TENANT SELECTION PLAN
EXCELSIOR APARTMENTS, PEOPLE INC – HUD SECTION 811

REV. 8/2025

People Inc. provides equal access to housing programs and does not discriminate based on race, color, religion, sex, national origin, disability, familial status, marital status, military status, creed, lawful source of income, age, sexual orientation, gender identity or expression, immigration/citizenship, or status as a victim of domestic violence, as per the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and the New York State Human Rights Law.

We do not discriminate based on disability status, as per the Section 504 Rehabilitation Act and NYS Human Rights Law, in the admission of or access to, or treatment or employment in programs and activities. Applicants and/or tenants requesting a Reasonable Accommodation will be accommodated when possible.

Very low income subsidies are provided by the US Department of Housing & Urban Development under the Section 811 program.

The guidelines stated below are used to determine who can be admitted to reside at the project after final approval of all verified material.

1. Project Eligibility Requirements

a. Project Specific Requirements

- The Head of Household (18 years of age or older) must have a disability

  People Inc. has agreed to limit occupancy of the project to persons with disabilities as defined by Section 811 of the National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992.

b. Citizenship Requirements

- Section 811 Property: Restriction on assistance to non-citizens does not apply.

c. Social Security Number Requirements

- Each member of the applicant household must provide a Social Security Number and adequate documentation necessary to verify that number upon move-in. This rule applies to all household members including live-in aides, and foster children/adults.

Exceptions:

- Individuals aged 62 years or older as of January 31, 2010, whose initial determination of eligibility was begun prior to January 31, 2010.
- Individuals who do not contend eligible immigration status.
- Minor under the age of 6 added to the applicant household within the 6-month period prior to or following the household's date of admission. The household will have 90-days after the date of admission to provide the Social Security Number and adequate documentation that the SSN is valid. An additional 90-days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the SSN within the timeframe, HUD requires termination of tenancy.

- Foster children/adults when the foster agency will not provide the SSN or adequate documentation to verify the SSN; and when HUD approves.

Non-exempt applicants who do not have documentation of a Social Security Number (SSN) at the time the applicant is offered an available unit will be given 90 days to produce the documentation to remain on the waiting list. During this 90-day period the applicant may retain their place on the waiting list but will not be offered an available unit until required documentation is provided. The next eligible applicant must be offered the available unit. After 90 days, if the SSN has not been provided for all non-exempt household members, the household will be determined ineligible and removed from the waiting list. The applicant family may apply again after obtaining the appropriate documentation and be placed on the waiting list as of the date/time the new application is received.

Acceptable evidence of the SSN includes: original Social Security card, driver's license with SSN, Identification card issued by a federal, state, or local agency, employer/trade union, or medical insurance provider, earnings statements on payroll stubs, bank statement, 1099 form, benefit award letter, retirement benefit letter, life insurance policy, court records.

Applicants may provide a self-certification of Social Security Number with at least one third-party document such as a bank statement, utility/cell phone bill, or benefit letter stating the applicant's full name, if no other acceptable documentation of Social Security Number is available. The applicant must advise why none of the other accepted methods were available to verify SSN.

If the applicant's SSN fails the SSA identity match in EIV, the applicant must provide a valid Social Security Number card issued by the SSA or an original document issued by a federal or state government agency containing the name and SSN of the applicant along with other identifying information. If EIV returns an error that cannot be properly explained or resolved, tenancy may be terminated, and improper payment must be returned to HUD. If an applicant/tenant deliberately provides an inaccurate SSN, People Inc. and/or HUD may pursue additional penalties due to attempted fraud.

d. Preferences
- Applicants experiencing homelessness receive first priority.
- Applicants who are visually impaired receive second priority.

2. Income Limits

Income Limits are updated annually by the Department of HUD for Erie County. At initial occupancy households must be determined to be in the Very Low Income Limit category for the number of people in the household. Income Targeting does not apply.

3. Occupancy Standards

People Inc. has established standards on occupancy to permit the tenant to select the unit size they deem appropriate to their needs (if available) while preventing overcrowding and underutilization of the unit. The following describes the occupancy requirements:
- One (1) bedroom unit: Minimum 1 household member, maximum 2 household members total.
- Two (2) bedroom unit: Minimum 2 household members, maximum 4 household members total.

a. After the death of a tenant or co-tenant, any surviving member of an eligible family who was listed as a family member on the most recent HUD-50059 form and is of legal age can remain in the unit. *Live-In-Aides and Foster Children/Adults are not considered family members.*

b. If the tenant who establishes eligibility for the project vacates the unit for any reason other than death, a remaining member of the family who was listed as a family member on the most recent HUD-50059 form

and is of legal age must meet the eligibility requirements for the property, income and age or disability. If a remaining family member is not eligible, they cannot remain in the unit.

c. After move-in if a unit becomes underutilized or overcrowded due to a change in family composition the household will be required to comply with occupancy standards. The household will be required to transfer to an appropriately sized unit (if applicable) with a number of bedroom(s) suitable for the number of household members when such a unit becomes available. If unable to comply they will need to vacate the unit.

4. Procedures for Accepting Applications and Selecting from the Waiting List

a. Applications Received

- Applications will be reviewed to ensure all required information has been filled out in full. Signatures, dates, and requested information are necessary to make a pre-determination of eligibility.
- If an application is incomplete, staff will send a letter with the application attached, requesting the signatures, dates, and/or required information be submitted within 10 days to process the completed application for the waiting list.
- Complete applications are dated and time-stamped when they are received in the office. This date and time are recorded into a software program utilized by the property.
- Only applicants with completed applications will be placed on the waiting list.
- Disability, income, age, and preferences, if applicable, provided on the application will be used to determine pre-eligibility. Verifications for information will be required within 7 days of Initial Interview for possible residency.

b. Applications Approved

- If an applicant is deemed eligible, an acceptance letter is sent advising them of their placement on the waiting list. The correspondence states that the acceptance is based solely on information provided by the applicant, and when an apartment becomes available; an Initial Interview will be scheduled no later than five (5) days after the date of the initial call/letter to contact. All information must be updated, and applicable verifications must be obtained, prior to management offering an apartment.
  - *If the alternate contact to receive copies box is checked on the application, copies of all correspondence regarding the application will be sent to the person noted on the application.*
- An applicant's place on the waiting list is determined by the date on which all application information and signatures are received in the office with preferences considered, if applicable; however, acceptance to the waiting list does not guarantee eligibility for an apartment. Further screening, as described in the applicant screening criteria, and the Initial Interview process must be completed prior to an apartment being offered. Apartments will be offered to the first eligible applicant(s) with preferences considered, if applicable, in order of the receipt of the notice-of-intent.

c. Policy for Opening and Closing Waiting Lists

The waiting list may be closed when the average wait is excessive of one (1) year or more.

- Notice that the waiting list is closed, and the reason will be announced per the Affirmative Fair Housing Marketing Plan in a publication likely to be viewed by potential applicants.
- Potential applicants will be advised the waiting list is closed and applications will be refused.
- When the waiting list is reopened, a notice will be announced in the same publication and manner as the notice that the waiting list was closed.
- Notice will include when/where to apply and conform to the Affirmative Fair Housing Marketing Plan.

5. Applicant Notification and Opportunity to Supplement and Update Information Provided

It is the responsibility of the applicant to notify the office of any changes of address, telephone number, household size, and income increases or decreases.

Update letters may be sent at least two (2) times per year requesting the applicant provide any updated information, if applicable, or request to be removed from the waiting list if they choose.

Applicants will have the opportunity to request accessible units (mobility, hearing, and/or vision), as well as any reasonable accommodations, and will be called for an available unit in order according to their date of application with preferences considered, if applicable.

a. When a Notice-of-Intent is received, and a unit will become available:
   - The next eligible applicant from the waiting list will be contacted by telephone and if no verbal contact is made an "Unable to Contact" letter will be sent giving the applicant five (5) days from the date of the letter to respond and state their interest.

b. Applicants will be removed from the waiting list:
   (1) Per applicant request
   (2) If we are unable to contact the applicant due to the phone number being disconnected or incorrect
   (3) If mail is returned as undeliverable, or no mail forwarding information is provided.
   (4) If no response to phone contact or mail correspondence within the timeframe requested.

Applicants who are scheduled for an Initial Interview or Move-In appointment and fail to show without calling or rescheduling, without good cause, and/or providing a verification of a medical excuse will be removed from **all** People Inc. Senior Living waiting lists as follows:

c. Initial Interview: Applicant will not be permitted to reapply for a minimum of three (3) months from the date of removal.

d. Move-In Appointment: Applicant will not be permitted to reapply for a minimum of six (6) months from the date of removal.

If an applicant is unable to move due to a medical reason, the applicant will be offered a medical refusal. The applicant must provide documentation to the site manager within seven (7) days. Once documentation is received, they will remain on the waiting list, but will not be called for a minimum of 90 days. If the applicant fails to provide documentation they will be removed from the waiting list.

Applications and all applicable forms/records will be retained for a minimum of three (3) years from the date of rejection, applicant withdrawal, or move-out.

6. Applicant Screening Criteria (No applicant screening fee)

a. Enterprise Income Verification (EIV): An "Existing Tenant Search" report will be processed for all applicants prior to unit offer to determine if they are currently receiving a housing subsidy. Applicants moving in with any type of housing subsidy will be required to accept responsibility for paying the daily market rent if any subsidy overlaps from their previous residence. A maximum of three (3) days at market rent will be allowed so the applicant can make their move. The applicant must move out of their current property and/or forfeit any voucher before HUD assistance at this property begins.

After move-in all tenants will be subject to EIV reports required by the Department of HUD as follows:

- EIV Summary/Income/Discrepancy Report: Ran within 90 days after move-in, at annual recertification, and for all interim recertification requests.
- No Income Reported on HUD-50059, No Income Reported by HHS or SSA, New Hires Report, Multiple Subsidy, and Deceased Tenant Report will be run quarterly. Pending Verification Report, Failed EIV pre-screening, and Failed Verifications will be run quarterly if applicable.

b. Criminal Activity:

Applicants/tenants applying for State/HUD-funded housing and have a criminal record will be afforded rights and protections with the exception of the following two (2) mandatory reasons for denial:

(1) Conviction for methamphetamine production on the premises of federally assisted housing, or
(2) Being a lifetime registrant on a state or federal Sex Offender database.
    - Screened using Multi-State Criminal/National Sex Offender database.

An applicant who claims any type of conviction may be eligible for housing after a review of the criminal conviction using the "Worksheet for Applying New York State's Anti-Discrimination Policies When Assessing Justice-Involved Applicants for State Funding Housing." The lookback period of an applicant's history of criminal activity will adhere to the 'reasonable time' for lookback set forth in HCR's Worksheet. At the Initial Interview, a complete criminal background check will be conducted along with an individual assessment for those with a criminal conviction. If management is unable to complete the assessment, the applicant will be sent a letter informing them they have fourteen (14) business days from the date of the letter to provide additional information to complete the assessment. Once completed, a decision will be made to accept or reject. See Procedures for Rejecting Ineligible Applicants for further information.

If the conviction did not involve physical violence or affect the health, safety, or welfare of others, and has been confirmed, it may not be considered in assessing the housing applicant. If the conviction did, the applicant will be provided with an opportunity to answer specific questions such as:

- Time passed since conviction.
- Age at time of conviction
- Seriousness of conviction
- Evidence provided regarding rehabilitation, treatment, volunteer work, and paid employment.
- Mitigating circumstances surrounding the offense that reduced severity of offense.

Once all information concerning conviction or incarceration is provided a decision to determine eligibility will be made.

c. Failure to Report Criminal Activity

Any applicant or tenant who does not report a criminal conviction or incarceration on the application for admission or recertification and is discovered to have a criminal conviction or incarceration will not be considered for admission or continued tenancy.

d. Criminal Screening Discoveries

Criminal background screens are completed prior to move-in and as necessary for all applicants, tenants, and live-in-aides. If the criminal background investigation results indicate that the applicant or tenant does not meet the criminal screening criteria, after they have provided information within a 14 business day period, People Inc. will reject the application in accordance with the HUD guidelines for applicant rejections or tenancy termination. Before rejecting or terminating the household, People Inc. will compare the information provided by the applicant/tenant with the criminal history report. If the information conflicts, People Inc. will:

(1) Notify the household of the proposed action based on the information obtained.
(2) Inform the applicant/tenant how to obtain a copy of the report.
(3) Provide the applicant/tenant with the opportunity to dispute the accuracy and relevance of the information obtained by providing documentation to refute the criminal discovery. Failure to provide documentation will result in rejection.
(4) Allow the household the opportunity to remove the household member.

e. Use of Marijuana

Admission will be denied to any household with a member who is determined to be illegally using or possessing a controlled substance, including marijuana in all forms, as defined by the Controlled Substances Act. The use or possession of marijuana for recreational or medical purposes is illegal under federal law even if it is permitted under state law. Management has a right to use discretion to determine when it is appropriate to evict any tenant or household with a member who is illegally using or possessing marijuana anywhere on the property, including at designated smoking areas.

f. Credit

Credit/credit history is not considered in tenant selection, but all necessary utilities - such as NYSEG or National Grid for electric service, or National Fuel for gas service (Iris & Academy Place) must be secured by the tenant prior to move-in.

g. The US Department of HUD has established standards that prohibit admission of:

(1) Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity.

(2) A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with health, safety and right to peaceful enjoyment of the property by other residents.

(3) Any household member who is subject to a state sex offender lifetime registration requirement

(4) Any household member if there is a reasonable cause to believe that the member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.

7. Eligibility of Students

a. Student Eligibility

Student eligibility is determined at move-in and at each annual recertification. If student status changes for an adult, they must report the change in student status and eligibility to receive assistance will be determined. If an applicant or current tenant is a student, they must meet all of the following criteria to be considered eligible:

(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 US Department of Education's definition of an independent student by meeting one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought.
- Be an orphan/ward of the court through the age of 18.
- Be a veteran of the US Armed Forces
- Have legal dependents other than spouse (dependent children, or elderly dependent parent)
- Be a graduate or professional student.
- Be a vulnerable youth as defined by HUD and the Department of Education
- Be married.

(3) Not to be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.

(4) Obtain a certification of the amount of financial assistance that will be provided by parents, guardians, or others signed by the individual providing support. The financial assistance provided by persons not living in the unit is part of Annual Income that must be verified to determine eligibility and at each subsequent certification. Certification is required even if no assistance will be provided.

8. Procedures for Rejecting Ineligible Applicants

a. If an applicant is deemed ineligible, a letter with the VAWA Rights and Certification Form and a 'Know Your Rights' brochure will be sent within 3-5 business days of receipt of the application that clearly states the reason the rejected determination has been made. The applicant will be advised of the reason for the rejection and advised of their right to an appeal. The applicant shall have fourteen (14) days from the date of the letter to respond in writing or to request a meeting to discuss the rejection.

b. Any meeting with the applicant to discuss the rejection will be conducted by a member of People Inc.'s staff who was not involved in the initial decision to deny admission. The final decision on eligibility will be sent via written notice within five (5) business days of the meeting with the VAWA Rights and Certification Form and a 'Know Your Rights' brochure.

c. The application, the notice of denial, the applicant's reply (if any), and the final response must be maintained on file for a period of no less than three (3) years. The file must contain all interview and verified information on which the determination is based.

d. Applicants rejected for circumstances listed below cannot reapply for a minimum of 12 months after the date of the original rejection date. Circumstances may include, but are not limited to the following:
   - Drug related activity, or criminal activity resulting in denial.
   - Documented misrepresentation of items on the previous application.

9. Verifications

People Inc. 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 and during subsequent interviews has been collected and any necessary follow-up interviews have been performed. All information must be verified as required by HUD and described in these procedures:

a. <u>Methods of Verification</u>

(1) Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system. EIV may be used as the sole verification of Social Security income.

(2) Upfront Income Verification (UIV) using non-EIV sources (web-based state benefits system, etc.)

(3) Written, Third-Party Verification from the source, known as "tenant-provided verification". An original or authentic document generated by a third-party source dated within 120 days of the date received by the office from the tenant. Third-party verification can also be accepted directly from the verification source. For fixed-income sources, a statement for the appropriate benefit year is acceptable documentation.

(4) EIV with Self-Certification (Employment/Unemployment Income). The EIV Income Report may be used to verify and calculate income if the household self-certifies that the amount is accurate and representative of current income. The information from EIV will be provided for review.

(5) Written, Third-Party Verification Form (as appropriate)

(6) Oral Verification. When verifying information over the telephone or via the internet, it must be confirmed that the person is the party they claim to be. When verifying information over the telephone, management must record and include in the tenant's file the following information:
   - Third-party's name, position, and contact information.
   - Information reported by the third-party.
   - Name of the person who conducted the telephone/internet interview; and
   - Date and time of the telephone/internet interview.

(7) Family Self-Certification. In the absence of any of the above, or as provided in HUD guidance, notarized/witnessed self-certification from the family member. Except when accepted based on HUD guidance (Streamlining, Assets Disposed, etc.), when People Inc. accepts Family Self-

Certification, it will be documented, when appropriate, in the tenant file to show that staff attempted other acceptable verification before relying on Family Self-Certification.

10. Consent for the Release of Information (HUD-9887/9887A)

Any family member aged 18 or older must sign the "Notice and Consent for the Release of Information" (HUD-9887) and the "Applicant's/Tenant's Consent to the Release of Information" (HUD-9887A) at move-in and annually which contain provisions authorizing HUD, Owner/Management Agents, and PHA to obtain necessary information for verification of an application or to maintain assistance, including income and tax return information, and determine eligibility for HUD assistance. Refusal to sign the consent makes the family ineligible for HUD Section 202 PRAC and is cause for immediate termination of tenancy in accordance with the HUD lease and guidance.

Any adult family member may provide written notification to People Inc. to revoke consent. Upon receiving notice People Inc. will notify HUD. Revoking consent makes the family ineligible for HUD Section 202 PRAC and is cause for immediate termination of tenancy in accordance with the HUD lease and guidance.

Any family member who turns 18 years of age during tenancy will be required to sign the HUD-9887/9887A in compliance with the lease. The family member will have thirty (30) days from the date they turn 18 years of age to meet with management staff and sign the consent forms. Failure to do so within the required timeframe is cause for eviction for the entire household.

11. De Minimis Errors and Overcharges

a. Error Caused by Household Member

If an owner suspects a resident has inaccurately supplied or misrepresented information that affects the rent or a household's eligibility, the owner must investigate and document in the resident file.

If the resident household meets with the owner to discuss the error, and the owner is convinced the submissions were correct, management will document in the file accordingly and close the investigation.

If after meeting with the resident family the owner determines that the provision of inaccurate information was an unintentional program violation the owner will correct the rent calculation, if applicable, and provide the resident with notice of the change in rent. If the resident received improper payment, they will be required to return the improper payment in compliance with the HUD lease.

If the resident is unable to repay the full amount, the owner and tenant may enter into a repayment agreement:

(1) If the family did not qualify for assistance at MI or, if after the income adjustment, no longer qualifies for HUD's 202 PRAC housing assistance program, the owner must terminate tenancy.
(2) Tenancy may be terminated if the resident refuses to pay any new monthly rent or refuses to repay previously overpaid subsidy (improper payment) pursuant to any Repayment Agreement.
(3) Tenancy may be terminated if the resident refuses to enter into a Repayment Agreement if such an option is offered.
(4) If necessary, civil action may be filed to recover the funds.

If the owner determines the resident knowingly provided inaccurate or incomplete information, and this can be substantiated through documentation, the owner will pursue the incident as fraud. If any adult member of the household fails to meet with the owner as requested, the owner will initiate termination of tenancy (eviction) in compliance with HUD's guidance.

b. Error Caused by Owner/Agent

If owner/management determines that an error was made and the family's income was over-reported, the owner must complete corrections to the prior certification(s) affected by the income change. Once the corrections have been made, People Inc. must determine the difference between the amount of rent paid and the rent that should have been paid.

- A meeting to discuss the error will be requested;
- Corrections or new certifications will be prepared that must be signed by all adult members;
- The family will be provided with written notification, which includes:
  - A notice of the change in rent, effective retroactively to when the error occurred;
  - The new monthly rent the tenant is required to pay;
  - The amount of the overpayment of rent due; and
  - A form used by the family choosing whether to receive a full refund or apply the overpayment to future monthly rent payments as a credit. (Credit will be applied to any outstanding charges or rent payments before calculating the amount due to the resident household.)

If the determination of income should have resulted in a higher Annual Adjusted Income, the owner will correct certifications or create new certifications as required. The family will not be required to repay the owner in instances where the miscalculation in income results in a family being undercharged for rent. The family will not be required to pay the higher Tenant Rent until a 30-Day Notice of Rent Increase has been issued. The new Tenant Rent will be effective the 1st of the month after the 30 days.

12. Determination of Adjusted Income

Management will use HUD methods to determine Annual Income for the family. After Annual Income is determined, to determine Adjusted Income management will apply the following deductions as applicable:

- Childcare Expense Deduction;
- Dependent Deduction (amount subject to annual adjustment by HUD);
- Elderly/Disabled Family Deduction (amount subject to annual adjustment by HUD);
- Health & Medical Care Expense Deduction (in excess of 3% of Annual Income)
- Disability/Attendant Care & Auxiliary Apparatus Expense Deduction (in excess of 3% of Annual Income);

13. Interim Recertifications: Changes in Household Composition and Income

Resident household composition, income, assets, and expenses are reviewed at least annually. Residents are required to report changes between Annual Recertification, based on the requirements outlined in the HUD Model Lease and House Rules.

a. Household Composition Changes

Changes that result in the removal of a member must be reported to the office within 30 days. An Interim Reexamination (IR) will be processed when there is a decrease in family size due to death or permanent move-out of a family member that results in a decrease of adjusted income of any amount.

The addition of a new resident (except minors) must be approved before the new member moves into the unit. Failure to notify management before a new member is added is a material lease violation and may result in termination of tenancy. The addition of minors must be reported as quickly as possible, but no later than the date the next rent payment is due after the minor is added to the household.

b. Income Decrease

If a resident reports one or more changes resulting in a decrease to the household's Annual Adjusted Income, management will process an Interim Reexamination (IR) adjusting rent.

c. Income Increase

Changes that result in an income increase must be reported to the office within thirty (30) days. Management will process an IR if the resident reports one or more changes resulting in a change in the tenant's income of a $200.00 or more per month increase to the household's Annual Adjusted Income. Families who delay reporting income increases may be subject to retroactive rent increases.

Management will not consider any increases in earned income unless an IR reducing income has been completed since the last AR. Residents are still required to report any changes within 30 days as required by the lease and owner's policies. Management will document the change in the resident file.

If an IR reducing income has been completed since the last AR, an IR including any increase to earned income will be completed, unless the change is reported within 3 months of the next AR effective date. Families who delay reporting income increases until the last 3 months of their certification period may be subject to retroactive rent increases.

If all adult household members comply with reporting requirements, rent changes will be implemented as follows:

(1) Rent Increases: If the rent increases, the owner will give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month after the end of the 30-day period.

(2) Rent Decreases: If the rent will decrease, the change in rent is effective on the first day of the month after the date of action. *A 30-day notice is not required for rent decreases.*

If all adult household members do not comply with reporting requirements, and the owner discovers the tenant has failed to report changes as required, the owner will implement rent changes as follows:

(1) Rent Increases: Owners must implement any resulting rent increase retroactive to the first of the month following the date the action occurred.

(2) Rent Decreases: Any resulting rent decrease must be implemented effective the first rent period following the completion of the recertification. Under certain circumstances, if extenuating circumstances exist (504, VAWA, LEP), rent decreases will be retroactive applied the later of:

- The first of the month following the date of the change that led to the decrease; or
- The first of the month following the effective date of the most recent full certification.

14. Rent Calculation

The Total Tenant Payment (TTP) will be calculated in compliance with HUD rules. This means the family will pay the greater of 10% of Monthly Income; or 30% of Monthly Adjustment Income; or Welfare Rent (welfare recipients in as-paid localities only). In some cases, HUD may provide a Utility Allowance. Utility Allowances are deducted from the Total Tenant Payment to determine the Tenant Rent paid each month. When the rent calculation described results in a Tenant Rent that is equal to or more than the unit Gross Rent, HUD housing assistance will be terminated.

15. Unit Transfer Policy

After move-in commences, if a tenant wishes to transfer to a different unit due to change in disability or for a reasonable accommodation:

a. A transfer request form must be completed, and verification for the need to transfer will be approved from a non-accessible to an accessible unit, or due to a reasonable accommodation, with a health care provider statement explaining the tenant's need for the accessible unit or transfer.

b. Current tenants will receive preference for accessible units, or unit transfers, over any applicant on the waiting list once the completed verification is received.

c. Refusal of an available unit that meets the requirements made in the original transfer request must be in writing and will result in the request being cancelled as per the tenant. When reapplying for a unit transfer, the tenant will be placed on the transfer list as of the date of their new transfer request.

d. When there are no applicants on the waiting list for a wheelchair accessible unit, applicants who are offered and accept the unit even though they do not need the features of an accessible unit, will enter into an agreement that they will transfer to a non-accessible unit when and if:
   - The unit is required for an applicant who has a need for the features of an accessible unit, and
   - A non-accessible unit becomes available.

e. Moving costs and the moving company for the transfer will be arranged for by People Inc. as requested.

16. Section 504 of the Rehabilitation Act of 1973, Fair Housing, and Civil Rights

People Inc. complies with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of disability in any program or activity receiving financial assistance from HUD.

a. To be eligible for an accessible unit or a reasonable accommodation the applicant must have a disability related need (nexus) for the request. Disability is defined as:
   - A person who has a physical or mental impairment that substantially limits one or more major life activities; and
   - Has a record of such an impairment; or
   - Is regarded as having such impairment.

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. Examples of a reasonable accommodation include: an emotional support animal, grab bars, or a live-in-aide. For more information on People Inc.'s Section 504 Coordinator please contact (716) 880-3890.

17. Victims of Domestic Violence (Violence Against Women Act of 1994)

The Violence Against Women Act (VAWA) is a federal law that protects survivors of domestic violence (including economic abuse and technological abuse), dating violence, sexual assault, and stalking regardless of sex, sexual orientation, or gender identity. VAWA protections for eligible tenants and their immediate family members who are applying for or receiving housing assistance under our housing program will be protected from being evicted or being denied housing if an incident of domestic violence, dating violence, sexual assault, or stalking regardless of sex, sexual orientation, or gender identity occurs or has occurred. All tenants will be requested to sign a one-time "Lease Addendum" (HUD-91067) which will become a permanent part of the Lease & Tenant Handbook package. In addition to the addendum, the tenant will be given a copy of the "Notice of Occupancy Rights" and Certification form (HUD-5380 & HUD-5382). The "Notice of Occupancy Rights" and Certification form will also be provided to applicants when assistance is denied.

a. <u>Lease Bifurcation</u>

People Inc. may bifurcate a lease to evict, remove, or terminate the assistance of the offender while allowing the victim, who must be an eligible tenant or lawful occupant, to remain in the unit or be moved to another "safe and available" unit if they fear for their life and/or safety.

b. <u>Nonretaliation</u>

The owner/agent will not discriminate against any person because that person has opposed any act or practice made unlawful by the VAWA or because that person testified, assisted, or participated in any matter related to the Violence Against Women Act or a VAWA crime.

c. <u>Noncoercion</u>

The owner/agent shall not coerce, intimidate, threaten, or interfere with, or retaliate against, any person

in the current or past exercise or enjoyment of, or any person having aided or encouraged any other person in the exercise or enjoyment of, any rights or protections under the Violence Against Women Act including:

(1) Intimidating or threatening any person because that person is assisting or encouraging a person entitled to claim the rights or protections under the Violence Against Women Act

(2) Retaliating against any person because that person has participated in an investigation or action to enforce the Violence Against Women Act

d. Protection to Report Crimes from Home

Owner/agents, residents, occupants, service providers, guests, and applicants:

(1) Have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance; and

(2) Shall not be penalized based on request for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities. Prohibited penalties include:

- Actual/threatened assessment of monetary or criminal penalties, fines, or fees.
- Actual/threatened eviction.
- Actual/threatened refusal to rent or renew tenancy.
- Actual/threatened refusal to issue occupancy or landlord permit.
- Actual/threatened closure of the property, or designation of the property as a nuisance or similarly negative designation.

18. Smoking Policy

People Inc. promotes and enforces smoke-free living and therefore, no smoking is permitted anywhere in the building, including tenant apartments, or anywhere outside on the site property at Walnut and Orchard Apartments. All other Senior Living Apartments have a designated smoking area which allows smoking no less than 25 feet or 50 feet from the building where property allows or in the tenant's car. The site manager will inform the tenant at move-in where the designated smoking areas are located. Smoking includes vaping, carrying any lighted cigar, cigarette, e-cigarette, or any other smoke producing product in any form including candles and incense. This policy applies to all tenants, guests, staff, and contractors.

The use or possession of marijuana for recreational or medical purposes is illegal under federal law even if it is permitted under state law, as defined by the Controlled Substances Act. Management has a right to use discretion to determine when it is appropriate to evict any tenant or household with a member who is illegally using or possessing marijuana anywhere on the property, including at designated smoking areas.

19. Miscellaneous Provisions for Applicants, Current or Previous Tenants

a. Applicants/tenants must always conduct themselves in a manner which does not threaten the health and safety of themselves and/or other tenants, staff, or the facility.

b. Tenants must be able to live according to and abide by the terms and provisions of the lease agreement and tenant handbook.

c. A list of maintenance charges for replacement and cleaning fees will be given to each tenant at move- in and upon receipt of a notice of intent to vacate.

d. Security deposits will be maintained in separate sub-accounts accruing interest and will be reimbursed after move-out minus any reasonable costs to restore the unit to its original condition minus normal wear and tear, unpaid rent, and/or unpaid financial obligations.

e. Unit inspections will be conducted at move-in, annually, and as needed if the site manager deems it necessary to keep the unit in safe, sanitary, and decent condition.

f. Annual recertifications will be conducted with proper notice of no less than 120 days prior to the 1st of the anniversary month the tenant moved into the site.

g. Any modification of the lease will be made after management has received prior approval from The Department of HUD. Tenant Rules, and/or Pet Rules will be made effective after a 60-day notice is provided to the tenant, allowing for thirty (30) days to review and return the signed amendment or to sign a 30-day notice to vacate if the new rule is not agreeable to the tenant.

h. Any People Inc. current or previous tenant who was in breach of contract with their lease will not be eligible for tenancy. Current or previous tenant must be in good standing with no 10-Day Notice to Cure, 30-Day Notice to Quit Premises, or 14-Day Notice to Pay or Quit.

i. Current or previous tenants who have financial obligations to People Inc. will be rejected. They may be able to reapply and may be accepted to the waitlist after payment is made in full. Failure to repay the financial obligation in full within thirty (30) days will result in removal from all People Inc. waitlists.

j. Utilities must be turned on in the tenant's name and kept current throughout tenancy to prevent the shut off of services to the unit. This includes the electric service at all properties, and electric as well as gas service at Iris and Academy Place. In the event the tenant is at fault for the shut off of the utilities to their unit, they will need to contact the appropriate utility company to make payment arrangements in order for their utility service to be restored to their unit. The shut off of electric or gas service to a unit during tenancy will be a violation of the Lease agreement. All tenants must sign a Utility Service Release Form at move-in or anytime thereafter as requested. Refusal to sign the release form constitutes material noncompliance with the lease agreement and repeated violations can result in termination of tenancy.

20. Modifications to the Tenant Selection Plan

The Tenant Selection Plan will be reviewed at least annually to ensure compliance with all current operating practices, program priorities, and HUD requirements. After modifications to the Tenant Selection Plan are made, they will be available to the public on the People Inc. website and at the property's office. The Tenant Selection Plan is available to the public upon request.

21. Effective Date

This Tenant Selection Plan is effective August 1, 2025.