Bethel Townhomes Apartment LP

Tenant Selection Plan
Revised February 7, 2019

The Martindale

3102 N. Baltimore Ave
Indianapolis IN 46218
I. INTRODUCTION

This Tenant Selection Plan outlines the procedures which will be followed in selecting tenants to live at The Martindale. Management is responsible for implementing these procedures.

II. RENTAL UNITS

The Martindale has a total of 94 apartments.

All units at The Martindale are Project Based Voucher (PBV) units. The PBV program is administered through the local Public Housing Authority and provides property based rental assistance to qualified households.

19 of the PBV units were converted through the HUD Rental Assistance Demonstration (RAD) program from HUD Public Housing to the HUD Section 8 Project Based Voucher (PBV) program. Units converted to Project Based Vouchers through the HUD Rental Assistance Demonstration program (formerly Public Housing) will be required to execute a RAD Rider which incorporates additional termination notice requirements as well as added procedural rights regarding grievance procedures.

All units at The Martindale are also Low-Income Tax Credit Bond (LIHTC) units that are governed by the IRS Section 42 Program. The LIHTC program allows communities to make rents affordable through offering tax credits to investors.

There are 10 units governed by the Community Development Block Grant HUD Program (CDBG-D). These units are subject to specific rules designed to ensure that rents remain affordable throughout the required effective period for the program.

There are also 12 units governed by the HOME Investment Partnerships Program (HOME). These units are subject rules designed to create affordable housing for low income households.
III. PLACEMENT ON THE WAITING LIST

The Martindale has an online application process. Applicants shall submit an online pre-application to be considered for an apartment. The online application can be found at https://portal.indyhousing.org/WebApp/. Once an applicant reaches the top of the wait list, they will be contacted by the Section 8 PBV program to come in for an eligibility interview. This will occur at the Section 8 office located at 1935 N. Meridian Street Indianapolis IN 46202. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list. If the applicant is placed on the waiting list, the list will be noted with the name of the applicant, the date and time of application, the amount of income, the size of unit desired, whether an accessible unit is required and any other pertinent information. If assistance in completing an online application is needed applicants can call 317-261-7266.

A. Contacting Persons on the Waiting List

1. Applicants will be contacted via US mail when their name has reached near the top of the list for the particular bedroom size. Applicants that are contacted for eligibility interviews shall be asked to come to the Section 8 Intake office for an eligibility interview to complete a full application and to provide verification information based on their pre-application.

2. If an applicant who has been contacted is found to be eligible based on income requirements and eligibility requirements, they will be screened for criminal history and credit history.

B. Update the Waiting List

1. The waiting list will be updated at least once every twelve (12) months in the following manner: Management will send a letter to each applicant. The letter will include instructions on how to “recertify” their application and remain on the wait list or be withdrawn. The letter will allow for 14 days to complete this process.

2. After the wait list has been purged those remaining on the wait list will be contacted in the order of their original application date and time.

C. Closing/Reopening the Waiting List

1. Closing the Waiting List
Once the number of applicants on the wait list for a unit size equals the projected unit turnover for that unit size for a two (2) year period the list will be closed. A public notice will be published advertising the closing and the same when the list reopens.
IV. THE INTERVIEW PROCESS

A. APPLICATION REQUIREMENTS

Applicants must provide the following information:

1. ORIGINAL SOCIAL SECURITY CARD(S) OF ALL HOUSEHOLD MEMBERS
2. ORIGINAL BIRTH CERTIFICATES OF ALL HOUSEHOLD MEMBERS
3. MARRIAGE CERTIFICATE OR DIVORCE DECREE
4. PICTURE IDENTIFICATION (STATE ID)
5. SIX (6) CURRENT PAY STUBS, UNEMPLOYMENT STUBS, CHILD SUPPORT RECEIPT, ETC.
6. SIX (6) CURRENT BANK STATEMENTS, SAVINGS PASSBOOK, OR ANY DOCUMENTATION RELATING TO
7. YOUR ASSETS FOR ALL PERSONS WHO WILL LIVE WITH YOU
8. CURRENT INCOME FOR EVERY FAMILY MEMBER (SOCIAL SECURITY, SUPPLEMENTAL SECURITY
9. INCOME, TANF, VA OR PENSION AWARD LETTERS)
10. CHILD CARE EXPENSES
11. CHILD (or SPOUSAL) SUPPORT DOCUMENTS
12. RECEIPTS FOR OUT-OF-POCKET MONTHLY MEDICAL EXPENSES FOR ELDERLY AND DISABLED ONLY
13. ENROLLMENT VERIFICATION FOR MEMBERS OF YOUR HOUSEHOLD AGE 18 OR OLDER THAT ARE
14. ENROLLED IN SCHOOL
15. APPROPRIATE DOCUMENTATION OF UNITED STATES CITIZENSHIP OR ELIGIBLE NON-CITIZENSHIP STATUS FOR ALL HOUSEHOLD MEMBERS

B. COMPLETION OF APPLICATION PROCESS

All applications will be processed in thirty (30) days after the date of the applicant's initial interview or within five (5) business days of receipt of all required documentation, whichever is later (excluding weekends and designated Federal holiday.

C. SECURITY DEPOSIT
The security deposit for the Martindale is $200.00
V. ELIGIBILITY REQUIREMENTS

The income limits for the Martindale are as follows:

HOME Investment Partnerships Program: 50% Area Median Income (AMI)
Section 8 Project Based voucher Program: 80% Area Median Income (AMI)
LIHTC Bond Program: 60% Area Median Income (AMI)
CDBCG-d-D Program: 80% Area Median Income (AMI)

If unit is layered with more than one program type, the lowest limit will be used.

Income limits are published by HUD annually.

VI. OCCUPANCY STANDARDS

The unit applied for must have enough space to accommodate the applicant's household. In selecting a unit size for the applicant, Management's occupancy standards must comply with Federal, State and local fair housing and civil rights laws, landlord-tenant laws and zoning restrictions.

The following are the occupancy standards for The Martindale.

<table>
<thead>
<tr>
<th>Bedroom SIZE</th>
<th>MINIMUM NUMBER OF PERSONS</th>
<th>MAXIMUM NUMBER OF PERSONS</th>
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<tbody>
<tr>
<td>2</td>
<td>2</td>
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VII. SELECTION AND REJECTION CRITERIA

Meeting the eligibility requirements under Section VII does not mean that the applicant will be a suitable tenant. The ability of the applicant to fulfill lease obligations, along with any related explanations offered by the applicant concerning the facts involved, including any changes in circumstances, will be considered. An applicant may be rejected for one or more of the following reasons:
A. **Insufficient/Inaccurate Information on Application**

Refusing to cooperate fully in all aspects of the application process, or supplying false information, will be grounds for rejection.

B. **Credit and Financial**

1. Unsatisfactory history of meeting financial obligations (including, but not limited to timely payment of rent, outstanding judgments or a history of late payment of bills) will be considered. If an applicant is rejected based on the credit report, Management will provide the applicant with the reason for rejection and give the name of the credit bureau which performed the credit check. Applicants will also be given two (2) weeks to dispute any information on the credit report.

2. The inability to verify credit references may result in rejection of an applicant. Special circumstances will be considered in which credit has not been established (income, age, marital status, etc.) and lack of credit history will not cause an applicant to be rejected. In such circumstances, Management may require that the lease be guaranteed by a person with history of creditworthiness.

3. The applicant's financial inability to pay his/her monthly contribution toward the rent of the unit will be assessed. Ordinarily, the total of the applicant's monthly contribution plus other long-term obligations (payments extending more than twelve (12) months should be less than forty-five percent (45%) of his/her monthly gross income. Income ratios higher than forty-five percent (45%) will not automatically disqualify an applicant. The ratios will be considered in the context of the applicant’s credit and employment history and potential for increases in Income.

C. **History of Residency**

The previous two (2) years of housing will be verified and documented for each applicant. This includes housing for applicants who were previously homeowners or lived with parents/guardians.

D. **CRIMINAL CONVICTIONS/CURRENT DRUG USE**

An applicant’s criminal history will be reviewed during the eligibility review process. The application process will look back through criminal history for a time period of five years from the time of application. Criminal convictions for violent behavior, drug trafficking or manufacturing drugs will be reason for denial of housing. The Martindale will not deny housing to person on the basis
of arrests not resulting in conviction. The Martindale will determine that criminal conduct indicates a demonstrable risk to resident safety and/or property. The Martindale will take into account the nature and severity of an individual’s conviction.

An applicant will be prohibited admission if the applicant’s household includes the following or the following circumstances apply:

1. Persons who have ever been convicted for manufacture or production of methamphetamine on the premises of federally assisted housing.

2. If a member is subject to a lifetime sex offender registration program in any state.

3. A member who was evicted in the last three (3) years from federally assisted housing for drug-related criminal activity except under the following circumstances:
   A. The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
   B. The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household)

4. If a member owes money to any Housing Authority in the United States.

E. Student Rules

On December 30, 2005 HUD published a final rule implementing a new law that restricts individuals who are (1) enrolled at an institution of higher education under the age of 24, not a veteran, unmarried, and do not have a dependent child and (2) seeking assistance under section 8 of the United States Housing Act of 1937 in their individual capacity from receiving section 8 assistance if neither the student nor the student’s parents are income eligible. The 2013 HOME Final Rule updated the HOME Investment Partnership to adopt the same program restrictions on student participation as the Section 8 Program.

The Section 8 restrictions do not apply to the Community Development Block Grant (CDBG-D) Program.

The LIHTC program does not allow household to be made up of all full-time students unless they meet one of the following exceptions

1. All household members are full-time students, and such students are married and are entitled to file a joint tax return

2. The household consists entirely of single parents and their children, and such parents
and children are not tax dependents of another individual, with the exception that the children may be claimed by the absent parent. Single parent means that only one of the parent’s lives in the unit.

3. At least one member of the household receives assistance under Title IV of the Social Security Act [Aid to Families with Dependent Children (AFDC) or Temporary Aid to Needy Families (TANF)].

4. At least one member of the household is enrolled in a job training program receiving assistance under the job training partnership act or similar federal, state, or local laws.

5. At least one member of the household was previously under the care and placement responsibility of the state agency responsible for administering a plan under Part B or Part E of the Title IV of the Social Security Act. The member claiming to have been a foster child must have been placed into foster care through an official state foster agency. NOTE: This exemption only applies to eligibility determinations made on or after 7/30/08.

VIII. VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence against Women Reauthorization Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit landlords from denying admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

VAWA 2013 expanded notification requirements to include the obligation for landlords to provide applicants who are denied assistance with a notice of VAWA rights and the form HUD-50066 at the time the applicant is denied. The Martindale, acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the current policies. Therefore, if management / owner makes a determination to deny admission to an applicant family, management / owner will include in its notice of denial information about the protection against denial provided by VAWA, a notice of VAWA rights, and a copy of the form HUD-50066.

**Applicant Documentation**

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

- A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the housing unit
- Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an
employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

Documentation [24 CFR 5.2007]

Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The Martindale, may, in its discretion, extend the deadline for 10 business days. Any extension granted by the PHA will be in writing. [24 CFR 5.2007(a)]

The individual may satisfy the Martindale, request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

(1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim

(2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record

(3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person’s belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The Martindale may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under “Conflicting Documentation,” nor may it require certification in addition to third-party documentation [VAWA 2005 final rule].

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

The Martindale has the discretion to provide benefits to an individual based solely on the individual’s statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).
Failure to Provide Documentation [24 CFR 5.2007(c)]

In order to deny relief for protection under VAWA, The Martindale, must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the Martindale, may allow, The Martindale, may deny relief for protection under VAWA.

Confidentiality [24 CFR 5.2007(b)(4)]

All information provided to The Martindale, regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be retained in confidence. This means that The Martindale,(1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law. The Martindale, VAWA policy will also be followed.

IX. REJECTION PROCEDURES

A. Written Notification

Each rejected applicant will be promptly notified in writing of the reason(s) for rejection. This notice will advise the applicant that he/she may, within fourteen (14) days of receipt of the notice, respond in writing or request to meet with Management to discuss the notice. The notice shall also inform the applicant that responding to Management's notice does not prevent the applicant from exercising any legal rights he/she may have.

B. Review of Rejected Applications

The applicant will have fourteen (14) days to respond in writing or request a meeting to discuss the rejection. Any meeting with the applicant or review of the applicant's written response will be conducted by a member of Management's staff who did not participate in the decision to reject the applicant.

If the applicant appeals the rejection, the applicant will be given a final written decision form Management within five (5) of the written response or meeting. If the decision is reversed, the applicant will be offered a suitable vacant unit. If no such unit is available, the applicant will be offered the next appropriate unit.
C. **Persons with Disabilities.**

An applicant with disabilities will be given priority for accessible units if such applicant deems that this type of unit is appropriate. Management will not inquire whether an applicant for a dwelling, a person intending to reside in that dwelling unit after it is rented and made available, or any persons associated with that person, has a disability, or inquire as to the nature or severity of the disability of such person.

X. **Fair Housing and Equal Opportunity Requirements**

Federal laws require landlords to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status.

The Martindale will not use any of these factors to:

1. Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the program
2. Provide housing that is different from that provided to others
3. Subject anyone to segregation or disparate treatment
4. Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
5. Treat a person differently in determining eligibility or other requirements for admission
6. Steer an applicant or tenant toward or away from a particular area based on any of these factors
7. Deny anyone access to the same level of services
8. Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
9. Discriminate in the provision of residential real estate transactions
10. Discriminate against someone because they are related to or associated with a member of a protected class
11. Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class
12. The Martindale will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including: Title VI of the Civil Rights Act of 1964
Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
Executive Order 11063
Section 504 of the Rehabilitation Act of 1973
The Age Discrimination Act of 1975
Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012 and further clarified in Notice H 2014-06 and H-2015-01
The Violence against Women Act of 2013 (VAWA)

13. Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

The Martindale takes steps to ensure that residents are fully aware of all applicable civil rights laws. As part of the lease orientation process, The Martindale will provide information to families about civil rights requirements.