude households whose housekeeping is only superficially unclean or disorderly if such conditions would not affect the health, safety, or comfortable possession of other residents.

F. Criminal Background

Management will utilize a professional background investigation firm to perform a criminal background check for all adult members (age eighteen (18) years or older) of the applicant's household. Management will consider the period in which the criminal activity occurred when rendering a decision.

1. An applicant found guilty of a crime of violence or threat of violence to person(s), to property including, but not limited to unlawful use of firearms within the last ten (10) years will not be selected.
2. An applicant who is currently addicted to and/or engaged in the use of an illegal controlled substance will not be selected.
3. An applicant who is currently guilty of under the influence of a controlled substance criminal activity within the last five (5) years and who has not successfully completed a drug rehabilitation program and/or cannot provide proof of a successful completion of a drug rehabilitation program will not be selected.
4. An applicant who is engaged in drug related activity which means the illegal manufacture, sale, distribution, use, or possession with the intent to manufacture, sell, distribute or use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).
4. An applicant found guilty of any type of crime within the last two (2) years that would be considered a threat to real property (e.g., vandalism, home burglary, damage to property, etc.); and would adversely affect the health and safety of other residents at the

complex; or interferes with the rights or quiet enjoyment of the other resident of the complex will not be selected.

5. An applicant who is engaged in the current illegal use of a controlled substance will not be selected. The following will be considered to constitute “current illegal use”:
 - i. Discovery of controlled substances in a dwelling unit occupied by any member of the applicant’s household
 - ii. Conviction of any household member for any drug-related crime within the last five (5) years
 - iii. Recent arrest (within the last three (3) months) of any of the applicant’s household members for any drug-related crime.
6. If any household member has been evicted from a federally subsidized assisted housing complex for drug-related criminal activity they will not be selected.
7. Any member of the household who presents reasonable cause to believe that this particular household member’s behavior from abuse or a pattern of abuse of alcohol, may interfere with the health, safety, and the right to the peaceful enjoyment of the project for other residents.
8. If any member of the household is required to register a convicted sex offender, the household will not be selected unless the household opts to move in without the sex offender and still meets all other qualification requirements.

G. Requirements for Live-In Aides/Live-In Care Provider

When a Live-in Aide is required by a member of the household, the Live-in Aide must meet all criminal selection criteria either at move-in or when added to the household. The Live-in Aide shall not have rights to the unit should the household member who required a live-in Aide vacate the unit. The Live-in Aide shall be required to sign a Live-in Aide Agreement that states they do not have rights to the unit.

H. Ability to Enter into a Legally Binding Contract

The head, spouse or co-head of the applicant’s household must have the ability to enter into a legally binding contract as provided by state and local laws with respect to contracts for the rental of housing. If no one in the household can enter into a legally binding contract, occupancy will be denied.

I. Duplication of Assistance

The unit applied for by the applicant must be the applicant's sole residency. An applicant receiving assistance for any other unit at the time of admission will not be accepted for residency.

J. Ability to Care for the Unit

An applicant who exhibits diminished capacity to care for the unit based on information obtained from prior residency sources will not be accepted.

1. If the applicant provides verification that arrangements have been made to care for the unit (e.g., a Live-in Aid or Care Provider) and the applicant meets all other eligibility criteria, the application will be reconsidered.

VII. REJECTION PROCEDURES

A. Written Notification

Each rejected applicant will be notified promptly via a written notice of the reason for the rejection. The notice will advise the applicant that they may, within ten (10) days of receipt of notice (including weekends and federal holidays), respond in writing or request to meet with management to discuss the notice. The letter shall also inform the applicant that responding to management's notice does not preclude the applicant from exercising other avenues available if they believe they are being discriminated against based on race, color, religion, gender, national origin, disability, or familial status.

1. Applicants who believe they have been rejected for reasons related to disabilities will be advised that they may contact management within the above time frame to discuss whether changes in circumstances would allow their application to be accepted.

B. Review of Rejected Applications

A review of the applicant's application will be considered by a member of management or the owner's representative who did not participate in the initial decision to reject the applicant. The review will take place within seven (7) days (excluding weekend and federal holidays) of the applicant's request for a review. During the review, the contents of the applicant's file will be considered. If the applicant is present, discussions will be held to

ascertain if the file contains any inaccuracies with respect to the information forming the basis of the rejection.

Management will inform the applicant with five (5) days (excluding weekends and federal holidays) after the review whether or not management's decision has changed. If after the review, the decision is reversed, the applicant will be placed in a suitable vacant unit. If no such unit is available, they will be placed in the next available appropriate unit.

Any applicant that was rejected or refused may reapply at the next "open" application period.

VIII. SPECIAL OCCUPANCY CATEGORIES

Although applicants will be interviewed, processed, and accepted as authorized in this tenant selection plan, exceptions will be made for the following reasons:

A. Disabled Applicants

Applicants qualifying under existing definitions of disability will be given priority for those units specifically designed as accessible units.

B. Complex Resident Preference

Priority will be given to eligible, current residents for a unit transfer when a vacancy of a unit more suitable to their needs occurs. Those needs are limited to approved reasonable accommodations or under/over occupied only.

1. Current residents eligible for a transfer include those households in need of a more suitable unit due to over-crowding, under-utilization or physical conditions that could better be accommodated in a different size or type of unit.
2. The offer to transfer will be made to eligible, current residents prior to that unit being made available to an applicant on the waiting list, including those applicants with preferences.
3. Unit transfers will be made for health reasons when they are substantiated by a physician's statement.
4. Households who qualify to transfer to another unit must first satisfy any outstanding charges for rent, damages, late fees, etc.

5. The resident's current unit will be inspected and must be acceptable condition before a transfer will be approved.

IX. TRANSFER POLICY

A. Current Residents

Current complex residents may request transfers to another unit in the complex for the following reasons:

1. A medical condition has occurred that can be verified requiring the resident to be unable to continue to live in their current unit.
2. Family composition had changed, and the unit is either too large or too small. The household size is not in compliance with the occupancy guidelines set forth herein.
3. Abuse or potential abuse – must be accompanied with police report or notice of court action.
4. Need for an accessible unit

Current complex resident transfers will have a priority over applicants on the waiting list. A household may not transfer unless the household composition has changed or medical needs have arisen since the household initially moved into the complex.

The above transfers will only be granted to a resident if the resident is current on their rent obligations. That resident has no damages or miscellaneous charges outstanding on their account. That a unit is available for transfer within the complex at the time the resident requests. If there is not a unit available, they will be placed on a transfer list and the first available unit will be assigned to that resident. Current unit will be inspected for any tenant caused damages which must be paid in full prior to the transfer.

X. PET OWNERSHIP

A. When Pets Are Approved Under Reasonable Accommodation

Management will permit live-in certified service or comfort animals in cases where:

1. A member of the household is 62 years or over or disabled

2. The applicant or resident completes a reasonable accommodation request for a comfort animal. The need for a comfort animal is verified with a medical professional who indicates the comfort animal would alleviate one of more symptoms of the disability and the animal meets the reasonable restrictions imposed by management.
3. The household is willing to sign the Pet Agreement.