

BLUE SKY BRANDON TENANT SELECTION PLAN



504 Cobalt Blue Drive
Brandon, Hillsborough County, FL 33510
813-409-3603
FL Relay TTY: 1-800-955-8771

Blue Sky Brandon is a 120-unit apartment community located in Brandon, Florida. Financed through the Low Income Housing Tax Credit Program (LIHTC) administered by Florida Housing Finance Corporation, the property consists of one-, two-, and three-bedroom units and is designed to provide affordable housing to low-income individuals and families. Occupancy is restricted to households whose annual income does not exceed the program income limits established by Florida Housing Finance Corporation annually.

The purpose of this Tenant Selection Plan is to establish uniform application, waiting list and tenant selection policies, practices and procedures to be used in the administration of Blue Sky Brandon and to ensure compliance with LIHTC requirements, established management policies, and all Federal, State and local fair housing and civil rights laws.

PROGRAM ELIGIBILITY REQUIREMENTS

- ❖ Applicant's annual income must not exceed program income limits established by Florida Housing Finance Corporation annually. Income limits for this property are listed below:

10% of units (12 apartments) at 40% of Area Median Income (AMI)

90% of units (108 apartments) at 60% of Area Median Income

Only applicants whose income is at or below the 60% income limit are eligible for occupancy. Applicant(s) must submit income and asset information for verification.

- ❖ Being eligible, however, is not an entitlement to housing. In addition, every applicant must meet the tenant selection criteria. The tenant selection criteria are used to demonstrate the applicant's suitability as a resident using verified information on past behavior to document the applicant's ability, either alone or with assistance, to comply with essential lease provisions and any other rules governing tenancy.
- ❖ Eligibility is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status as determined by HUD. All family members, regardless of age, must declare their citizenship or immigration status.
- ❖ Applicants must disclose and provide documentation of Social Security Numbers (SSN) for all family members. Applicants cannot become participants in the program unless they submit the required SSN documentation. Applicants have 90 days from date they are offered a unit to disclose and/or provide documentation to verify all non-exempt household members' SSNs. Applicants may retain their position on the Waiting List during this time. After 90 days, if SSN has not been disclosed and verified, the applicant should be determined ineligible and removed from the Waiting List.

- ❖ The apartment unit must be the family's sole residence and under no circumstances may any tenant benefit from more than one subsidy.

APPLICATION and WAITING LIST

- ❖ Application requests can be made in person, by mail or by:
 - Phone: 813-409-3603
 - FL Relay TTY: 1-800-955-8771
 - Email: blueskybrandon@carteretmgmt.com
- ❖ Applicants may request assistance in completing the application if necessary. The Management Agent's policy is to assist wherever possible especially in the accommodation requests by persons with disabilities or handicaps.
- ❖ Applications MUST be completed in full and properly signed by the head of household and/or spouse. If eligible, the applicant will be placed on a "Waiting List" in the order in which the application was received by date and time. Families that include persons with disabilities will be given preference for units with special accessibility features. If a unit that fits the applicant's needs is not available, the applicant's name will be placed on the waiting list (maintained in the same order) after preliminary eligibility determination.
- ❖ The waiting list will be updated periodically. Applicants will be contacted in writing to verify their continued interest in the property. Failure to respond within fourteen (14) days will result in their removal from the waiting list.
- ❖ It is the policy of Blue Sky Brandon that the waiting list always remains open; the waiting list is never closed to applicants.
- ❖ As an applicant's name approaches the top of the Waiting List, the top list applicant(s) will be notified ***in writing*** to set up an application interview. At that time, all items on the application will be discussed and confirmed, and verification forms will be signed by the applicant authorizing Management to verify all of these issues/items. You must also pay an application fee of \$25 per adult applicant. Management must make an attempt to verify all factors with "third party" written verification, per applicable program regulations and procedures. *Eligibility for housing can be confirmed only after all items of income, assets, household composition, etc. are verified.*
- ❖ In the event an applicant does not respond to the letter, Management will make one attempt to contact the applicant by telephone. If the applicant fails to respond within 24 hours, the application shall be removed from the waiting list.
- ❖ Applicant(s) will be allowed to refuse the first offer of a unit for any reason but will be advised that if he/she refuses a second offer, the applicant's name shall be removed from the waiting list. If the second refusal is due to a disability or an extenuating circumstance, however, then another offer will be made as a reasonable accommodation. Applicants who refuse a unit a second time shall be advised that they can reapply, but that their application will be treated as a new application for waiting list priorities.
- ❖ Ten percent (10%) of Blue Sky Brandon's vacancies each year must be set-aside for households whose income does not exceed 40% of the area median income ("extremely low-income") as published by Florida Housing Finance Corporation. Therefore, persons lower on the waiting list could be offered an apartment first to satisfy this 10% regulation.
- ❖ To implement this preference, Blue Sky Brandon will select the first extremely low-income applicant on the waiting list (which may mean "skipping over" some applicants with higher incomes) for the available unit, and then select the next eligible applicant currently at the top of the waiting list (regardless of income level) for the next available unit. As subsequent units become available,

Resident selection continues to alternate between the next extremely low-income applicant and the eligible applicant at the top of the waiting list until the 10% target is reached.

- ❖ Management will document all of its attempts at contacting the applicant, including attaching copies of any letters and the time, date, and result of any telephone contact to each application.

FILLING ACCESSIBLE UNITS

- ❖ Notwithstanding the above, the Owner has committed to set aside 50% of its required Extremely Low Income (“ELI”) units (6 total units) for “Special Needs Households.” These units were constructed with accessible features to accommodate “Special Needs Households.”
- ❖ In order to target these ELI Special Needs Households, the Owner has partnered with a local referral agency, Gracepoint. When an accessible unit comes available, the property will contact the referral agency to find an eligible applicant household to fill the vacancy. This process is governed by a Memorandum of Understanding between the Owner and the referral agency, and approved by Florida Housing Finance Corporation. Should the referral agency fail to provide an eligible applicant within fourteen (14) days, the property will refer back to its own wait list to fill the vacancy. Should this occur, the unit will be filled per the “Filling Vacancies” procedure described herein.
- ❖ Management shall maintain a tracking list of accessible unit vacancies that details the interaction between Management and the referral agency in order to document compliance with the Memorandum of Understanding and this Tenant Selection Plan.

APPLICANT SCREENING CRITERIA

- ❖ Strict tenant selection standards are vital in order to continue our high standards of living conditions at Blue Sky Brandon and to protect the value of the property. The following screening standards and methods will be applied to all applicant(s) and will be employed fairly and consistently in order to determine suitability for this community.
 - **Income.** Applicants must have sufficient income to ensure that they are able to pay the rent. Combined gross income must equal 2.5 times the amount of rent. Acceptable income verification includes: Six (6) weeks of consecutive paystubs, a notarized letter from current employer indicating salary and hours worked; previous year W-2 and/or profit and loss statement if self-employed; or proof of assets equal to six months’ worth of rental payments for the stated rent. Applicants with housing choice vouchers or other rental assistance are not required to meet minimum income requirements.
 - **Credit History.** Priority will be given to current credit activity over older activity. All rent and utilities must be paid in full. Poor credit history is grounds for rejection; however, a lack of credit history is not.
 - **Rental History.** Past record of destruction, consistent late or unpaid rental obligations, police activity or poor housekeeping habits resulting in health or safety hazards are grounds for rejection. Lack of rental history is not grounds for rejection.

- **Illegal Drugs.** All applicants shall be screened to determine whether the applicant or any household member is currently an illegal drug user of a controlled substance; has been convicted of the illegal manufacturing or distributing of a controlled substance, convicted of the illegal use of a controlled substance, engaged in other drug-related criminal activity; or has been evicted from Federally-assisted housing for drug-related criminal activity.

The following criteria will be grounds for rejection of applicants:

Note: The same criteria regarding illegal drugs/criminal history applies to live-in aides also.

- Involvement by the applicant or any household member in illegal drug use or drug-related criminal activity.
- Eviction of any household member in the past three years from any federally assisted housing program for drug-related criminal activity.
- Management's determination that there is reasonable cause to believe that a household member's illegal use or pattern of illegal use of drugs may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Management may make an exception for those household members whose drug-related criminal activity is for possession or use of illegal drugs and who have successfully completed a supervised drug-rehabilitation program. Third-party verification may include legal documents, or statements from health or medical professionals, law enforcement officials, landlords, and social service workers.

- **Criminal/Sex Offender Background Checks.** All applicants, as well as all members of the household who will reside in the apartment (including Live-in Aides), shall be subject to a criminal background check including, but not limited to, a mandatory screening review of the lifetime registration list under a state's sex offender registration program. This screening shall be conducted in the State of Florida and in any other state where the applicant and members of the applicant's household are known to have resided. The following situations will constitute grounds for rejection:

- Any conviction or adjudication other than an acquittal of a felony within the past five (5) years. An exception to this provision would be an applicant whose only felony is for possession or use of illegal drugs and who has successfully completed an approved, supervised drug rehabilitation program.
- Applicant(s) with a felony conviction or adjudication prior to five years from the time of application may be considered for occupancy if, in management's sole judgment, the facts suggest that future criminal activity is unlikely. Some examples of this provision include:
 - The offense was not a crime against persons or property; or
 - The circumstances leading to the crime, including pattern of behavior, have changed to suggest that the person has been rehabilitated.

- Felony or misdemeanor history relating to other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, or of the site's employees, contractors, or agents.
- Any household member being subject to lifetime registration requirement under the sex offender registration program.
- Any household member appearing on the list of known terrorists and wanted fugitives as provided by the Office of Foreign Asset Control (OFAC), federal agencies to include the FBI or other state and local law enforcement agencies.
- If it is determined by reasonable cause that a member's abuse or pattern of abuse of alcohol will interfere with the health and safety of others. The screening standards are based on behavior, not the condition of alcoholism or alcohol abuse.

STUDENT STATUS ELIGIBILITY FOR LOW INCOME HOUSING TAX CREDIT (LIHTC) PROGRAMS

The LIHTC program *prohibits* the rental of set-aside units to entirely full-time student households unless the household meets one of the following exceptions:

- ❖ The students are married and eligible to file a joint federal income tax return; or
- ❖ Applicant/Head of Household student is a single parent residing with his/her minor children, and such parent is not a dependent of another individual, and the children are not dependents of another individual other than the non-resident parent; or
- ❖ Applicant/Head of Household is a student receiving assistance under Title IV of the Social Security Act, also known as Temporary Assistance to Needy Families (TANF); or
- ❖ Applicant/Head of Household is a student enrolled in a job training program receiving assistance under the Workforce Investment Act (formerly known as the Job Training Partnership Act) or under other similar federal, state, or local program.; or
- ❖ Applicant/Head of Household was previously under the care and placement responsibility of the State agency responsible for administering a plan under title IV of the Social Security Act (i.e., Foster Care).

NOTIFICATION OF APPLICANT REJECTION

- ❖ If an applicant is denied admission to the property, he/she will receive a written notice stating the reason(s) for the rejection. The applicant has the right to respond in writing or request a meeting to dispute the rejection within 14 days of the notice. Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.
- ❖ If the applicant(s) requests a meeting to discuss the applicant's rejection, it will be conducted by a member of the Management's staff who was not involved in the initial decision to deny admission or

assistance. Within five (5) business days of the owner response or meeting, the owner will advise the applicant(s) in writing of the final decision on eligibility.

UNIT ASSIGNMENT/OCCUPANCY STANDARDS

- ❖ Occupancy standards must comply with federal, state and local occupancy standards, and/or laws in connection with occupancy requirements, fair housing and civil rights laws, as well as landlord-tenant laws and zoning restrictions. The occupancy standards for this property are:

1 Bedroom	Maximum 2 persons
2 Bedroom	Maximum 4 persons
3 Bedroom	Maximum 6 persons

- ❖ Applicants shall be given an opportunity to select from vacant units based upon their priority classification. In other words, applicants shall choose units on a first come, first served basis.

UNIT TRANSFER POLICY

- ❖ An in-house waitlist will be maintained for residents seeking unit transfers. Those seeking transfer for reasonable accommodation will take precedence on the waiting list. All other requests will occur in chronological order by the date the request was made. If a resident is seeking to transfer for reasons other than reasonable accommodation, the unit transfers will be scheduled at the convenience of management. For any resident utilizing a Section 8 voucher, the transfer will be contingent upon approval of and coordination with the governing housing authority.
- ❖ Residents who wish to transfer to a different unit must complete a "Unit Transfer Request" form. Their name will be added to the waiting list for the type of apartment they want. In order to transfer, residents must have completed a one-year lease in their current apartment prior to requesting a transfer within the community and must be in good standing in the Blue Sky Brandon community. For example, if an applicant has received a letter regarding issues such as cleanliness of apartment, behavior with the community or violation of any rules that warranted a written letter in the applicant's file, the resident may not be eligible for transfer. Resident's current apartment must be clean, free of trash, garbage, waste and alterations. In addition to the above-mentioned eligibility, there is a \$300 non-refundable transfer fee, which helps defray some of the costs associated with making the unit ready for occupancy by a new household.
- ❖ **Transfer for Reasonable Accommodation:** Residents who seek a transfer as reasonable accommodation for a disability will be transferred at the expense of Blue Sky Brandon, provided that the transfer is an accommodation to a verified disability or medical reason. The resident must provide written documentation from a licensed physician, psychologist, clinical social worker or

other licensed health care professional stating that such an accommodation is necessary for the resident's verified disability or medical reason. In this case, the \$300 transfer fee will be waived. Transfer for reasonable accommodation **does not** include factors of view, noise, or apartment location when these factors are not related to the disability.

VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women and Justice Department Reauthorization Act of 2005, as amended, protects residents who are victims of domestic violence, dating violence, sexual assault or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. Management understands that, regardless of whether state or local laws protect victims of domestic violence, dating violence, sexual assault or stalking, people who have been victims of violence have certain rights under the Violence Against Women Act (VAWA). If any resident wishes to exercise the protections provided in the VAWA, he/she should contact Management immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

Some key points provided in the Act include:

- ❖ 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 admission if the applicant otherwise qualifies for assistance or admission.
- ❖ 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 a lease or other "good cause" for terminating assistance, tenancy or occupancy rights of a victim of abuse.
- ❖ Criminal activity related to domestic violence, dating violence, sexual assault or stalking by a member of a tenant's household or guest/person under the control of tenant shall NOT be cause for termination of assistance, tenancy or occupancy rights of the victim of the criminal acts.
- ❖ 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.
- ❖ Notwithstanding VAWA, Management may terminate tenant's tenancy under the lease if it can demonstrate an "actual or imminent threat" to other tenants or those employed at or providing service to the property if the tenant's tenancy is not terminated.
- ❖ Residents in assisted housing who face violence may be allowed early lease termination for a matter of safety.

Blue Sky Brandon Apartments will not assume that any act is a result of abuse covered under VAWA. In order to receive the protections outlined in VAWA, the applicant/resident must specify that he/she wishes to exercise these protections.

When Management responds to a claim of protected status under VAWA, it will request, in writing if appropriate, that an individual document the occurrence of the domestic violence, dating violence, sexual assault or stalking. The individual claiming rights under VAWA must submit documentation of the abuse to verify his/her status as a victim of domestic violence. The resident will have fourteen (14) calendar days to submit the form or provide another form of documentation. If the resident fails to provide the information requested, none of the protections afforded to the victim of domestic violence, dating violence, sexual assault or stalking by VAWA will apply. Management would therefore be free to evict, or to terminate assistance, in the circumstances authorized by otherwise applicable law and lease provisions, without regard to the provisions made by VAWA. Blue Sky Brandon Apartments, at its discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

SECTION 504 & FAIR HOUSING COMPLIANCE

- ❖ The property adheres to the Fair Housing Act and Federal Civil Rights Laws. Owner will not discriminate against any person because of Race, Color, Religion, Sex, Disability, Familial Status, National Origin, Sexual Orientation, Gender Identity or Marital Status. In compliance with Section 504 regulations, the Owner will make reasonable accommodations in policies or reasonable modification of common or unit premises for all applicants/residents with special needs – including those who are physically challenged, hearing or visually-impaired, or with limited English proficiency – who require such changes to have equal access to any aspect of the application process or to the housing community and its programs and services.
- ❖ ***Appointments for an application or for reasonable accommodations, including materials in alternate formats, may be made by contacting the site office.***

PRIVACY POLICY

- ❖ It is the policy of Blue Sky Brandon Apartments 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.
- ❖ 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 on disability will be treated in a confidential manner.

SMOKE-FREE FACILITY

- ❖ Blue Sky Brandon Apartments is a smoke-free facility. The purpose of this policy is to protect the health and safety of the residents and the property. It is a violation of the Community Rules for any resident, guest, visitor, contractor and/or staff persons to smoke, carry, inhale or exhale lighted cigarettes, pipes, cigars, e-cigarettes or any other tobacco product anywhere inside the building or

outside on the campus, except in designated smoking areas. Violations of the smoke-free policy can result in eviction as a violation of the Community Rules.

UPDATING THE TENANT SELECTION PLAN

- ❖ Blue Sky Brandon Apartments reserves the right to amend this Tenant Selection Plan from time to time when it is reasonably necessary to ensure that it accurately reflects current operating practices, program priorities, and HUD/Florida Housing Finance Corporation requirements.