



Chai House II TENANT SELECTION PLAN



TDD # (415) 345-4470 or
California Relay Service (711)

I. **POLICY ON NON-DISCRIMINATION**

With respect to the treatment of applicants, the Management Agent will not discriminate against any individual or family because of race, color, creed, national or ethnic origin or ancestry, religion, sex, sexual preference, gender identity, age, disability, military status, source of income, marital status or familial status, acquired immune deficiency syndrome (AIDS) or AIDS-related conditions (ARC), or any other arbitrary basis. No criteria will be applied or information considered pertaining to attributes of behavior that may be imputed by some to a particular group or category. All criteria shall be applied equitably and all information considered on an applicant shall be related solely to the attributes and behavior of individual members of the household as they may affect residency.

II. **PROGRAM DESCRIPTION AND POPULATION SERVED**

Chai House II is an affordable housing property serving a senior (**55 years and older**) and disabled population with a mandatory meal program. The property is subject to the City of San Jose 55-Year Affordability Restriction guidelines and income limits which are published annually by the City of San Jose and available to the public from the property office. An applicant household's combined gross annual income cannot exceed 80% of the published Area Median Income (AMI), as determined and published annually by the City of San Jose, thereby qualifying it by definition as a "low income" or "moderate income" household as set forth in the City of San Jose 55-Year Affordability Restriction.

III. **POLICY ON PRIVACY**

- A. It is our policy to guard the privacy of applicants as conferred by the Federal Privacy Act of 1974, and to ensure the protection of such applicants' records maintained by The John Stewart Company.
- B. Therefore, neither The John Stewart Company nor its agents or employees, shall disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested shall give written consent to such disclosure. This Privacy policy in no way limits our ability to collect such information as it may be needed to determine eligibility, compute rent or determine an applicant's suitability for tenancy.

IV. **WAITING LIST PROCEDURES FOR PROCESSING**

- A. A waiting list will be established for the property. Names will be drawn from a current site based waiting list or on a first come first serve basis if no waiting list is available.
- B. Each application will be date and time stamped when received and then processed. Applications will be ranked for consideration (and units will be offered) according to the following descending order of priorities:
 - 1. Date of completion of verification/certification process.
 - 2. Date of availability for move-in.
- C. All applicants will be placed on the Waiting List.
- D. However, if the existing Waiting List contains so many names that the average wait for a unit is a year or more, the project may decline to accept applications. In this case, the Waiting List is "closed."
- E. For each size/type of unit there will be a Waiting List for each of the following, as applicable:
 - 1. In-House: Transfer Required - Current residents of the project occupying inappropriate unit size/type.



**Chai House II
TENANT SELECTION PLAN**



2. Outside: Applicants wishing to move into project.

V. WAITING LIST PRIORITY FOR PROCESSING AND SELECTION PROCEDURES

A. Preferences:

1. Units designed specifically for the elderly or disabled:

- (a) For all units designed specifically for wheelchair accessibility, visual or hearing impairment, priority will be given to those applicants needing such modifications;
- (b) For all units designed for the elderly, applicants must be 62 years of age or older, or disabled;
- (c) Preference will be given to households whose head or spouse is a member of the group for which the units were designed;
- (d) If there are not enough such households to fill all specially equipped units, owners may give preference to households that have disabled members who are not the head or spouse.

B. Income Targeting Requirements

1. To meet Income Targeting Requirements as set forth in the City of San Jose 55-Year Affordability Restrictions, we will rent 14 units to households whose annual income is at or below 60% of the Area Median Income, as determined and published annually by HUD, thereby qualifying it by definition as a "low income" household. 56 units will be rented to a household with income at or below 80% of Area Median Income.
2. When a 60% unit vacates existing qualifying households will be given the opportunity to swap to the 60% layer with priority based on length of tenancy. The vacant unit will then be rented to a household that qualifies at or below 80% Area Median.

C. Reasons for Transfers: Transfers (From one unit to another type of unit within the property) may take precedence over new move-ins and may be required by management for the following reasons:

- (a) To alleviate overcrowding;
- (b) To avoid occupancy by too few people;
- (c) For verifiable medical necessity or to accommodate a person with a disability (i.e., wheelchair accessible unit or additional space for medical equipment).
- (d) For emergency temporary relocation. (If a unit becomes uninhabitable due to a catastrophe the resident family will be given any open unit for temporary living quarters until their own unit is repaired. An "open unit" is a unit for which the keys are in the possession of the management company.)

D. In-House Transfer Procedure: Should a resident require a transfer from one unit to another unit the following procedure is used:

- (a) Resident places a telephone call to the site office or makes a personal visit to request a transfer to another unit;



Chai House II
TENANT SELECTION PLAN



TDD # (415) 345-4470 or
California Relay Service (711)

- (b) Resident completes a reasonable accommodation request if the transfer request is based on medical necessity
- (c) The resident’s name is then placed on the In-House Transfer List;
- (d) When a suitable unit becomes available according to the bedroom size requested and/or medical necessity, the next name on the In-House Transfer List by date and time of request will be offered the unit.
- (e) Depending on the circumstances of the transfer, a tenant may be obligated to pay all costs associated with the move.

VI. UNIT SIZE / OCCUPANCY STANDARDS

A. An appropriately sized unit must be available within the project. Households will be housed in accordance with the following criteria:

<u>UNIT SIZE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
1 Bedroom	1	3
2 Bedroom	1	5

B. No more than two persons would be required to occupy a bedroom.

VII. FAIR HOUSING

A. The project will comply with all Federal, State, or local fair housing and civil rights laws and with all equal opportunity requirements set forth in HUD's administrative procedures. The Federal citations and their title (or topic) are listed below:

- 1. 24 CFR, part 1 Title VI of the Civil Rights Act of 1964
- 2. 24 CFR, part 8 Section 504 of the Rehabilitation Act of 1973
- 3. 24 CFR, part 100 et seq Fair Housing Act
- 4. 24 CFR, part 146 Age Discrimination Act of 1975
- 5. 24 CFR 200.600 Affirmative Fair Marketing Regulations
- 6. 24 CFR 880.612a, 881.601, 883.701, 884.223a, 886.329a (Allows preference for occupancy by elderly families in certain Section 8 developments)
- 7. 42 U.S.C. 13641 Title VI, Subtitle D of Housing and Community Development Act of 1992 (Sets forth criteria under which certain HUD-subsidized multifamily properties can choose to serve elderly only, or set-aside a portion of the property for elderly only)
- 8. Uniform Federal Accessibility Standards (UFAS), effective July 11, 1988; individual copies are available from the Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW, Suite 1000, Washington, D.C. 20004-1111, Telephone: 202-272-0080, TTY: 202-272-0082, email address: info@access-board.gov. Orders of 25 or more copies will be referred to the publisher.

B. The project will comply with the Affirmative Fair Housing Marketing Plan (AFHMP).

C. It is the policy of the project 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 project.



Chai House II TENANT SELECTION PLAN



TDD # (415) 345-4470 or
California Relay Service (711)

- D. The project will seek to identify and eliminate situations or procedures which create a barrier to equal housing opportunity for all. In accordance with Section 504 of The Rehabilitation Act of 1973, the project will make reasonable accommodation for individuals with disabilities (applicants or residents). Such accommodations may include changes in the method of administering policies, procedures, or services. The Section 504 coordinator in this region is Mari Tustin, (831) 438-5725.
- E. The project may consider extenuating circumstances in evaluating information obtained during the screening process to assist in determining the acceptability of an applicant for tenancy. If the applicant is a person with disabilities, the project will consider extenuating circumstances where this would be required as a matter of reasonable accommodation.

VIII. FINANCIAL

- A. Income certification and annual recertification are required under the City Affordability Restrictions.
 - 1. All income will be verified in writing from the income source on appropriate project income verification forms.
 - 2. All assets, including bank accounts, will be verified.
 - 3. The applicants must have an eligibility income equal to or less than the City of San Jose income limit.
- B. All applicants, any household members added at a later time, and live-in-aides will be subject to the same screening criteria. In accordance with regulations & owner requirements:
 - 1. Credit and criminal public reports will be obtained for each applicant 18 years of age and over. Each adult applicant will pay a non-refundable \$37.50 background check fee. Applicants will be denied based on failure to meet the credit and criminal criteria as outlined in Sections VI and VIII and in the Grounds for Denial.
 - 2. Net income and gross expenses will be used to determine an individual's actual ability to pay his/her monthly rent while meeting his/her other monthly obligations. Persons receiving subsidy through a Section 8 voucher program will not be subject to this test.
 - (f) The net income is determined by the three most current check stubs which are to be calculated for a twelve-month period then divided by twelve.
 - (g) All items on expenses will be determined after discussion with the applicant on a line by line basis using actual, not arbitrary, figures.
 - 3. Both the current and previous landlords will be contacted for a reference concerning payment records as well as the history of complying with lease requirements and housekeeping habits.
 - 4. Identification Requirements – Two forms of government issued identification are required, at least one being a picture ID.
 - 5. Social Security Number Requirements - Social Security numbers will be required for all household members. Those who have not been assigned a Social Security number (SSN) must sign a certification stating that no SSN has been assigned. Documentation of the SSN must be provided once a SSN has been assigned.

IX. CREDIT - (See also Section VIII.B. above.)

Applicants may be rejected for the following reasons:

- 1. Total unmet credit problems (including governmental tax liens in excess of \$2,500.
- 2. A bankruptcy (within the last three years).



Chai House II TENANT SELECTION PLAN



TDD # (415) 345-4470 or
California Relay Service (711)

3. A total of five (5) unmet credit obligations of any value.

An exception for extraordinary medical and/or student loan expenses may be permitted.

X. RENTAL HISTORY - (See also Section VIII. B. above.)

Applicants may be rejected for the following reasons:

1. A judgment against an applicant obtained by the current or previous landlord.
2. An unmet obligation owed to a previous landlord.
3. The applicant must have made timely payments of the last year's rental payments.
4. Negative landlord reference.

XI. CRIMINAL BACKGROUND CHECK - (See also Section VIII. B. above.)

A check will be made of criminal conviction records for all adult Applicants of the household. Reports will be obtained from local and/or state records and may also include local Police records. If the Applicant has resided in a state other than California and has a past felony conviction, a report will be required from that state or federal organization. Generally, public records of this sort are only available for the past ten (10) years. However, if information becomes known during the screening process regarding criminal activity that happened before the past ten year period which could impact the Applicant household's eligibility to live at the property, the Management Agent reserves the right to consider this information as well. Felony conviction, or other criminal activity, to include, drug related activity, and/or misdemeanors considered a threat to the property or the residents will be denied tenancy. The applicant may be considered and accepted with past drug-related activity, if the applicant has completed drug rehabilitation and can provide verification of completion of rehabilitation from a professional agency.

XII. GENERAL

All applicants will be made aware of program requirements, including (but not limited to) the following:

- A. All applicants will be interviewed by the Property Manager or other representative of management. At the time of the interview, all members of the family must be in attendance. If this is not possible, a second interview to accommodate missing members will be scheduled. Documents or identification to determine family members' relationships may be requested.
- B. Pet Policy: The property will allow one (1) pet, per household with prior written authorization. A common household pet means a domesticated animal, such as a dog, cat, bird, rodent (including rabbit), fish or turtle that is kept in the home for pleasure. Exotic animals such as reptiles (except turtles) are not permitted. Any such pet must be appropriate to the size and nature of the apartment. Property Management may consider the temperament of a pet in determining the ability of the Resident to comply with the pet rules.

SERVICE ANIMALS: Animals that provide assistance to the disabled is not considered pets and, therefore, not subject to this pet policy. If a member of resident's household requires the services of an assistive animal to provide them with equal access to housing, then they should contact Management to discuss the accommodation request.

- C. All applicants must fulfill the terms of the lease (with or without 3rd party assistance), particularly concerning:
 1. Timely payment of rent and other charges;
 2. Maintaining premises in safe and sanitary condition;
 3. Not interfering with management or quiet enjoyment of the property by others.

XIII. REJECTED APPLICATIONS



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California Relay Service (711)

- A. Applicants will be rejected for any of the following:
1. Failure to present all members of the family at the full family interview (or some other time acceptable to management) prior to completion of Initial Certification;
 2. Blatant disrespect, disruptive or anti-social behavior toward management, the property or other residents exhibited by an applicant or family member any time prior to move-in (or a demonstrable history of such behavior);
 3. A negative landlord or other reference, encompassing failure to comply with the lease, poor payment history, poor housekeeping habits, eviction for cause; or criminal activity outlined above;
 4. A negative credit or criminal report as outlined in Sections IX and XII above;
 5. Falsification of any information on the application;
 6. Eligibility income exceeding the maximum allowed for the specific program;
 7. Family composition not appropriate for available bedroom size (see Section VI above);
 8. Failure to update application for the waiting list within specified time when notified.
 9. Other good cause: including, but not limited to, failure to meet any of the selection criteria in this document.
- B. If an applicant declines an available apartment when notified, he/she will be offered a second unit when available. If an applicant declines an apartment a second time, his/her application will be removed from the waiting list. After receiving the notification of unit availability, applicants have five days to respond to management regarding the available apartment. If there is no response, the offer will have been declined by the applicant. If there are verifiable mitigating medical reasons that prevent you from moving at the time of offer, you will receive another unit offer.
- C. If an applicant is rejected, management will promptly notify the applicant in writing explaining in the notice:
1. The specifically stated reason(s) for the rejection; and that
 2. The applicant has a right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection;
 3. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process;
 4. Any meeting with the applicant to discuss the applicant's rejection must be conducted by a member of the owner's staff who was not involved in the initial decision to deny admission or assistance;
 5. Prior to making a final decision to reject an applicant, the project will consider mitigating circumstances and evaluate reasonable accommodations and/or structural modifications which might make rejection unnecessary;
 6. Within five (5) business days of the owner response or meeting, the owner must advise the applicant in writing of the final decision on eligibility;
 7. If an applicant feels they have been discriminated against based on a disability they may contact the local 504 Coordinator, Mari Tustin at (831) 438-5725.



Chai House II TENANT SELECTION PLAN



TDD # (415) 345-4470 or
California Relay Service (711)

XIV. VIOLENCE AGAINST WOMEN ACT

- A. The Violence Against Women and Justice Department Reauthorization Act of 2005 protects residents who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. In accordance with the Violence Against Women Act (VAWA) Management will not penalize victims of domestic violence, stalking, dating violence, or rape.
- B. Some key points provided in the Act include:
 - 1. A potential resident who certifies they were the victim of domestic violence may be allowed to be admitted even with poor credit and poor landlord evaluations if he/she can show those negative factors were caused by domestic violence.
 - 2. It assured that victims of domestic violence, sexual assault, etc., can have access to the criminal justice system without facing eviction.
 - 3. Where someone is abusive to other members of the household, only the abuser may be evicted. Furthermore, the standards for eviction due to imminent threat have been strengthened.
 - 4. Residents in assisted housing who face violence may be allowed early lease termination for a matter of safety.
 - 5. Victims must certify their status as victims and that the incident in question was a bona fide incident of domestic violence by presenting appropriate documentation to the Property Manager. Nothing prevents a victim who has committed a crime or violated a lease from being denied, evicted or terminated.