

# WOODWINDS

## TENANT SELECTION PLAN



Project Number 2016-102  
151 South Grand Highway  
Clermont, FL 33711  
352-227-3655  
FL Relay TTY: 1-800-955-8771

Woodwinds is a 96-unit apartment community located in Clermont, Florida. Financed through the Low Income Housing Tax Credit Program (LIHTC) and State Apartment Incentive Loan (SAIL) program, the property consists of one-, two-, and three-bedroom units and is designed to provide permanent, supportive housing to Homeless 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 practices and procedures to be used in the administration of Woodwinds and to ensure compliance with LIHTC requirements, management policies, and all Federal, State and local fair housing and civil rights laws.

### ***PROJECT and PROGRAM ELIGIBILITY REQUIREMENTS***

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

15% of units (15 apartments) at 40% of FHFC Area Median Income (AMI)

85% of units (81 apartments) at 60% of FHFC 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.

- ❖ Woodwinds is designed to provide permanent, affordable housing to Homeless individuals and families. Of the 96 apartments within the community, 50% are set aside for Homeless households. 5% of the apartments (5 units) are also set aside for Persons with a Disabling Condition, and these households must be at or below the 40% AMI Income Limit defined above.
- ❖ **Homeless**, as defined by F.S. 420.621(5), means an individual or family who lacks a fixed, regular, and adequate nighttime residence, and includes a family who:
  - (a) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
  - (b) Is living in a motel, hotel, travel trailer park, or camping ground due to a lack of alternative adequate accommodations;
  - (c) Is living in an emergency or transitional shelter;
  - (d) Has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;

- (e) Is living in a car, park, public space, abandoned building, bus or train station, or similar setting; or
- (f) Is a migratory individual who qualifies as homeless because he or she is living in circumstances described in subparagraphs (a)-(e).

The term does not refer to an individual imprisoned pursuant to state or federal law or to individuals or families who are sharing housing due to cultural preferences, voluntary arrangements, or traditional networks of support. The terms include an individual who has been released from jail, prison, the juvenile justice system, the child welfare system, a mental health and developmental disability facility, a residential addiction treatment program, or a hospital, for whom no subsequent residence has been identified, and who lacks the resources and support network to obtain housing.

- ❖ **Person with a Disabling Condition** means a person with a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, or the co-occurrence of two or more of these conditions, and a determination that the condition is
  - (a) Expected to be long-continued and indefinite duration; and
  - (b) Not expected to impair the ability of the person with special needs to live independently with appropriate supports.
- ❖ Assistance in subsidized housing is restricted to U.S. citizens or nationals and non-citizens who have eligible immigration status. 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 who are at least six years of age. 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 email:
  - Phone: 352-227-3655
  - FL Relay TTY: 1-800-955-8771
  - Email: [woodwinds@carteretmgmt.com](mailto:woodwinds@carteretmgmt.com)
- ❖ Applications completed in full and properly signed will be placed on a "Waiting List" in the order they are received, unless the applicant qualifies for an admission preference. (See discussion below regarding "Preferences.")
- ❖ 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 Woodwinds 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. Management will attempt to verify all factors with "third party" written verification, per applicable program regulations. *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.
- ❖ 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.

## **PREFERENCES**

Notwithstanding the above, Woodwinds has adopted admissions preferences in its selection of residents.

- ❖ **Homeless Households.** Fifty percent of the units at Woodwinds will be set aside for individuals or families who qualify as "*Homeless*," as defined above. To assist in identifying and screening such applicants, Woodwinds has partnered with a local service agency, New Beginnings of Central Florida, Inc., a not-for-profit organization that provides a comprehensive and structured program for homeless families, including housing at its emergency and transitional shelters.
- ❖ **Targeted Income.** Fifteen percent (15%) of Woodwinds' units 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.
- ❖ **Persons with a Disabling Condition.** Woodwinds has also committed to set aside five percent (5%) of the total units within the development for Persons with a Disabling Condition and their families. These households may not exceed the extremely low income limit as defined above.

In order to target Persons with a Disabling Condition, the Owner has partnered with at least one referral agency approved by Florida Housing Finance Corporation. The referral agency is Community Based Care of Central Florida. When a unit comes available for a Person(s) with Disabling Condition, the property will contact the referral agency to find an eligible applicant 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 agency fail to provide an eligible applicant within fourteen (14) days, Woodwinds will refer back to its waiting list to fill the vacancy.

Upon unit turnover, Management will select names from the waiting list in chronological order, unless an applicant is needed to achieve one of the set aside requirements described above. If this is the case, an applicant with a verified preference will be moved to the top of the waiting list above a household without a preference. Any household that is "skipped over" for not meeting a particular preference would be offered

the next available unit for which they qualify.

An Admissions Preference does not guarantee admission. Claiming a preference only affects the order in which an application is selected for consideration. The applicant must meet all tenant screening criteria before being selected as a tenant, including income and criminal/credit background check.

## ***APPLICANT SCREENING CRITERIA***

Strict tenant selection standards are vital in order to continue our high standards of living conditions at Woodwinds 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.** As stated above, only applicants whose income is at or below the 60% income limit are eligible for occupancy. Nevertheless, applicants must have sufficient income to ensure that they are able to pay the rent. Combined gross income must equal 2 times the amount of rent. Acceptable income verification includes: Six (6) consecutive paystubs, a form received 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. Credit issues related to medical items or student debt will not be considered as grounds for rejection.

In the case of homeless applicants, any applicant who does not demonstrate sufficient credit will be referred to New Beginnings' staff. If New Beginnings can determine that the poor credit is related to prior episodes of homelessness, foreclosure, medical issues, or loss of employment, then the applicant may still be eligible for residency at Woodwinds. These residents will be offered the opportunity to enter into New Beginnings' credit counseling to resolve what can be cleared up.

- ❖ **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.

In the case of homeless applicants, personal references or references from a transitional shelter may be considered. Homeless applicants without traditional references will be required to meet with a Case Manager from New Beginnings. These references and evaluations will collectively be weighed in place of traditional landlord references. Individuals or families whose references and evaluations demonstrate that their habits and practices reasonably may be expected to have a detrimental effect on other residents or the project environment will be denied admission.

- ❖ **Illegal Drugs.** All applicants shall be screened to determine whether the applicant or any household member 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 applicants 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 ELIGIBILITY FOR 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	3 persons max
2 Bedroom	5 persons max
3 Bedroom	7 persons max

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. If a resident is seeking to transfer for reasons other than reasonable accommodation or VAWA emergency transfer, 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 appropriate Housing Authority. In all instances of unit transfer, a new lease must be executed in order to attach the transferring household to the new unit. In addition, the household must meet eligibility and qualification requirements of the new unit per the Low Income Housing Tax Credit program.

- ❖ **Transfer for Reasonable Accommodation:** Residents who seek a transfer as reasonable accommodation for a disability will be transferred at the expense of Woodwinds, 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.
- ❖ **VAWA Emergency Transfer:** A resident who is a victim of domestic violence, dating violence, sexual assault, or stalking is eligible for an emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer. Residents claiming VAWA status must certify their status as a victim of a VAWA crime or as a person affiliated with a victim of a VAWA crime using one of the methods of documentation outlined in the *Carteret VAWA Policy*. In this case, the \$300 transfer fee will be waived. Resident should refer to the *Carteret VAWA Policy* and the *VAWA Emergency Transfer Plan* for complete details.
- ❖ **Resident Requests to Move for Personal Reasons:** In order to transfer, residents requesting a transfer for personal reasons 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 Woodwinds 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.
- ❖ **Priority:** Current residents requesting a unit transfer will be given preference over applicants on the applicant waiting list. Special consideration will be given to those who require a unit transfer due to reasonable accommodations or VAWA emergency transfers. These transfer requests shall take priority over all other in-house transfer requests.
- ❖ **Procedure:** Existing residents must complete a "Unit Transfer Request" form. The Unit Transfer Request must be completed and signed by the head of household and all adult household members

who wish to transfer. Management will accept the Unit Transfer Request in an equally effective format, as a reasonable accommodation, if there is the presence of a disability. Transfer requests will be placed on the in-house waiting list in the order of the date and time they are received.

- ❖ **Offer of Units:** Management will offer the resident units as they become available. Once the resident rejects offers of two available units, the resident will be ineligible for transfer and his/her name will be removed from the in-house transfer waitlist.
- ❖ **Security Deposit/Pet Deposit:** When a resident household transfers from one unit to another, Management will transfer the security deposit and pet deposit to the new unit. The resident will be billed for any maintenance and/or charges due for the “old” unit, and any maintenance charges that are incurred will be due 30 days from the date of the billing, unless otherwise approved by Management.
- ❖ **Cost of Transfers:** Moving costs shall be paid by the resident *except* that if a resident household is being moved to a different unit as a reasonable accommodation to a household member’s disability, then the Owner shall pay for the move unless doing so would constitute an undue financial and/or administrative burden.

## ***VIOLENCE AGAINST WOMEN ACT (VAWA)***

The Violence Against Women Act (VAWA) provides protections to women or men who are the victims of domestic violence, dating violence, sexual assault or stalking—collectively referred to as VAWA crimes. The owner/agent understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation. 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.

- ❖ The Owner/Agent will consider an Emergency Transfer Request when a person seeking to exercise VAWA protections feels that he/she is (1) in imminent danger or (2) was sexually assaulted on the property within 90 days of the request. Tenant should consult the property *VAWA Policy* or *VAWA Emergency Transfer Plan* for additional information.
- ❖ 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.

Woodwinds 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 has the option to complete, sign, and submit any appropriate HUD-approved certification form, or chose a different method of 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. Woodwinds, at its discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

To learn more about the policies and procedures regarding VAWA, applicants/residents should consult the *Violence Against Women Act (VAMA) Policy* adopted by Carteret Management and posted in the site office.

## ***PRIVACY POLICY***

It is the policy of the property to guard the privacy of individuals to ensure the protection of such individuals' records maintained by the property. Therefore, the property shall not disclose any personal information contained in its records to any person or agency unless the individual about whom such information is requested provides written consent to such disclosure (as permitted in the Authorization for Release Information Form).

This privacy policy in no way limits the property's ability to collect needed information to determine eligibility and to compute rent.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on the handicapped or disability of an individual will be treated in a confidential manner.

## ***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.***

## **GRIEVANCE/APPEAL PROCEDURE**

Applicants who believe they have been discriminated against or treated unfairly or who dispute a decision made by Management in the application process may file a complaint in accordance with the property's Section 504 Grievance Procedure.

An applicant or resident may, at any time, exercise his/her right to appeal a decision or file a complaint through the HUD-FHEO office at:

40 Marietta Street  
Atlanta, GA 30303  
Telephone: 1-800-440-8091  
Facsimile: 1-404-331-1021  
TTY: 1-404-730-2654



Persons with disabilities or limited English proficiency may request a reasonable accommodation to assist them with the Grievance/Appeal Process.

## **SMOKE-FREE COMMUNITY**

Woodwinds is a smoke-free community. 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**

Woodwinds 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.