

**THE PALMS RETIREMENT CENTER
HARLINGEN, TX 78550**

TENANT SELECTION PLAN

I. NONDISCRIMINATION

This site does not discriminate against applicants or residents on the basis of race, color, religion, sex, sexual orientation or gender identity, national origin, age, familial status, disability, socioeconomic class, or those who are not members of the sponsoring organization.

II. ELIGIBILITY REQUIREMENTS

This site is a Section 8(202) apartment complex for the elderly (62 and over) whose gross income is at or below the current Income Limits established by Housing and Urban Development (HUD) for the Brownsville-Harlingen, Texas area. Every effort is made to meet HUD's requirement that 40 percent of available units each year will be rented to applicants whose income is 30 percent or less of median income for this area.

To comply with the 40 percent requirement Owner will alternate between the first extremely low-income applicant on the Waiting List and the applicant at the top of the Waiting List. When a unit becomes available, Owner will select the first extremely low-income applicant on the Waiting List (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the Waiting List (regardless of income level) for the next available unit. As subsequent units become available, tenant selection will continue to alternate between the next extremely low-income applicant and the eligible applicant at the top of the Waiting List until the 40% target is reached.

The Income Limits for the Brownsville-Harlingen, Texas area are used to determine whether or not an applicant is within the Extremely Low or Very Low-income range.

III. ACCEPTING APPLICATIONS

Applications will be accepted from anyone who wishes to submit one and meets Project Requirements, unless the Waiting List is closed. The Waiting List will remain open until it appears it will be at least one year before a unit is available. Notification of opening and closing the waiting list will be posted in the leasing office. Applications can be dropped off at The Palms Retirement Center, located at 525 E. Davis St.; Harlingen, Texas 78550, between the hours of 8:00am – 12:00pm or 1:00pm – 5:00pm., Monday – Friday.

The unit for which the applicant is applying must be applicant's only residence.

IV. INTERVIEWING (PROCESSING APPLICATIONS)

Every applicant will be interviewed in person. The following information will be confirmed with, requested from, or explained to applicant during the interview:

- A. Confirm information included on the application and accompanying documents.



- B. Explain program requirements, verification procedures, and penalties for giving false information.
- C. Confirm family composition and financial data, including both assets and income, to determine eligibility and figure rent.
- D. Request identification (Social Security card AND Driver's License OR other acceptable ID, including one photo ID).
- E. Explain Rules and Regulations, activities and services.

V. AUTHORIZATION FOR RELEASE OF INFORMATION

The Head of Household, the spouse or co-head, and all other adults (ages 18 and older) in each applicant family must sign an Authorization for Release of Information (HUD Form 9887 and 9887-A) prior to being accepted and every year thereafter.

VI. SOCIAL SECURITY NUMBER

- A. Applicants must disclose social security numbers for all family members by the time a unit becomes available. Adequate documentation means a Social Security Card issued by the Social Security Administration or other acceptable evidence of an SSN. Other acceptable documentation includes: driver's license with SSN; identification card issued by a federal, state or local agency, a medical insurance provider, or an employer or trade union; earnings statements on payroll stubs; bank statement; Form 1099; benefit award letter; retirement benefit letter; life insurance policy; and/or court records.
- B. An applicant must disclose and provide verification of a SSN for all non-exempt household members before they can be housed in the Section 8(202) program. If all non-exempt household members have not disclosed and/or provided verification of their SSNs at the time a unit becomes available, the next eligible applicant will be offered the available unit. The applicant who has not disclosed and/or provided verification of SSNs for all non-exempt household members has 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90-day period, the applicant may, at its discretion, retain its place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant should be determined ineligible and removed from the waiting list.
- C. Exceptions: SSN requirements do not apply to persons over the age of 62 whose initial determination of eligibility for assistance was begun before January 31, 2010

Persons under the age of 6 in applicant households that were added to the applicant household within the 6 months of the date of admission. The family must disclose and provide verification of the SSN within 90 days of the date of admission. An additional 90-day extension must be granted if delays are due to circumstances beyond the family's control.
- D. If otherwise eligible, applicant may retain his/her place on the Waiting List for the 90-day period during which he/she is trying to obtain documentation. After 90 days, if applicant has not supplied the required SSN documentation, he/she will be determined ineligible and removed from the Waiting List.



- E. SSN requirement do not apply to persons not claiming eligible immigration status.

VII. SCREENING CRITERIA

- A. Every applicant will be required to sign a Consent form to Check References for both former landlord(s) and personal references listed on the application. Landlords will be asked about applicant's history of rent payment, whether applicant or his/her guests caused any damage or disturbance while residing at the property, whether the security deposit was retained, whether or not any eviction proceedings have been started against applicant and other appropriate landlord-tenant information.

Personal references will be asked about applicant's moral character, general health, ability to care for self and apartment, housekeeping habits, ability to get along with others, use of alcohol and tobacco, and any other general information references would like to offer.

- B. Every applicant will be required to sign a Consent form for Criminal/Credit Check, which will be done by Online Background Screening through the Classic Real Estate Systems software.
- C. Every applicant will be required to sign Verification Consent forms so that Owner may verify sources of income and assets. If applicant refuses to sign and submit the necessary Verification Consent forms, Owner must and will deny assistance and admission to the applicant.
- D. Applicants may be rejected for a poor credit history, but extenuating circumstances contributing to the poor credit history, such as illness, will be taken into consideration. If applicant is accepted, a guarantor may be required.
- E. The Palms Retirement Center uses EIV for income and data verification. They will use, specifically, the Existing Tenant Search to see if applicant is listed in other HUD assisted sites.

VIII. U.S. CITIZENSHIP REQUIREMENTS

- A. Assistance in subsidized housing is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status as determined by the Department of Housing and Urban Development. Every non-citizen applicant age 62 and older must sign a declaration of eligible immigration status and provide a proof of age document. U.S. citizens must sign a declaration of citizenship.
- B. At least one family member must be able to provide proof of citizen-ship or eligible non-citizen status. If some family members are not able to provide proof of citizenship, assistance will be prorated accordingly, based on the number of confirmed eligible family members.
- C. If applicant cannot supply documentation within owner's specified timeframe, owner may grant an extension of not more than 30 days only IF applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. Owner will inform applicant in writing if an extension request is granted or denied. If the request is granted, a new deadline date will be given for submitting the required documentation. If the request is denied, owner will state the reasons for the denial in the written response. When granting or rejecting extensions, the property will treat all applicants consistently.



- D. The family's assistance will not be delayed if its immigration information is submitted in a timely manner, but the DHS verification process has not been completed.
 - 1. If a unit is available and the family has come to the top of the waiting list, and at least one family member has submitted the required documentation in a timely manner, the owner must offer the family a unit and provide prorated assistance to those family members whose documents were received on time.
 - 2. Owner will continue to provide prorated assistance to such families until information establishing the immigration status of any remaining non-citizen family members has been received and verified.
- E. Currently assisted families that have no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance are eligible for temporary deferral of termination of assistance. 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 level of assistance.

IX. ONE-STRIKE RULE

Applicant's will be subject to HUD's One-Strike Rule which took effect June, 2001, which means that The Palms will deny admission to an applicant if:

- A. Any household member has been evicted from a federally assisted site for drug-related criminal activity within the past three years; (Exceptions: Evicted household member has successfully completed an approved, supervised drug rehab program; Circumstances leading to eviction no longer exist.)
- B. Any household member is currently engaging in illegal drug use;
- C. Management determines there is a reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health and safety of residents, employees, owners or agents, or to the right to peaceful enjoyment of the premises by other residents.
- D. Management determines there is a reasonable cause to believe that a household member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health and safety of residents, employees, owners or agents, or the right to peaceful enjoyment of the premises by other residents; and
- F. Any household member is subject to a lifetime registration requirement under a state sex offender registration problem.
- G. Failure to disclose criminal behavior or provide a complete list of states all members of the household is grounds for rejection or eviction.
- H. If, during a reasonable time before the date of admission decision, a household member is currently engaging in or has engaged in drug-related criminal activity, violent criminal activity, or other criminal activity that would threaten the health and safety of the residents, employees, owners or agents, or the right to peaceful enjoyment of the premises by other residents.



X. VIOLENCE AGAINST WOMEN ACT (VAWA)

- A. The Landlord may not consider incidents of domestic violence, dating violence, or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy of a victim who is protected from acts under the domestic or family violence laws of jurisdiction.
- B. The Landlord may not consider criminal activity directly related to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
- C. The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence, or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.
- D. Protection for Tenants
 - 1. Removing the Abuser or Perpetrator from the Household.
 - a. Landlord may divide your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser/perpetrator) directly relating to domestic violence, sexual assault, or stalking.
 - b. If the landlord chooses to remove the abuser or perpetrator, the landlord may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants.
 - c. If the evicted person was the sole tenant to have established eligibility for assistance under the program, the landlord must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or find alternative housing.
 - 2. Moving to Another Unit
 - a. Upon request, the landlord may permit you to move to another unit, subject to availability of other units, and still keep your assistance.
 - b. Landlord may require you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking.
 - 3. Emergency Transfer
 - a. Landlord may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:
 - i. You are a victim of domestic violence, dating violence, sexual assault, or stalking
 - ii. You expressly request the emergency transfer – landlord may choose to require that you submit a form, or may accept another written or oral request
 - iii. You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit or
 - iv. You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar period before you request a transfer

E. DOCUMENTING YOU ARE OR HAVE BEEN A VICTIM



1. The landlord can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.
2. Such requests from the landlord must be in writing and must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation.
3. The landlord may, but does not have to, extend the deadline for the submission of documentation upon your request.
4. You can provide one of the following documentations to the landlord:
 - i. A completed HUD-approved (form HUD-5382) certification form given to you by the landlord.
 - ii. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking.
 - iii. A statement, which you must sign, along with the signatures of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse.
 - iv. Any other statement or evidence that the landlord has agreed to accept.
5. If you fail or refuse to provide one of these documents within the 14 business days, the landlord does not have to provide you with the protections contained in the notice.

F. CONFIDENTIALITY

1. Any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA, must be kept confidential.
2. The landlord must not allow any individual administering assistance or other services on behalf of the landlord to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.
3. The landlord must not enter your information into any shared database or disclose your information to any other entity or individual. However, it may disclose the information provided if:
 - a. You give written permission to release the information on a time limited basis
 - b. Your information is needed by the landlord in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate assistance.
 - c. A law requires your landlord to release the information

NOTE: VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws as well as under State and local laws.

XI. DECLINING APPLICATIONS

- A. An application may be declined if the applicant’s rental history is unacceptable. Unacceptable rental history means that an applicant has been consistently late paying rent or still owes rent at a former residence, left the former residence owing damages which are still unpaid, has a history of moving from residence to residence every two or three months, or has been evicted from a property.



- B. An application may be declined if the applicant's personal references are unacceptable. Unacceptable personal references include those that indicate the applicant has not been truthful in the information given to the Owner, knowledge of drug use, criminal activity or violent behavior that was not revealed to Owner, and/or knowledge of uncleanness or damage done as a result of poor housekeeping habits.

XII. NOTIFYING REJECTED APPLICANTS

If an applicant fails to qualify or meet the criteria for residency, he/she will receive a letter specifying the reason for the rejection and offering to meet with the applicant to discuss the rejection. Applicant will have fourteen (14) days within which to request a meeting with Owner. Management is given five (5) business days upon the meeting to notify applicant of final decision.

XIII. WAITING LIST MAINTENANCE

Management will monitor vacancies and the waiting list regularly to ensure that there are enough applicants to fill the vacancies. The waiting list will be monitored to be sure it does not become so long that the wait for a unit becomes excessive.

- A. Closing the Waiting List: The waiting list will be closed for one or more unit sizes when the average wait is one year. When the waiting list is closed, potential applicants will be advised that it is closed and applications will not be accepted. A notice will be posted in the leasing office when the waiting list is closed. The notice will state the reason(s) for having a closed list.
- B. Opening the Waiting List: Notice of opening the waiting list will be posted in the leasing office. Also, if deemed necessary, notice will be published in the community as described in the Affirmative Fair Housing Marketing Plan. Notice will include rules for applying and the order in which applications will be processed.
- C. Applicants may be removed from the Waiting List for the following reasons:
 1. The applicant no longer meets the eligibility requirements for the property.
 2. The applicant has household characteristics that are not appropriate for the specific type of unit available at the time, or has a family size not appropriate for the unit sizes that are available.
 3. The household includes family members who did not declare citizenship or non-citizenship status, or sign a statement electing not to contend noncitizen status.
 4. The family's annual income exceeds the program's income limits.
 5. The applicant does not meet the screening standards that have been established.
 6. The applicant fails to respond to a written notice and/or telephone messages for an eligibility interview.
 7. The applicant is offered and rejects two units in the property.
 8. Mail sent to the applicant's address is returned as undeliverable.
 9. The applicant has not contacted the property every six months to stay on the waiting list.

XIV. FILLING VACANCIES

HUD requires that 40 percent of available units at this site be rented to extremely low-income households (30 per cent of median income for Brownsville-Harlingen, TX MSA). Adherence to this requirement will be maintained as per Paragraph II of this Tenant Plan.



In order to comply with HUD's income targeting rule, it may be necessary to bypass higher-income applicants in favor of applicants with incomes 30 percent or less of median income.

Otherwise, applicants will be considered for occupancy based on the date of application approval by management.

XV. PERSONS WITH DISABILITIES

Owner does not discriminate against persons with disabilities, has made the property physically accessible, and operates the property to enable persons with disabilities to have equal access to participate in the activities of the project in accordance with Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and other relevant civil rights laws and statutes.

The Palms Retirement Center will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973, The Palms Retirement Center will make reasonable accommodation for individuals with handicaps or disabilities (be it an applicant or a resident). Such accommodations may include changes in method of administering policies, procedures, and/or services. In addition, when subject to Section 504 requirements, The Palms Retirement Center may perform structural modifications to housing and non-housing facilities (common areas) on site where such modifications would be necessary to afford all individuals full access to the housing program for qualified individuals with disabilities.

XVI. STUDENT ELIGIBILITY

If a student is under the age of 24, not a veteran, unmarried, and has no dependant children, both of the student's parents must meet the income eligibility requirements in order for the student to be eligible. Person(s) with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U. S. C. 1437a(b)(3)(E)) that were receiving assistance under such section 8 as of November 30, 2005 are not subject to this student restriction.

In determining the eligibility for section 8 assistance, Owner must first determine whether or not the individual is:

- Under the age of 24 and
- Enrolled at an institution of higher education

Once it is determined that the individual is a student then the owner will determine whether or not the student:

- Is a veteran
- Is married, or
- Has a dependant child

If the student does not meet any of the second set of criteria, then there is a two-part test that must be met in order for the student to be eligible for section 8 assistance:

1. The student must be eligible for section 8 assistance AND
2. The student's parent's, individually or jointly, must be eligible for section 8 assistance
3. UNLESS the student can demonstrate his or her independence from parents.

A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who 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; when the student:

1. Is classified as Vulnerable Youth; A student meets HUD's definition of a vulnerable youth when:
 - a. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
 - b. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
 - c. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by:
 - i. A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
 - ii. The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - iii. The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director;
 - iii. A financial aid administrator; or
2. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
If an ineligible student applies for or is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

XVII. RENT AND SECURITY DEPOSIT

- A. Rent is due on the first day of each month and is considered late if received after 5:00 p.m. on the fifth day of the month.
- B. A Security Deposit equal to the amount of the tenant's calculated rent payment at move in will be required from the applicant at the time of move-in and will be placed in an interest-bearing account. Rent will be prorated for the move-in month.
- C. Applicant must agree to pay rent required by the program under which the family will be receiving assistance.



XVIII. UNIT INSPECTIONS

Unit Inspections are routinely done at move-in, on the date of each annual recertification, and at move-out. Additional periodic inspections may be done by giving tenants 48 hours notice.

XIV. UNIT TRANSFERS

Unit transfers will be made only under the following circumstances:

1. A change in family size.
2. A change in family composition.
3. A deeper subsidy.
4. A plausible medical reason certified by a doctor's letter
5. A need for an accessible unit.

Current residents who demonstrate a need for a transfer will receive first consideration. Otherwise, unit transfers among residents will not be made and applicants on the Waiting List will be contacted.

XX. FAMILY SIZE

The number of people in an efficiency apartment shall be one person or less, and the number of people in a one-bedroom apartment shall be two persons or less, one of which must be 62 or older.

Applicants are given opportunity to select the size of apartment they prefer, as long as it complies with the first paragraph of this section. If they indicate a preference it is so noted on the waiting list. If they indicate they will accept either size, that is also noted. Procedures for filling vacancies from the waiting list as noted in Sections II and XIII will be followed.

