



## CATHEDRAL GARDENS

638 21<sup>ST</sup> STREET, OAKLAND, CA 94612

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CO-MANAGEMENT@EAHHOUSING.ORG

CA BRE #00853495 | HI RB-16985

### RESIDENT SELECTION PLAN

Cathedral Gardens is a 100-unit (43 units are set-aside for project-based vouchers) affordable housing community in Oakland, CA that provides housing for low, very low and extremely low income individuals and families, without regard to race, color, sex, creed, religion, national origin, physical or mental disability status, familial status, age, ancestry, marital status, source of income, sexual orientation or any other arbitrary personal characteristics.

#### Reasonable Accommodation

Cathedral Gardens is an Equal Opportunity Housing Facility, admitting applicants in accordance with local, state and federal Fair Housing laws, Section 8 Program Regulations, the Affirmative Fair Housing Marketing Plan (AFHMP) and in accordance with applicable program regulations of the State of California Tax Credit Allocation Committee, the State of California Debt Limit Allocation Committee, the California Housing Finance Agency Housing and Mental Health Service Act Housing Program (MHSA), the HOPWA program monitored by Alameda County's Housing and Community Development Department, Affordable Housing Program (AHP), the Oakland Housing Authority and the City of Oakland loan program.

Management staff operates and administers the property to enable persons with disabilities to have equal access to participate in the program. Cathedral Gardens will ensure effective communications with applicants, residents, and the public to ensure that policies regarding how the property is operated do not adversely affect applicants, residents and the public.

Revised 7/30/2014

When a family member requires an accessible feature(s), policy modification, or other reasonable accommodation to accommodate a disability, Cathedral Gardens will provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden.

A reasonable accommodation is a change, exception, or adjustment to a program, service, building or dwelling unit that will allow a qualified person with a disability to:

1. Participate fully in a program;
2. Take advantage of a service; or
3. Live in a dwelling.

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

The requirement to provide a reasonable accommodation is present at all times throughout the tenancy of a person with disabilities, including during lease enforcement. Reasonable Accommodation Request forms are available upon request from management.

The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).

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## **NON-SMOKING POLICY**

Cathedral Gardens is designated as a Non-Smoking community. Smoking is prohibited in all areas of the property including the interior of apartments, all indoor and outdoor common areas on the property.

It is the residents' responsibility to inform their guests of the Non-Smoking Policy. Any violation of the Non-Smoking Policy will be deemed a material breach of the Rental Agreement and grounds for immediate termination of the Lease/Rental Agreement.

Cathedral Gardens' adoption of a Non-Smoking Policy does not make the Owner the guarantor of the residents' health or that the property will be free of smoke but management shall take reasonable steps to enforce this policy.

## **INCOME LIMITS**

To qualify for a unit, the household's gross income may not exceed the maximum income limit per household size and may not be lower than the income minimum\* per household size.

The income limits are designed to be consistent with the requirements of the financing programs and regulatory agreements governing the property, which for Cathedral Gardens include the California Tax Credit Allocation Committee, the Oakland Housing Authority, the California Housing Finance Agency's MHSAs program, the California Debt Limit Allocation Committee tax-exempt bond program, the County of Alameda HOPWA program, Affordable Housing Program (AHP), and the City of Oakland loan program.

**The income maximums and minimums are attached and will be posted in the Cathedral Gardens Office.**

*\*If annual household income does not meet or exceed the minimum level shown for appropriate household and apartment*

*size, but is not more than 10 percent (10%) less than the minimum, the apartment may be rented if proof is obtained indicating satisfactory and timely rental payment history for the past twelve (12) months in the amount equal to or greater than the rent charged for that unit size.*

***Minimum Income limits do not apply to participants in the Section 8 program. Maximum Income limits for the Section 8 program are 50% of Area Median Income as determined by HUD.***

## **APPLICATION PROCEDURES**

Applications will only be distributed when the Waiting List is open. Applications will not be distributed when the Waiting List is closed.

Applications will be available in the office during normal business hours or by requesting an application by telephone. Application fees are \$25.00 per each household member 18 years of age and older. The maximum charge per household is \$75.00. Application fees will be collected at the time of the initial interview. **Participants of the Project-based Section 8 program will not be charged application fees.**

Each applicant must complete an application and be willing to submit to a credit history, rental history, and criminal background inquiry, as well as income and asset verifications.

All application entries are to be made in ink or typed. Corrections or changes are to be made by lining through the original entry and entering the correct data. Such changes must be dated and initialed by the person making the change.

The application must be completed and signed by the head of household and all household members 18 years of age and older before an applicant can be placed on the waiting list. If an application is not completely answered, the date of it being fully

completed will be the date that the application is considered accepted for rental purposes.

Applicant interviews will be held to obtain signed verification forms for all income, asset, and rental history information. All applicants will be required to comply and cooperate with third party verification requirements. It is the applicant's responsibility to provide the information that will enable management to complete and receive the necessary verification in a reasonable time. This will include but not limited to, bringing three months payroll stubs, bank statements, social security and pension award letters.

### **INITIAL LEASE-UP AND LOTTERY**

All applicants that return a completed and signed application will be placed on the initial waiting list. Applications must be received by the published application due date. Applications received after the due date will not be accepted. Each applicant's application must indicate the size of unit/number of bedrooms required. A preliminary calculation of income will be performed to determine the households Area Median Income (AMI) qualification status.

Cathedral Gardens will have **one** waiting list. The waiting list will include preference codes for 1) applicants that meet the local preference criteria, 2) special needs applicants with approved and assigned service providers, and 3) applicants with disabilities that require units with special design features.

Each applicant on the electronic waiting list will be assigned a random number. An electronic lottery will be conducted placing each applicant household in Waitlist order. Cathedral Gardens will perform the lottery and OHA will witness the random lottery and ranking order assignments. A hard copy original (or read-only electronic version) of Cathedral Garden's waiting list will be kept on file in the office and at the OHA.

The final lottery (with preference) will be sorted by preference codes, bedroom size and AMI levels. Households will be

selected in Waitlist order for each designated unit type. Applicant households at the top of the Waitlist will be interviewed to determine eligibility. Households that do not meet the eligibility requirement of the Resident Selection Plan will receive a letter of denial for housing. All other applicants will remain on the list until a unit is available and the household reach the top of the list.

### **PREFERENCES**

Every applicant must meet the Property's Resident Selection Plan standards for acceptance as a resident.

For units designed as accessible for persons with mobility, visual or hearing impairments, households containing at least one person with such impairment will have first priority for those units.

### **PREFERENCE FOR APPLICANTS WITH SPECIAL NEEDS**

Units required by MHSA and HOPWA Regulatory Agreement to be reserved for special needs populations will be reserved for households meeting those requirements, as defined by the California Housing Finance Agency and County of Alameda Housing and Community Development.\*

The California Housing Finance Agency, by the terms of its MHSA housing financing for the Property, requires five (5) units to be set aside for homeless households, as defined by MHSA rules ("MHSA units"). Eight (8) units will be reserved for households containing at least one person with HIV/AIDS and that qualify for the HOPWA (Housing Opportunities for Persons with HIV/AIDS) program under County of Alameda, and seven (7) units for persons with developmental disabilities.

\* Please see the attached Eligibility Criteria for additional program requirements.

For units required under the State MHSA regulations to be reserved for MHSA qualified tenants, EAH will seek referrals from Alameda County Behavioral Health Care Services to ensure that qualified households are selected, consistent with applicable fair housing law.

Management will place all service providers' referrals on the Waiting List. Management will enter a preference code for the applicant on the Waiting List to indicate a need for a "special needs" unit.

If one of the non-special needs units is available for rent, EAH will offer the unit to the first eligible household on the waiting list, regardless of special needs status. By doing so, special needs households will have access to all units in the project, as required by law.

Conversely, applicants for non-special needs units will have access to all units in the project by having an equal opportunity to access the special needs units. All applicants will be given the option to disclose on the application whether or not they have a qualifying disability (a person with a developmental or mental disability) or a household containing at least one person with HIV/AIDS and that qualifies for HOPWA. Applicants that disclose this information will be placed on the Waiting List with a preference code indicating a need for a "special needs" unit. The reserved "special needs" units come with an offer (not requirement) of services from an affiliated social service provider agency.

### **HOPWA Applicant Process**

For HOPWA funded units, potential residents will need to have written verification from a physician that they meet HOPWA's program requirements. During the process of resident screening, the potential resident will need to complete a standardized form that authorizes his/her physician to release of information. Applicants with a HOPWA preference code and applicable,

written verification will be selected in lottery order for further processing for the HOPWA designated units.

AIDS Project of the East Bay (APEB) will provide supportive services for the HOPWA residents of Cathedral Gardens. Services will include medical and psychological case management, benefits and income support system, money management, nutritional counseling, and assistance in obtaining other resources and support such as child care services. **Applicants are not required to be a current or future APEB client to be selected for one of the eight (8) HOPWA designated units.**

Applicants that indicated on their application a need for a HOPWA designated unit will maintain their original lottery number but may be higher on the waiting list for one of the eight (8) HOPWA designated units based on the preference code and lottery position as it relates to other applicants with the same preference code.

For example, an applicant assigned lottery #500 **may not** be selected to determine eligibility for a **non-HOPWA designated unit** but **may** be selected for a **HOPWA designated unit** if they are the **fifth (5<sup>th</sup>)** applicant in lottery order assigned a HOPWA designated preference code.

Conversely, an applicant assigned lottery #60 **may** be selected to determine eligibility for a **non-HOPWA designated unit** but **may not** be selected for a **HOPWA designated unit** if they are the **sixteenth (16<sup>th</sup>)** applicant in lottery order assigned a HOPWA designated preference code.

All applicants with a preference code for the HOPWA designated units will be processed in lottery order then in waitlist order (after lottery list is exhausted).

### **BHCS Applicant Process**

EAH will track responses to the special needs questions on the application during the application period. The lottery will be completed for all applicants tracking special needs data and preferences. EAH will share with BHCS information about the applicant responses to the special needs questions including contact information for the applicants. BHCS will provide EAH with certification of eligibility for those that are already eligible and will provide EAH with a preference score from 0-5 based on BHCS internal criteria. The most preferred applicant will have a score of five (5). For those that BHCS cannot certify as eligible, BHCS will send the applicants a letter describing the process to obtain eligibility certification within an agreed upon and specified timeframe. BHCS will certify eligibility and provide a preference score for all applicants that provide appropriate supporting documentation within the specified timeframe.

General units are filled based on position in the lottery. MHSA units are filled based upon position in the lottery, certification status, and preference points. Applicants that have been certified as eligible with the highest preference points will be offered MHSA units first. Applicants with equal preference points will be offered a unit based on their position in the lottery.

With BHCS current policy, MHSA certifications and preference points are valid for a period of six months from the date of determination. If an MHCS unit becomes available during this time period, the initial data sent to EAH on applicants on the waiting list will be valid. After the six month period ends, vacancies will be filled by requesting the next available and eligible individual from ACBHCS list.

### **BHCS current preference scale is as follows:**

- 1) Currently enrolled in a Full Service Partnership (FSP) program targeted at homeless individuals with serious mental illness = 5 points

- 2) Individuals not enrolled in an FSP get points for the following (up to 4 points):
  - a. 1 point = self-reported frequent hospitalizations or ER visits
  - b. 1 point = for self-reported vulnerable health status
  - c. 1 point – for identification as a high priority individual to get housed by one or more public agencies
  - d. 1 point = for verification of frequent use of health care services in the past 12 months

### **OAKLAND RESIDENT AND WORKER PREFERENCE**

As required by The City of Oakland Regulatory Agreement, preferences must be given in the selection of resident households to

- (1) households who are current residents of the City of Oakland, and
- (2) households with at least one member who is currently an Oakland worker. For purposes of the section, “Oakland worker” shall include persons who are employed in the City of Oakland, have been notified that they are hired to work in the City of Oakland, or are active participants in an education or job training program located in the City of Oakland.

Such preferences must be nondurational, i.e., the preference may not take into consideration the length of time that a household has been an Oakland resident or Oakland worker.

Notwithstanding the above, the Oakland resident and Oakland worker preferences shall be applicable only if and to the extent that other funding sources for the Community do not prohibit such preferences.

## **DISPLACED PREFERENCE**

As required by the City of Oakland Regulatory Agreement, a preference must be given to applicant households who have been displaced as a result of the City of Oakland's public projects or the City's code enforcement activities. Should Oakland refer such applicant household to Cathedral Gardens, Cathedral Gardens shall rent the next available unit to the applicant household irrespective of the Waitlist order if the household is otherwise eligible for occupancy.

Notwithstanding the above, the displace preference shall be applicable only if and to the extent that other funding sources of the Community do not prohibit such preference.

## **PROJECT BASED SECTION 8 VOUCHER UNITS**

**Forty-three (43) units** are reserved for Project Based Section 8 assistance provided by the Oakland Housing Authority. **Twenty (20)** of the Project Based Section 8 assisted units will be designated for applicants with special needs and who are eligible, certified participants of the following service providers:

- MHPA requires five (5) units to be set aside for homeless households
- HOPWA requires eight (8) units to be set aside for persons with HIV/AIDS
- EBI requires seven (7) units to be set aside for persons who are developmentally disabled

**Twenty (20)** of the remaining Project Based Section 8 assisted units will be offered to applicants on the Waiting List in chronological order that meet the **30%** Area Median Income (AMI) level.

**Three (3)** of the remaining Project Based Section 8 assisted units will be offered to applicants on the Waiting List in chronological order that meet the **50%** Area Median Income (AMI) level.

In addition to meeting the requirements of this Resident Selection Plan, applicants for these units will also need to meet Section 8 eligibility and admission requirements and attend a Section 8 briefing as set forth by the Oakland Housing Authority.

Applicants wishing to be considered for these units **MUST** indicate their interest on the application and must meet the Resident Selection Criteria. A separate interview may be conducted by the Oakland Housing Authority to determine applicant's eligibility for the Project-based Section 8 units.

## **ADMINISTRATION OF WAITING LIST AFTER INITIAL LEASE UP**

The property is required to maintain a Waiting List of all eligible applicants. Applicants must be placed on the Waiting List and selected from the Waiting List even in situations where there are vacancies and the application is processed upon receipt. This procedure is necessary to assure the complete and accurate processing of all documentation for all applicants.

Each property has one Waiting List (per bedroom size) that is established and maintained in lottery order as assigned during the initial lease-up. When the Waiting List is reopened, all applications received will be added to the waiting list after the lottery in the order they are received. The Waiting List contains the following information for each applicant:

1. Address and/or Contact Information
2. Phone Number(s)
3. Unit Type/Size
4. Household Composition
5. Preference/Accessibility requirements
6. Income level

Applicants must report changes in writing to any of the information immediately.

Applicants will have the opportunity to decline the first apartment offered and retain their place on the waiting list. Should the applicant decline the offer of the next available unit, they will be removed from the waiting list.

For units required under the State MHSA regulations to be reserved for MHSA qualified tenants, EAH will seek referrals from Alameda County Behavioral Health Care Services to ensure that qualified households are selected, consistent with applicable fair housing law. For units required under the HOPWA regulations, EAH will seek referrals directly from the local providers serving people living with AIDS/HIV.

Management will place all service providers' referrals on the Waiting List in chronological order based on the date and time the referred applicant submits a completed application to management even when the Waiting List is closed to the "general public." Management will enter a preference code for the applicant on the Waiting List to indicate a need for a "special needs" unit.

If one of the non-special needs units is available for rent, EAH will offer the unit to the first eligible household on the waiting list, regardless of special needs status. By doing so, special needs households will have access to all units in the project, as required by law.

Conversely, applicants for non-special needs units will have access to all units in the project by having an equal opportunity to access the special needs units. All applicants will be given the option to disclose on the application whether or not they have a qualifying disability (a person with a developmental or mental disability) or a person that qualifies for HOPWA. Applicants that disclose this information will be placed on the Waiting List with a preference code indicating a need for a "special needs"

unit. The reserved "special needs" units come with an offer of services from an affiliated social service provider agency.

When special needs units are available for rent, management will alternate the offer of the unit; the first vacant special needs unit (after initial rent-up) will be offered to the eligible special needs household on the waiting list, and the next vacant special needs unit will be offered to an applicant referred directly by the service provider. Written third party verification of special needs status from the participating service provider is required for all eligible households. As subsequent units become available, resident selection continues to alternate between the "referrals" and the "non-referrals" with verified special needs status.

### **PURGING THE WAITING LIST**

The Waiting List will be purged periodically. Each applicant will receive a letter from the property, which will request updated information and ask about their continued interest. This letter must be returned within the specified time or their application will be removed from the Waiting List. It is the responsibility of the applicant to maintain a current address with the office in order to receive waitlist correspondence. Any correspondence returned undeliverable will result in application being removed from the waitlist.

### **UNIT TRANSFER POLICY**

A Unit Transfer List is maintained for those residents who have been approved for transfer. Unit transfers are permitted for current residents who need:

- a. A unit transfer because of family size;
- b. A new unit because of changes in family composition;
- c. A deeper subsidy (Section 8 assistance);
- d. A unit transfer for a medical reason certified by a third party professional; or
- e. A unit transfer based on the need for an accessible unit.

Assignments of apartments will alternate between residents on the unit transfer list and applicants from the waiting list. With exception that transfers for medical reasons will take priority over applicants and units with features for the disabled will be offered first to those that need these features.

**OCCUPANCY STANDARDS**

Occupancy standards are the criteria established for matching a household with the most appropriate size and type of apartment. “Two plus one” occupancy guidelines will be followed to avoid under or over utilization of the units as follows:

<b>Bedroom</b>	<b>Household Minimum</b>	<b>Household Maximum</b>
1	1	3
2	2	5
3	4	7

To determine the proper bedroom size for which a household may qualify, the following household members are to be included:

1. All full-time members of the household, and
2. Live-in attendants.
3. Foster children
4. Unborn children
5. Children in the process of adoption.

NOTE: Live-in attendants are subject to the criminal and landlord provisions of this plan with the exception of criteria that determines ability to pay rent.

Exceptions to these Occupancy Standards may be made when required as a reasonable accommodation for a disabled household member.

**DISCLOSURE OF SOCIAL SECURITY NUMBERS (Section 8 units ONLY)**

All applicants for assistance and program participants must disclose the social security numbers (SSNs) assigned to themselves and all members of their household. Exemptions are provided for:

- Non-citizens who do not contend eligible immigration status. Assistance to these household members will be prorated.
- Current participants who are 62 years of age or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
  - Qualifying seniors are exempt from the SSN disclosure mandate for all future examinations, even if the senior moves to a new HUD-assisted property.

Documents required in order to verify the SSNs include:

- A valid SSN card issued by the Social Security Administration;
- An original document issued by a federal or state government agency, which contains the name, SSN, and other identifying information of the individual; or,
- Other acceptable documents that are listed in Appendix 3 of the HUD handbook 4350.3.

New household members under the age of 6 who already have a SSN are subject to the same disclosure and verification requirements as new household members who are at least 6 years of age. For new members who have not been assigned a SSN, a 90 day period for verification is allowed. If the household does not provide the SSN and verification within 90 days due to unforeseen circumstances outside the resident’s control, OHA will grant an extension of one additional 90-day period.



**RESTRICTION ON ASSISTANCE TO NON-CITIZENS**  
**(Section 8 unit ONLY)**

By law, only US citizens and eligible non-citizens are eligible for rental assistance. All family members, regardless of age, must declare their citizenship or immigration status. The following documents are required:

1. Family Summary Sheet and Owner Summary Sheet (lists all household members who will reside in the assisted unit)
2. Citizenship Declaration (Each household member listed must complete. Parents will complete and sign for household members under 18)
3. Forms and/or evidence of citizenship/immigration status.

Applicants that are U.S. Citizens must sign a declaration of citizenship and provide documents as proof of citizenship. Verification of the declarations will be completed. Please refer to the attached “Required Documentation (Citizen and/or Non-Citizen Eligibility)” sheet for a listing of documents that will be accepted.

Applicants that are Non-citizens claiming eligible status must sign a declaration of eligible immigration status, consent form and provide a DHS-approved document. Please refer to the attached “Required Documentation (Citizen and/or Non-Citizen Eligibility)” sheet for a listing of documents that will be accepted.

Non-citizens not claiming eligible immigration status must sign a declaration that they are not claiming eligible immigration status.

The manager is required to verify the validity of documents submitted by the applicant with the Department of Homeland Security (DHS) through their automated verification system. An applicant that provides documentation but is later determined by the DHS to be invalid documentation will have the assistance removed for that household member. Non-citizens age 62 and

older must provide proof of age and sign a declaration that they have eligible immigration status.

Mixed families, a family that contains both eligible and non-eligible members may receive prorated assistance. Applicants who hold non-citizen student visas and non citizens living with the student are considered ineligible for assistance.

Applicants who cannot provide documentation of eligible immigration status at the time of the applicant interview will be given a 14 day period to provide this documentation, if they provide a certification that the documentation is temporarily unavailable. Provided that at least one family member has provided documentation, the family may move in with prorated assistance provided they are otherwise eligible. Families that are found to be ineligible have the right to appeal the decision. The notice of ineligibility will describe the applicants’ options.

**RESTRICTION ON ASSISTANCE TO STUDENTS (Section 8 only)**

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

A student enrolled in an Institute of Higher Education as defined by the Higher Education Act of 1965-Amended 1998 will be deemed eligible for assistance if the student meets all other eligibility requirements, passes screening criteria and is:

- 1) Living with parents/guardians or
- 2) 24 years of age or older or
- 3) A veteran of the United States armed services or
- 4) Married or
- 5) Has a dependent child or
- 6) Can prove independence of parents including
  - a. Providing certification that parents did not claim the student on the most recent tax return

- b. The student has lived separate of the parents for at least one year or the student meets the Department of Education's definition of an independent student.
- 7) Is disabled and was receiving Section 8 assistance as of November 30, 2005
- 8) Has parents who are income eligible for the Section 8 program

**Any financial assistance a student receives** (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education **that is in excess of amounts received for tuition is included in annual income**, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance.

If an ineligible student is a member of an applicant household or an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated.

### **VIOLENCE AGAINST WOMEN ACT OF 2005 and 2013**

The Violence Against Women Act of 2005 and 2013 (VAWA) applies to project-based Section 8 units (Cathedral Gardens) and offers the **following protections against eviction or denial of housing based on domestic violence, dating violence or stalking:**

- A. An applicant's or program participant's status as a victim of domestic violence, dating violence, sexual assault or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

- B. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
- C. Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
- D. Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.
- E. The provisions protecting victims of domestic violence, dating violence, sexual assault or stalking engaged in by a member of the household, may not be construed to limit Cathedral Gardens, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
- F. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if

Cathedral Gardens can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, Cathedral Gardens will not subject victims to more demanding standards than other tenants.

The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence, sexual assault or stalking.

#### **DENIAL OF ADMISSION**

1. Total family income exceeds the applicable income limits published by HUD or does not meet the minimum income limit.
2. Household cannot pay the full security deposit at move-in.
3. Household refuses to accept the second offer of an apartment.
4. Household fails to respond to interview letters or otherwise fails to cooperate with the certification process. Failure to sign consent forms.
5. ALL adult household members fail to attend eligibility interview.
6. Household is composed entirely of full time students and does not meet the exception outlined in Section 42 of the IRC.

7. Applicant has failed to provide adequate verification of income or we are unable to adequately verify income and/or income sources.
8. Providing or submitting false or untrue information on your application or failure to cooperate in any way with the verification process.
9. Unit assignment will NOT be the family's sole place of residency.
10. Family members, age 6+ failed to provide proof of a social security number or refused to certify that they have never been assigned a number.

#### **DENIAL OF ASSISTANCE BY OHA (Section 8)**

1. Any member of the household has been evicted from federally-assisted housing in the last 5 years for drug-related criminal activity.
2. OHA determines that any household member is currently engaged in the use of illegal drugs.
3. Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
4. Any housing member who is subject to a lifetime registration requirement under a state sex offender registration program.

#### **LANDLORD REFERENCE**

5. Negative landlord references that indicate lease violation, disturbing the peace, harassment, poor housekeeping,

improper conduct or other negative references against the household.

6. Evictions reported in the last 5 years.
7. History of late payment of rent that demonstrates more than 2 late payments of rent in a six-month period for the past two years. More than 1 NSF in a one-year period.
8. Any evidence of illegal activity including drugs, gang, etc.
9. Inappropriate household size for the unit available (see Occupancy Standards).

### **CREDIT**

10. Unpaid Collections and grossly delinquent due balances exceed \$800. Does not include medical or student loans.
11. Mortgage default or foreclosure. *In these instances, a preliminary denial letter will be sent to the applicant household. The applicant household will be given 14 calendar days to provide additional information regarding the default and foreclosure. Were an applicant to demonstrate that they defaulted on a subprime loan when the monthly payment adjusted up significantly and if the applicant household's recent credit history is otherwise sound, a subprime default and foreclosure alone would not be cause for a final denial.*
12. Record of any un-cleared or non-discharged bankruptcy.
13. Any amount showing owed to a landlord or property management company.

### **CRIMINAL**

14. Conviction of any household member of a felony within the past seven (7) years.
15. Conviction of any household member of more than one (1) misdemeanor in the past three (3) years.
16. Conviction of any drug, violent or other criminal activity that would threaten the household safety or right to peaceful enjoyment of the premises.

### **GRIEVANCE/APPEAL PROCESS**

Should the applicants fail to meet the screening criteria, they will receive a notice in writing indicating that they have the right to appeal the decision. This notice must indicate that the applicant has 14 days to dispute the decision.

An appeal meeting with the Property Supervisor will be held within 10 business days of receipt of the applicant's request.

Within five days of the appeal meeting, the property will advise the applicant in writing of the final decision regarding eligibility. Apartments will not be held for those applicants in the appeal process.

### **OPENING/CLOSING OF WAITING LIST**

Vacancies at Cathedral Gardens and the Waiting List will be monitored regularly to ensure that there are enough applicants to fill vacancies. Furthermore, the Waiting List will be monitored to ensure that the list does not become so long that the wait for a unit becomes excessive.

The Waiting List may be closed for one or more unit sizes when the average wait is excessive (e.g. two years or more).

When the Waiting List is closed, we will advise potential applicants that the Waiting List is closed and refuse to take additional applications. When Cathedral Gardens decides to no longer accept applications, we will publish a notice to that effect in publications likely to be read by potential applicants. The notice will state the reasons for refusal to accept additional applications.

When Cathedral Gardens agrees to accept applications again, the notice of this action will be announced in publications likely to be read by potential applicants in the same manner (same publications listed on the AFHMP) as the notification that the waiting list was closed. The notifications will be extensive, and the rules for applying and the order in which applications will be processed will be stated.

Advertisements will include where and when to apply and will conform to the advertising and outreach activities described in the AFHMP.

### **Enterprise Income Verification (EIV) (Section 8 units ONLY)**

In an effort to ensure the right assistance is provided to the right people, The Department of Housing and Urban Development (HUD) has provided property managers with access to a verification database called the Enterprise Income Verification System (EIV). OHA utilizes EIV during the certification process for applicants and residents. All adult applicants and residents must give consent to the release of this information by signing HUD Forms 9887 and 9887A.

OHA will utilize the EIV **Existing Tenant Search** at the time applications are processed to determine if household members are currently residing at another Multifamily Housing or Public

and Indian Housing (PIH) location. EIV gives OHA the option to query both the TRACS and Public and Indian Housing's (PIH's) Information Center (PIC) databases.

Nothing prohibits a housing assistance recipient from applying to this property. However, the applicant must not receive double subsidy.

If the applicant or a member of the applicant's household is receiving subsidy at another location, OHA will discuss this with the applicant, giving the applicant the opportunity to explain any circumstances relative to the applicant being assisted at another location.

Depending on the outcome of the discussion, OHA may need to follow-up with the respective PHA or O/A to confirm the individual's program participation status before admission. The **Existing Tenant Search** report gives OHA the ability to coordinate move-out and move-in dates with the PHA or O/A of the property at the other location.

**If the applicant or any member of the applicant household fails to fully and accurately disclose rental history, the application may be denied based on the applicant's "misrepresentation" of information.**

### **EMPLOYMENT VERIFICATION – THE WORK NUMBER**

At **initial move-in** into a tax credit unit, CTCAC policy **requires** that all resident files contain 3<sup>rd</sup> party verification for all wage earners in the form of a Verification of Employment (VOE) along with **3 months of recent consecutive pay-stubs**. CTCAC requires a Verification of Employment (VOE) for all initial applicants including those wage earners that can only be verified via the Work Number. CTCAC allows owners of the community to **pass on the cost of the verification to the applicant**. This will ensure there is a VOE and pay-stubs for all

wage earners at initial move-in, in the resident files as requested by CTCAC.

Applicants with wage earnings that can only be verified via The Work Number **will be charged** the cost to obtain the Verification of Employment (VOE).

During Annual Recertification we are no longer required to supply a VOE from the Work Number, **as long as 3 months of recent consecutive pay-stubs are included** in the file. If a resident cannot provide 3 months of consecutive pay-stubs, verification via The Work Number will be required and the cost for the VOE at annual recertification will be passed on to the resident. Costs to obtain a VOE from the Work Number will not be passed on to participants of the Project Based Section 8 program.

Residents with earnings that can **only** be verified via The Work Number because 3 months of recent consecutive pay-stubs could not be provided by the resident will be charged the cost to obtain the Verification of Employment (VOE).

### **AVAILABILITY OF TENANT SELECTION PLAN**

The Resident Selection Plan shall be posted in a conspicuous and public area at the site. Changes to the Plan will be sent via U.S. mail to all persons on the active Waiting List. When the Waiting List opens, the Tenant Selection Plan will be distributed with applications and are available by request from management.

### **ANNUAL RECERTIFICATION REQUIREMENTS**

All residents must recertify annually. Proposed changes of household composition and student status must be reported to Management immediately.

### **PETS**

Residents are permitted to keep one common household pet in the dwelling unit. The household pet may not exceed 30 pounds and is required to comply with the provisions of the Animal Policy. Management may request a pet deposit. SERVICE or ASSISTANCE animals are not considered pets. Service or Assistance animals are those animals specifically required to assist individuals with documented disabilities. Please notify Management if you require a Service or Assistance animal.

### **EQUAL HOUSING OPPORTUNITY**

Cathedral Gardens is an equal opportunity housing provider admitting applicants in accordance with local, state and Federal Fair Housing laws.

## **EAH HOUSING**

A NONPROFIT HOUSING CORPORATION

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Creating community by developing, managing and promoting affordable housing since 1968.

