

## SUNRISE TOWERS TENANT SELECTION

### **The Owner and Management Agent**

Ownership: Sunrise Towers, LLC.

Management: Laconia Housing

Physical address: 25 Union Ave, Street, Laconia NH 03246

Mailing address: 32 Canal Street, Laconia, NH 03246

### **Funding Source Requirements**

Sunrise Towers project is subject to the requirements of the following funding sources:

Project Based Voucher HAP Contract from HUD (Streamlined Voluntary Conversion)

### **Rental subsidy**

98 units subsidized by Project Based Voucher or Tenant Based Voucher. At time of conversion in-place tenants have a right to choose a PBV or TPV. All newly leased units will be PBV.

### **Designation:**

Sunrise Towers is designated as Elderly or Disabled property.

### **Fair Housing and Equal Opportunity Requirements**

It is the policy of Laconia Housing to abide by Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988, the New Hampshire "Law against Discrimination"(RSA 345), and Section 504 of the Rehabilitation Act of 1973. Laconia Housing does not discriminate on the basis of race, color, religion, sex, sexual orientation, genetic makeup, marital status, veteran status, national origin, age, disability, or any other characteristic protected by law.

### **Affirmative Fair Housing Marketing Plan**

The Management Agent will carry out the marketing in accordance with this Tenant Selection Policy and the Affirmative Fair Housing Marketing Plan.

### **Application Process**

Accepting Applications:

Applications can be obtained at the Laconia Housing office on 32 Canal Street, Laconia NH or on the Laconia Housing website [www.Laconiahousing.org](http://www.Laconiahousing.org). If requested an application will be mailed. Upon receipt of the completed application, the Management Agent will make a preliminary determination of eligibility.

Applications determined to be incomplete will be returned to the applicant with areas requiring further action noted. Date and time will be noted on the application when complete. Only completed applications will be entered on the waitlist by date and time received by Laconia Housing.

### **Waiting Lists**

All applications determined to be preliminarily eligible will be placed on both the Sunrise Towers waiting lists based on the date and time of acceptance. The applicant will be notified of the status of their application in writing within ten days. Waiting lists shall be updated periodically to ensure that all applicants are still interested in obtaining a unit.

When a unit becomes available for occupancy, the unit will be offered to the next applicant at the top of the waiting list by date and time of application who qualifies for that unit and is approved for PBV eligibility and Owner suitability.

Any applicant that refuses to accept one offer of available unit size will be removed from the waitlist for that unit size and remain on the waitlist for any other unit sizes for which they are eligible, if any.

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### **Sunrise Towers Waiting List Preferences**

Applicant households approved for Supported Housing Programs (CFI/CHSP) will be given a preference weight as follows:

3-CFI

2-Elderly

1-Near Elderly/Disabled

PBV will be given an approved letter once determined to be eligible.

### **Eligibility Requirements**

Applicants must meet the following requirements to be eligible for occupancy:

Applicants will be screened for eligibility by the HCV program following the HCV Administrative Plan. Eligibility on income, criminal background, sex offender status, and previous behavior in Assisted Housing.

Applicants will be screened for suitability by the Owner/Management Agent following the Sunrise Towers Tenant Selection Plan.

### **Resident Screening Criteria for Suitability**

The Management Agent will screen prospective applicants for suitability according to the following criteria:

Landlord and related references, Credit History and the applicant's ability to live in such a way so as not to threaten the health, safety, and right to peaceful enjoyment.

### **Credit History**

Applicants will not be rejected for lack of a credit history. Previous landlord(s) will be contacted to determine if the applicant paid rent on time and/or left the property with any unpaid balances. A professional credit checking agency will be used to provide a credit report for each applicant household. No cost will be charged to the applicant. Management does not evaluate the applicant's credit check for the amount of unpaid bills or the credit score.

Applicants will be rejected if any of the following credit information is verified for any member of the applicant family:

- a) Applicant currently has any outstanding landlord collections.
- b) Applicant has had one or more previous non-payment procedure in housing court during the past five (5) years.
- c) Applicant has a negative landlord reference during the past five (5) years or shows a pattern of negative references.

If any household member was, a previous resident at any property managed by Laconia Housing the tenant file will be checked. If there is documentation that the tenant was repeatedly notified of rules

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violations, lease violations, or if the household left the property owing overpaid assistance, unpaid rent or damages, the application will be rejected.

### Rental History

Applicant rental history will be checked by contacting the current landlord and reviewing the last five (5) years of rental history or the last two (2) tenancies, whichever is greater. Acceptable topics of discussion include but are not limited to cooperation with recertification processes, compliance with the lease and house rules, rent payment, and housekeeping.

- a) An applicant household will be rejected if any member of the household has left another affordable housing property owing overpaid assistance, unpaid rent or damages.
- b) An application will be rejected if the household has been evicted from a previous residence or has a history of lease violations within the past five (5) years.
- c) Management will prohibit admission of any household containing any member (including Live-in Aide) who was evicted in the last five (5) years from federally assisted housing for drug-related criminal activity, unless one of the following exceptions apply:
  - The applicant has successfully completed a formal, supervised drug rehabilitation program, or
  - The person who was evicted for the drug-related criminal activity is no longer a household member.

### Criminal Background Check

The presence of a criminal record will not automatically disqualify an applicant. In general, Management will evaluate

the nature of the record in context to the age of the criminal record and the risk that the criminal history poses to the

health and safety of the residents living within our community, and the risk to the property of our residents.

Criminal history checks of convictions will be completed by local, state and federal authorities and/or a professional

criminal and credit checking agency. Our criminal screening criteria was developed in an effort to ensure the continuance of safe housing without having a disparate impact on applicants, based on the criminal history review.

The following items establish our screening criteria to determine whether applicants will be suitable tenants.

- a) Conviction of any household member for **violent criminal activity** within the past **ten (10) years** will result in the rejection of the application.
- b) Any household containing any member with **convictions** within the past **five (5) years**, due to **drug-related criminal activity**, will be rejected.
- c) Any conviction within the past five (5) years which involved deliberate injury to a person or property will result in the application being rejected.
- d) Any conviction for the passing of worthless checks, theft from employer, fraud (including credit card, **welfare or worker's comp**), **identity theft, embezzlement, or forgery** within the past **three (3) years** will result in the application being rejected.
- e) Any conviction for the sale, distribution or manufacture of any controlled or illegal substance, as well as any conviction within the past **five (5) years** involving illegal use or possession of any controlled or illegal substance will result in the application being rejected.
- f) Any conviction for any **sexual offense** within the past **seven (7) years** will result in the application being rejected.

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g) Any conviction which involved **bodily harm to a child** within the past **twenty (20) years** will result in the application being rejected.

h) **Felony conviction** within the last **(ten) 10 years** will result in the application being rejected or any parole violations for a felony conviction within the past 5 years. A pattern of felonies may result in the application denial.

i) Management will **reject** a household in which any member is currently engaged in illegal use of drugs or when the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with health, safety, and right to peaceful enjoyment of the property by other residents. The screening standards will be based on behavior, not the condition of drug abuse.

j) Management will **reject** a household in which there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards will be based on the behavior, not the condition of alcoholism or alcohol abuse.

Management will **prohibit admission** of any household containing any member (including Live-in Aide) who was evicted in the last **three (3) years** from federally assisted housing for **drug-related criminal activity**, unless one of the following exceptions apply:

- The applicant has successfully completed a formal, supervised drug rehabilitation program, OR
- The person who was evicted for the drug-related criminal activity is no longer a household member.

Despite any changes to state laws, the use of medical marijuana is illegal under federal law. Any references to drug use above will include the use of medical marijuana. HUD requires that Management deny admission to any household with a member who they determine is, at the time of application for admission, illegally using marijuana.

If any household member engages in criminal activity (including sexual offenses) while living on site, termination of tenancy will be pursued to the extent allowed by the lease, HUD regulations, and state/local law. To avoid eviction of the household, the family will be given the opportunity to remove the member engaging in criminal activity from the household.

Management may deny admission of an applicant, if the criminal background check indicates the applicant provided false information. HUD requires Management to deny admission if the State sex offender registration record indicates the applicant provided false information. If Management denies admission of the applicant, Management will:

- a) Notify the applicant of the proposed denial of admission.
- b) Provide the subject of the record and the applicant with a copy of the information the action is based on.
- c) Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency.

### **Sex Offender Registry Check**

HUD requires Management to ask whether any member of the applicant household is subject to a lifetime sex offender registration requirement in any state. Applicants **must** provide a complete list of **all** states in which every household member has lived. Failure to provide accurate information to Management is grounds to deny the application. HUD prohibits admission of any individual that is subject to a lifetime sex offender registration requirement in any state. If Management determines that a member of the applicant household is subject to a lifetime sex offender registration requirement in any state, the family will be given the opportunity to remove the ineligible household member from the applicant household

- If the family chooses not to remove this individual from their applicant family, the household's application will be denied. The written rejection notice will clearly state this as the reason the family is being denied admission. For rejected applicants, search results will be kept with the application for **three (3) years**. For admitted households, search results will be kept with the approved application, in the tenant file, for the term of **tenancy plus three (3) years**.

Management verifies if any household member is subject to a state sex offender lifetime registration requirement by searching **all** states, regardless of where the property is located and where the individual has stated/he lives or has lived.

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Management verifies if any household member is subject to a state sex offender lifetime registration requirement via the **Dru Sjodin National Sex Offender** website at <http://www.nsopw.gov>, which automatically searches sex offender registries in **all** states.

If Management identifies that a household member moved in after June 25, 2001, and the tenant falsified information or failed to disclose criminal history; or that Management did not adequately check all states where the household member lived, subsidy termination will be immediately pursued.

Persons who are subject to a state lifetime sex offender registration requirement who were admitted prior to June 25, 2001, **must** not be evicted unless they commit criminal activity while living in federally assisted housing; **or** have some other lease violation, in which case Management will terminate the tenancy and pursue eviction in accordance with HUD, state, and local laws.

### **DETERMINATION OF APPLICANT ELIGIBILITY: APPLICATION ACCEPTANCE AND REJECTION**

Information needed to determine applicant eligibility will be obtained, verified, and the determination of applicant eligibility performed, in accordance with HUD and property eligibility requirements. Eligible applicants will be placed on the waiting list(s) and will be promptly issued a preliminary notice of eligibility, or a rejection notice, as appropriate.

Management complies with applicant rejection requirements set forth in the HUD Handbook 4350.3.

Management reserves the right to reject applicants for admission, if it is determined that the applicant or any member of the household falls within

**any one or more** of the following categories:

#### **A. Misrepresentation:**

Willful or serious misrepresentation in the application procedure or certification process for any government assisted dwelling unit.

#### **B. Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:**

Includes documented instances of behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility which damages the equipment or premises in which the family resides; or which is disturbing or dangerous to neighbors or disrupts sound family and community life.

#### **C. Violent Behavior:**

Includes documented evidence of acts of violence or of any other conduct which would constitute a danger or disruption to the peaceful occupancy of neighbors.

#### **D. Non-Compliance with Rental Agreement:**

Includes evidence of any failure to comply with the terms of rental agreements at prior residences, such as failure to recertify as required, providing shelter to unauthorized persons, keeping unauthorized pets, or other acts in violation of rules and regulations.

#### **E. Owing Prior Landlords:**

Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.

#### **F. Ineligible Students:**

Applicant households whose members include an 'ineligible student' per HUD regulation. See prior section 'General Eligibility Requirements > H. Student Eligibility'.

#### **G. Unsanitary or Hazardous Housekeeping:**

Includes creating any health or safety hazard through acts of neglect, and/or causing or permitting any damage to, or misuse of premises and equipment; causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to reasonably and properly use all utilities, facilities, services, appliances and equipment within the dwelling unit, or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or damage to the premises.

#### **H. Criminal Activity:**

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The presence of a criminal record will not automatically disqualify an applicant. Management has established a policy to reject applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are defined in (prior section) 'Applicant Screening Process, Criminal Background Check'.

### I. Social Security Number Documentation:

#### 1. HUD-Recognized Exceptions & Alternatives:

- **90-Day Grace Period** – The applicant may be given up to **90 days** to provide a valid SSN before assistance is terminated.
- **Certification of No SSN** – If a household member **does not have and is not eligible** for an SSN (e.g., certain non-citizens), they may sign a written **certification** stating they do not have an SSN.
- **Temporary Identification Numbers** – Some PHAs may issue a **temporary identifier** (not an SSN) for processing until the SSN is provided.

#### 2. Acceptable Documentation If SSN is Unavailable:

Until the applicant provides an official **Social Security card** or official documentation from the SSA, they may present:

- **SSA Printout or Letter** confirming the assigned SSN
- **Medicare Card** (if the SSN is on it)
- **Other Government-Issued Document** with SSN (e.g., tax return, W-2, 1099)

### APPLICANTS WHO REQUIRE REASONABLE ACCOMMODATIONS, INCLUDING LIVE-IN AIDES

A reasonable accommodation is a change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to fully participate in a program, take advantage of a service, live in a dwelling unit, or perform a job. Examples of reasonable accommodations include physical adaptations to units, Live-in Aides and assistance animals.

For reasonable accommodations to apply, there are several requirements. First, the applicant **must** have a verifiable disability (mental or physical impairment that substantially limits one or more major life activities) as defined by HUD as applicable to the property's program type.

Next, the disability **must** have a direct correlation to the accommodation being requested by the applicant. The applicant

**must** request a reasonable accommodation and provide verification of his/her disability and his/her need for the accommodation. Finally, for the accommodation to be reasonable it cannot result in an undue financial and administrative

burden or result in a fundamental alteration in the nature of the program or service offered by the property. In some situations, even with reasonable accommodations, applicants with disabilities cannot meet essential program

requirements. In these situations, the applicant is not eligible, and the applicant will be rejected. Examples of such situations

include cases where the applicant's behavior or performance in past housing caused a direct threat to the health or safety of

persons or property; past history or other information that shows the applicant's inability to comply with the terms of the

property's lease; or an objective determination that the applicant would require services from Management that represent an

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alteration in the fundamental nature of the property's program.

If an applicant makes a request, Management will provide a reasonable accommodation if the applicant has a verifiable

disability that is directly related to the request and providing the reasonable accommodation will not result in an undue

financial or administrative burden to Management or to the owner.

Reasonable accommodations may include changes in the method of administering policies, procedures, or services.

In providing reasonable accommodations for, or performing structural modifications for otherwise qualified individuals with

disabilities, Management is not required to:

- Make structural alterations that require the removal or altering of a load-bearing structure,
- Provide support services that are not already part of its housing programs,
- Take any action that would result in a fundamental alteration in the nature of the program or service, **or**
- Take any action that would result in an undue financial and administrative burden on the property, including structural impracticality as defined in the Uniform Federal Accessibility Standards (UFAS).

If the site is unable to make a reasonable accommodation due to a resulting financial burden, the applicant may, at his/her

own expense, make the accommodation after structural approval by Management. Management may require that the tenant

remove the accommodation (or have it removed) upon vacating the unit.

Live-in Aides are considered to be a reasonable accommodation. Property Management **must** obtain verification that the

Live-in Aide is needed to provide necessary supportive services essential to the care and well-being of the individual, and that

there is a disability-related need for the Live-in Aide. This verification will be obtained from the individual's physician,

medical practitioner or health care provider.

The Live-in Aide cannot stay in the unit as a remaining family member, once the tenant who needs the services leaves the unit

or dies. Live-in Aides who violate any of the property's House Rules will be subject to eviction. Live-in Aides **must** meet the

same screening criteria as any other applicant, with the exception of credit checks.

### **ATTEMPTED FRAUD**

Any information provided by the applicant that verification proves to be untrue may be used to disqualify the applicant for

admission on the basis of attempted fraud. The property considers false information about the following to be grounds for

rejecting an applicant:

- Income, assets and/or expenses
- Household composition
- Social Security Numbers
- Preferences and priorities
- Eligibility for allowances
- Previous residence history or criminal history
- Citizenship, naturalization, and/or eligible immigration status

If, during the course of processing an application, it becomes evident that an applicant has falsified or otherwise willfully

misrepresented any facts about his/her current situation, criminal history, or behavior in a manner that would affect eligibility,

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priorities, application selection criteria qualification, allowances or rent, the application will be rejected. During the course of processing an application, there may be errors in name spellings, dates of birth and other such data, resulting in inaccurate criminal, credit, or other screening. In these cases, screening may be re-done. If these checks result in documentation of circumstances that would have caused an applicant to be rejected, the application will be rejected. If the applicant has already moved in, this evidence may be the cause of eviction proceedings. Unintentional errors will not be used as a basis to reject applicants.

### OFFERING A UNIT

Applicants **must** meet all the eligibility and property-specific admission requirements described in prior sections of this Tenant Selection Plan before an available unit can be offered.

When an apartment becomes available for occupancy, it will be offered to the applicant at the top of the waiting list for the apartment size. Income requirements of the HCV admin plan and current state of funding. Eligible families with handicapped/disabled members needing specific handicap features of a unit will be selected first, for available units which are accessible in ways specifically adapted for their use.

The applicant will be notified when s/he nears the top of the list for an available unit. The applicant may refuse the first unit and continue to wait for another unit with no change in waitlist position, if applicant has **good cause** for refusing the unit offered. If an applicant rejects an offer without **good cause**, the applicant will be removed from the waiting list.

'Good cause' includes medical reasons, recent death of a close family member, desire to give **30-day** notice to the family's existing property, and rejection of a unit because the available unit is close to a unit with an assistance animal or pet to which someone in the applicant family is allergic, facing/recovering from hospital stay within the projected move-in period, pending sale of current residence, and inability to move due to current term on a lease in excess of two (2) months. When a unit is rejected for **good cause**, the applicant will keep his/her place on the waiting list, and Management will offer the available unit to the next applicant. Management will require documentation to support the 'good cause'.

When an applicant reaches the top of the waiting list, Management will schedule a final screening appointment within **one week**. The applicant **must** come into the office for this appointment and **must** bring all items requested by Management. If the applicant fails to attend and/or fails to supply all items, the unit will be offered to the next applicant on the list. The first applicant will be removed from the waiting list. Although applicants other than the Head of Household are not required to provide Social Security Number documentation when the pre-application is submitted, documentation for all non-exempt household members **must** be provided before a household can be housed. If there is missing SSN documentation for any non-exempt household member when the household reaches the top of the waiting list and a unit is available, the household will be removed from the waiting list, in order to admit the next eligible household.

- The skipped applicant household may keep its position on the waiting list for **90 days** from the date they are first offered a unit, to allow them time to provide acceptable SSN documentation.
- After **90 days**, if any household member has not provided SSN documentation, the household will be determined as ineligible and will be removed from the waiting list.

A unit offer will be made in writing to an applicant household only after all criminal, credit and landlord checks have been completed; the applicant interview has been completed; and verification documents have been received. **All** applicants on the waiting list are required to report, in writing, to the rental office any change of address, telephone numbers or other information that may affect eligibility. If an applicant cannot be reached by the rental office due to unreported changes, the applicant will be removed from the waiting list.

If an applicant household fails to meet the property's eligibility criteria, and the application is rejected, there is an appeals process. These procedures will be provided to the applicant household as part of the rejection letter. If mail sent to the address the applicant listed as his/her current address is returned by the U.S. Postal Service,



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the document will be kept on file and an attempt will be made to contact the applicant via other means. If the applicant cannot be contacted within **14 business days** by alternate means, the apartment will be offered to the next applicant on the waiting list. Attempts to contact the household will be documented in the applicant file, and the applicant will be removed from the waiting list. If the applicant is offered a unit in writing but fails to reply by the date noted on the offer letter, the applicant will be removed from the waiting list. The apartment will be offered to the next applicant on the waiting list. If an applicant fails to move in on the agreed-upon date without notice, the application will be rejected, the applicant's name will be removed from the waiting list and the apartment will be offered to the next household on the waiting list. An exception will be made in the case of a medical extenuating circumstance; in this case, the applicant will retain his/her place on the waiting list, and the unit will be offered to the next applicant on the list.

Prior to receiving the keys to the apartment on move-in day, the applicant is required to provide proof that the family has moved out of prior HUD-assisted housing (if applicable). This can consist of any of the following documents:

- Copy of signed and dated move-out inspection report
- Hand-written note from the prior landlord (signed and dated), on property letterhead, stating that the keys to the prior unit have been returned
- Copy of the move-out 50058 certification from the prior property.

### **PRIORITIES FOR ACCESSIBLE OR ADAPTABLE UNITS**

For units accessible to, or adaptable for, persons with mobility, vision or hearing impairments, households containing at least one person with such an impairment will have first priority (as applicable) for a particular apartment feature.

Current residents who require accessible/adaptable apartments will be given priority over applicants requiring the same type of apartment. If a tenant is transferred as a reasonable accommodation to a household member's verified disability, the owner will pay the costs (not to include transfer of utilities) associated with the transfer, unless doing so would be an undue financial/administrative burden.

When there are no residents or applicants who need the features of existing accessible units, persons without disabilities may move into those apartments. However, they **must** agree to move to an available apartment of the appropriate bedroom size with no such design features, if an applicant or current resident requires that accessible unit.

### **Rejection**

Applicant rejections by either the Owner or HCV-PBV Program will be made in writing and will include the specific reason(s) for the rejection. The rejected applicant may respond to the rejection in writing within 14 days to request an informal hearing to reconsider the rejection. Persons with disabilities have the right to request reasonable accommodations in order to participate in the hearing process. A member of Laconia Housing Staff who was not involved in the rejection will hold the meeting.

Based on any new information provided or clarification of existing information, Laconia Housing may determine that the applicant is eligible for the housing and that the applicant should retain their position on the waiting list, or Laconia Housing may decide that there is not sufficient reason to overturn the rejection.

In either case, Laconia Housing will provide a written determination to the applicant within 5 days of the conclusion of the meeting.

### **Modification of the Tenant Selection Policy**

Laconia Housing will review the tenant selection policy at least once annually to ensure that the

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policy reflects current operating practices and program priorities.

**Availability of the Tenant Selection Plan (TSP)**

Upon request, Laconia Housing will make the Tenant Selection Plan available. The TSP is also available on the Laconia Housing website.

**Privacy Policy**

It is Management policy to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the property. Therefore, neither the property nor its agents shall disclose any personal information contained in its records to any person or agency unless required by law, or unless the individual about whom information is requested shall give written consent to such disclosure.

This privacy policy in no way limits the property's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained regarding handicap or disability will be treated in a confidential manner.

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